

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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March 30, 2017
Start: 10:10 a.m.
Recess: 5:09 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Vanessa L. Gibson
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
James Vacca
Julissa Ferreras-Copeland
Jumaane D. Williams
Robert E. Cornegy, Jr.
Chaim M. Deutsch
Rafael Espinal, Jr.
Rory I. Lancman
Ritchie J. Torres
Steven Matteo
Elizabeth S. Crowley
Ydanis Rodriguez
Inez D. Barron

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

Cy Vance
Manhattan District Attorney

Darcel Clark
Bronx District Attorney

Michael McMahon
Richmond County District Attorney

John Ryan
Queens County Assistant District Attorney

Steven Goldstein
Chief ADA of Special Prosecutor Bridget Brennan

Leroy Frazer
Chief of Staff of Kings County

Maya Wiley
Chairperson of Civilian Complaint Review Board

Matthew Kadushin
CCRB General Counsel

Johnathan Darche
CCRB Acting Executive Director

Jerika Richardson
Senior Advisor and Secretary to the Board CCRB

Elizabeth Glazer
Director of MOCJ

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

Jean Claude LeBec
Chief Operating Officer at MOCJ

Alex Crohn
General Counsel at MOCJ

Nicole Torres
MOCJ Director of Intergovernmental Affairs

Christian Klossner
Office of Special Enrollment at MOCJ

Eric Cumberbatch
Executive Director of Office to Prevent Gun
Violence

Dana Kaplan
Juvenile Justice at MOCJ

Chidinma Ume
Case Delay and Expedition at MOCJ

Renee Francois
Mayor's Action Plan at MOCJ

Amy Sanaman
Mayor's Action Plan at MOCJ

James O'Neill
NYPD Commissioner

Vincent Grippo
Deputy Commissioner of Management and Budget at
NYPD

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

Benjamin Tucker

First Deputy Commissioner at NYPD

Carlos Gomez

Chief of Department at NYPD

Robert Boyce

Chief of Detectives at NYPD

Terence Monahan

Chief of Patrol Services at NYPD

Susan Herman

Deputy Commissioner of Collaborative Policing at
NYPD

Jessica Tisch

Information Technology Deputy Commissioner at
NYPD

Tracie Keesee

Deputy Commissioner of Training at NYPD

Joseph Fox

Chief of Transit at NYPD

Lawrence Byrne

Deputy Commissioner of Legal Matters at NYPD

Viviana Gordon

Red Hook Community Justice Center

Justine Luongo

Legal Aid Society

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

Michael Polenberg
Safe Horizon

1
2 CHAIRPERSON GIBSON: Good morning, ladies
3 and gentleman. Welcome to City Hall to the City
4 Council Chambers. I am Council Member Vanessa Gibson
5 of the District of 16 in the Bronx, and I'm proud to
6 Chair the Committee on Public Safety. I welcome all
7 of you here to our Committee on Public Safety's FY
8 2018 Preliminary Budget Hearing. We're going to
9 begin this morning with our New York City
10 Prosecutors, our five District Attorneys and the
11 Special Narcotics Prosecutor followed by the Civilian
12 Complaint Review Board, followed by the Mayor's
13 Criminal Justice Director, followed by the NYPD, and
14 finally closing with members of the public. I thank
15 all of you for being here. Today is our rescheduled
16 budget hearing. Unfortunately, our original date was
17 March 14th, which was the date of the snow storm, and
18 certainly we would not ask anyone to travel in the
19 City coming to City Hall during the time when we had
20 a snow storm. So, today is our rescheduled date and
21 we're going to hear from all of our City's
22 Prosecutors on their budget. I'd like to recognize
23 the members of the Public Safety Committee who are
24 here, our Minority Leader, Council Member Steve
25 Matteo, Council Member James Vacca, Council Member

1 Vincent Gentile, Council Member Elizabeth Crowley,
2 Council Member Rory Lancman, and throughout the
3 morning we will be joined by other members of the
4 Committee and members of the New York City Council.
5 Today, the Fiscal 2018 Preliminary Plan included no
6 significant budget action for New York City's
7 Prosecutors whose total budget equals approximately
8 372 million dollars with a stable headcount. However,
9 in the Fiscal 2017 Adopted Budget with support from
10 the City Council, the five District Attorneys
11 received a baseline funding increase of 22 million
12 dollars. As a result of that, I look forward this
13 morning to hearing from each of the offices on how
14 they have been able to utilize that additional
15 funding and also discussing current challenges that
16 each of their offices may face, existing priorities
17 faced by the office that may not be reflected in the
18 Preliminary Plan. I also want to remind everyone
19 that if you are here to testify, please make sure you
20 sign up to your right with our Sergeant at Arms, and
21 I also want to recognize the staff of the Committee
22 on Public Safety and the Finance Division for their
23 work. Certainly want to thank our Speaker, Melissa
24 Mark-Viverito, our Finance Chair Council Member
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2 Julissa Ferreras-Copeland, our Finance Director,
3 Latonya McKinney, our Deputy Director Regina Poreda
4 Ryan, our Deputy Director Nathan Toth, Deputy
5 Director Paul Scimone, Senior Financial Analyst,
6 Steve Riester, our Unit Head Aisha Wright, our
7 Legislative Counsel for Public Safety, Beth Golub,
8 our Legislative Policy Analyst, Casey Addison. Thank
9 you to all the staff for your incredible work, and
10 now with that I want to get our District Attorneys
11 who are here. Thank you for joining us. Thank you
12 for your partnership, for all the work you've done.
13 As Chair of this Committee, I've had an incredible
14 opportunity to work with all of you in your tenures.
15 While we don't have all of our District Attorneys
16 here, certainly their representatives are well-
17 prepared to testify on behalf of your principles, but
18 certainly want to thank our District Attorneys for
19 being here, Manhattan, New York County, District
20 Attorney Cy Vance, Bronx County, District Attorney
21 Darcel Clark, and Richmond County, Staten Island
22 District Attorney Michael McMahon, and we also have
23 representatives from Queens District Attorney, John
24 Ryan. Thank you for joining us on behalf of DA
25 Richard Brown, as well as Steven Goldstein, our Chief

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2 ADA for the Special Narcotics Prosecutor's Office on
3 behalf of our Narcotics Prosecutor Ms. Bridget
4 Brennan. Thank you all for being here, and I do
5 expect that we will be joined by a representative
6 from the Brooklyn Kings County District Attorney,
7 acting, Eric Gonzales. So thank you all for being
8 here. I want to begin, ask all of you to raise your
9 hand while we provide the Oath of Office, and then
10 we'll begin. Thank you.

11 COMMITTEE COUNSEL: Do you affirm to tell
12 the-- do you affirm to tell the truth, the whole
13 truth and nothing but the truth in your testimony
14 before this committee and to respond honestly to
15 Council Member questions?

16 UNIDENTIFIED: [off mic] I do.

17 UNIDENTIFIED: [off mic] I do.

18 CHAIRPERSON GIBSON: Okay. Thank you all
19 for joining us, and now we'll begin with Manhattan
20 District Attorney Cy Vance. Welcome.

21 DISTRICT ATTORNEY VANCE: Thank you,
22 Chair Gibson. Thank you also to everyone on the
23 Committee for Public and Finance for giving us the
24 opportunity to speak about our 2018 Fiscal Budget. I
25 have to say it is really a pleasure to testify before

1 this Committee and to work with members of this
2 Committee because you have been incredibly supportive
3 to us over the years, and I am very grateful. Your
4 investment, Council Members, I think has been well-
5 placed. It's enabled us each in our respective
6 boroughs to help keep violent crime in our city at
7 record lows and maintain New York status as the
8 safest big city in the United States which is no
9 small achievement. Just in Manhattan since the
10 beginning of my first term in 2010, violent crime has
11 fallen around 12 percent, and homicides are down 30
12 percent since I took over in 2010. Last year, there
13 were only 41 homicides in Manhattan. Now, that's 41
14 homicides too many, but it is a consistent and
15 remarkable decline in violent crime in Manhattan, and
16 it wouldn't be taking place without your partnership
17 and your leadership. But notwithstanding that
18 reduction in violent crime, there are still many
19 violent incidents that we have to investigate and
20 prosecute. With the help of this Council, we've been
21 able to enhance the work of our Violent Criminal
22 Enterprise Unit which we formed in 2010. Since its
23 initiation and with your support it has brought 33
24 indictments against 81 gun traffickers and conducted
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1 investigations that have led to the recovery of about
2 1,700 illegal firearms just for that unit alone from
3 the streets of New York City, guns that won't be used
4 to point at police officers or citizens of this city.
5 In our most recent indictment, which was announced
6 earlier this month, it involved the smuggling and
7 selling of over 105 illegal firearms from South
8 Carolina, which could have been in the hands of some
9 of our most dangerous criminals that do come into
10 Manhattan, and we with your support are making sure
11 that we're doing everything possible to interdict
12 guns coming in our communities. I appreciate very
13 much that the Mayor and Council recognized these
14 efforts and allocated us funding through the Mayor's
15 Office of Criminal Justice's Anti-Violence Challenge
16 program. It's allowed us, as I say, to expand our
17 Violent Criminal Enterprises Unit, its analytical
18 resources which in today's world are so essential in
19 order to make proactive cases, and I think it's also
20 brought our five DA's offices together, requiring us
21 to focus on coordinated strategies, which of course
22 are essential in addressing violent crime across the
23 City. But Chair Gibson and members of the Committee,
24 in addition to prosecuting violent offenders and the
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1 most violent offenders, our office has redoubled its
2 efforts to reduce the number of people charged with
3 low-level offenses who otherwise would have been
4 prosecuted in Manhattan. Now, it's astonishing to me
5 that these efforts in the last four years have
6 resulted in a 27 percent reduction in the number of
7 misdemeanor and violation cases that are coming into
8 our office, and that of course is done by our
9 coordination in partnership with the NYPD, agreeing
10 with the NYPD what cases can be sent to diversion or
11 considered for diversion in reducing our incoming
12 summonses. So, to put this decline in context, and I
13 think it is remarkable, in 2010, my first year as
14 District Attorney, the NYPD and our office processed
15 92,585 misdemeanor and violation cases in Manhattan;
16 last year there were 67,246. So, that's a significant
17 decline, and I would add a significant decline
18 without negatively affecting public safety. And so
19 that I think is what we are trying to achieve. We're
20 trying to achieve greater public safety. At the same
21 time I believe we can achieve greater fairness in our
22 justice system. This is not a zero-sum game as many
23 people think it is. It is, with your support,
24 focusing on violent offenders and being smart,
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2 sometimes compassionate, but being aware that not
3 every criminal arrest necessarily needs to be
4 processed in a court with the resources of a judge, a
5 District Attorney, defense lawyer, court officers,
6 and the like. I'd like to give you an example of how
7 this is working. Our Project Reset, which provides
8 pre-arraignment diversion for 16- and 17-year-olds.
9 To date since it's inception, 295 participants have
10 graduated from the program, that is they chose
11 diversion at the precinct as opposed to after arrest
12 in downtown, and that-- and having participated in
13 that, they have committed to receive youth counseling
14 or other social services, and that is done so that
15 they never have to set foot in front of a judge in
16 Criminal Court. And after a successful pilot period,
17 I'm pleased to say that we are now funding our office
18 a borough-wide expansion of the program which started
19 last summer, and we believe strongly, Council
20 Members, that the effect of this model, this
21 diversion model beginning with kids and then moving
22 to all ages throughout Manhattan has the potential to
23 go a long way in restoring confidence in the criminal
24 justice system in the sense of how we manage this
25 cases with a fair and justice-oriented review. So,

1 to that end, we recently released a solicitation to
2 expand the Project Reset, as I said, to 18 years and-
3 - to individuals 18 years and older, and we
4 anticipate that once expanded, approximately 6,500
5 more people will be diverted away from Criminal Court
6 through this program each year, providing critical
7 early interventions to New Yorkers of all ages at
8 their first point of contact with the justice system.
9 Second, as of March this year, my office stopped the
10 practice of prosecuting most low-level, nonviolent
11 violations and infractions in Criminal Court unless
12 there is a demonstrated public safety need to do so.
13 As a result, 11,000 fewer low-level cases have been
14 sent to us from the NY-- have not been-- fewer cases
15 have been sent to us from the NYPD, again, preventing
16 thousands of people from unnecessarily being arrested
17 and detained, in our opinion, and going through the
18 criminal process into a courtroom. Third, in an
19 effort to give a fresh start to those with open
20 summons warrants for low-level offenses, our office
21 has hosted two what we call "Clean Slate" events in
22 the past year-and-a-half, again and essentially, in
23 partnership with NYPD, the Office of Court
24 Administration and the Legal Aid Society.
25

1 Altogether, more than 1,150 New Yorkers from all five
2 boroughs participated in these events, and I know my
3 colleagues like Darcel Clark is doing similar events
4 in Bronx to great success, and 700 outstanding
5 summons warrants were resolved. I've been to these
6 Clean Slate events. I've sat in the make-shift
7 courtroom. I've seen individuals come in with open
8 warrants from 25 years ago for not having a leash on
9 their dog or some minor offense which has kept them
10 marginalized, afraid to apply for public jobs, afraid
11 to speak out to law enforcement, and in our view and
12 I think importantly in the Police Department's view,
13 this is an opportunity for us to change the dynamic
14 between law enforcement in our communities in a very
15 simple way. So, this Clean Slate event has been very
16 successful, and I thank you for your support, and I
17 know the Chair has been to one of our events in the
18 Lower East Side, and you really have recognized the
19 value of this approach and funded \$30,000 in last
20 year's budget to support a third Clean Slate event
21 that is going to be planned for June 17 in East
22 Harlem. For this event, members of the Committee
23 notably we will be conducting outreach to homeless
24 New Yorkers, working with the Human Resources

1 Administration and Department of Homeless Services,
2 and we're doing that to raise awareness of this
3 opportunity because it is true that a number of the
4 individuals who have these old outstanding warrants
5 are part of our homeless population. So we want to
6 raise awareness and increase participation in the
7 program of that population. Now, despite these
8 efforts, there are still upwards of 1.5 million open
9 summons warrants in New York City, over half of which
10 are over a decade old. In 2014, my Office sat down
11 with our partners at the Mayor's Office of Criminal
12 Justice, the OCA and the NYPD to propose the idea of
13 dismissing open summons warrants older than ten years
14 in large numbers. We estimate that close to 200,000
15 summons warrants in Manhattan alone will be expunged
16 through this effort, which we are hopeful will take
17 place next month, and I applaud Speaker Mark-Viverito
18 for her leadership on this issue, your collective
19 leadership on this issue, and we very much look
20 forward to working with the Speaker and the Council
21 to move this initiative forward and to a successful
22 conclusion. Now in addition to these initiatives,
23 focus on more rational ways to deal with low-level
24 offenses or low-level offenders, we are creating the
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2 capacity in our Office to assess the collateral
3 consequences of criminal conviction on a case-by-case
4 basis. Immigration consequences, particularly today,
5 revoke professional licenses and family implications,
6 just to name a few, are among the considerations that
7 assistant district attorneys factor into their
8 decision-making when handling any case that may
9 result in a criminal conviction. To ensure that my
10 staff are consistently and constantly factoring in
11 collateral consequences in their decision-making, we
12 are building this capacity within our Office, a
13 first-of-its-kind for a prosecutor's office to our
14 knowledge. And finally, my Office recently created
15 an Alternatives to Incarceration Unit thanks to the
16 funding support we received from this Council and the
17 Mayor, and by having the resources to screen
18 defendants more carefully, more thoughtfully, based
19 on more recent and important data, and to match them
20 to programs that will actually address their needs
21 specifically, we have already seen an uptick in the
22 utilization of ATIs and expect to see increased
23 compliance in program mandates and in turn enhanced
24 public safety. As part of my own office's Criminal
25 Justice Investment Initiative, we recently announced

1 a commitment of 58 million dollars in youth and
2 family development programming to prevent crime in
3 Manhattan. Nearly \$46 million of the funds are being
4 directed to 100 community-based organizations in four
5 Manhattan neighborhoods to establish five Youth
6 Opportunity Hubs. These Hubs will knit together
7 community-based organizations to provide
8 comprehensive services to young people. The
9 additional 12 million dollars' investment will
10 support existing organizations specializing in family
11 and youth development to expand their capacity and
12 develop innovative new services to strengthen
13 families. I think we could all agree that's a worthy
14 goal. Additional funding opportunities will continue
15 to be released through competitive solicitations
16 throughout the remainder of this year. Funding
17 priorities for the Criminal Justice Investment
18 Initiative are outlined in our strategic plan, copies
19 of which I have left with you today. In order to
20 ensure justice and fairness without fear of favor,
21 our office members must also be able to recruit and
22 retain smart, young, legal minds. Unfortunately, it
23 is becoming increasingly difficult in this legal job
24 market to do so. Our starting salary in Manhattan for
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1 new assistants is 62,500 dollars, and that is
2 remarkably low even for public service law careers.
3 My staff recently surveyed 18 similarly situated
4 public law offices, including the New York City Law
5 Department, and found that our starting salary is
6 approximately 7,000 dollars less than the average.
7 Given the cost of law school and the cost of living
8 in the New York City, it's extremely challenging for
9 young people to accept a position at such a low
10 salary. We are unfortunately heading down a path
11 where the only individuals who can accept an
12 Assistant District Attorney position within our
13 office may be those who have independent financial
14 means or privileged backgrounds. So, raising the
15 salaries of our most junior ADAs will help reverse
16 the possibility of that trend, and this spring I will
17 be seeking the additional funds necessary to offer
18 our most junior ADAs a competitive salary that
19 reflects the level of responsibility and trust
20 bestowed upon them, and I ask for your support in
21 addressing this critical issue which I know has been
22 the subject of discussion at many of the hearings
23 before this committee in the past. Now, despite all
24 of that success we've experienced in the past seven
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1 years, our office, as well my fellow District
2 Attorneys with me here today, are at risk of losing
3 critical funds from the federal and state government
4 that support our work sustaining record low-level
5 crimes-- low crime levels, excuse me. And it's
6 particularly at risk of losing those at this point in
7 time. Every year my Office receives \$675,000 in
8 federal funds from two federal grant programs, the
9 Violence Against Women Act and the Byrne Justice
10 Assistance Grant. They both provide critical
11 resources to support the effective prosecution of
12 some of the most violent crimes that are committed in
13 our community. Through the VAWA program, my Office
14 funds vital positions within our Special Victims
15 Bureau, overseeing prosecution of sex crimes and
16 domestic violence, and providing crucial services to
17 crime victims. Similarly, the Byrne JAG grant
18 supports investigators and assistant district
19 attorneys that pursue the prosecution of violent
20 organized crimes, such as gang violence and violence
21 associated with narcotics. Likewise, in the
22 Governor's proposed budget, we are at risk of losing
23 another 500,000 dollars in grant funding that support
24 the enhanced prosecution of violent crime and tax
25

1 fraud, and I hope we'll be able to avoid these
2 harmful reductions in funding. And Chair Gibson,
3 I'll keep the Council informed of our discussion with
4 State and Federal representatives on these issues.
5 Finally in closing, I'd like to take a moment to
6 highlight a challenge of critical importance to law
7 enforcement and that is concealed gun carry
8 legislation being proposed by our federal lawmakers,
9 both in the House and in the Senate. This legislation
10 which has now been put in both houses would require--
11 just listen to this-- would require each state to
12 recognize the concealed carry permits of gun owners
13 for all other states in the union, effectively
14 dismantling the more restrictive local gun-carrying
15 restrictions in New York that we have strived so hard
16 to achieve and that have been essential in the
17 sustained reduction of gun violence in this city.
18 That means, to put it in plain words, tourists and
19 visitors from other states could bring their guns
20 while visiting Times Square, the plaza at Rockefeller
21 Center and other heavily trafficked New York City
22 locations. The NYPD, my Office and other police
23 chiefs throughout the country oppose this legislation
24 because it would put the lives of their officers and
25

1 residents at risk. Law enforcement has no way to
2 verify that someone presenting an out-of-state permit
3 is in fact a law abiding visitor to their state, so
4 this legislation could turn interactions with out-of-
5 state visitors, such as routine traffic stops, into
6 dangerous situations for officers and civilians.
7 Personally, I think this is crazy, and I strongly
8 urge you to support local law enforcement and be
9 vocal through your own offices in speaking out
10 against this proposed legislation, ensuring that New
11 York City continues to be the country's safest big
12 city in America. Because after all, who's going to
13 pay the price for reduced public safety and more guns
14 in Manhattan. It's not going to be the members of
15 Congress. It's not going to be the Senator from
16 Texas who introduced it and said it. It's going to
17 be our law enforcement officers and our citizens who
18 are going to be faced with the consequence of having
19 people who have guns from states that require no
20 licensing whatsoever walking through Manhattan into
21 the subways, and what we don't want is a shoot-out in
22 Times Square or police officers seeing someone with a
23 gun, taking that person down appropriately, and
24 having that turn into a fatal encounter. I cannot
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1
2 urge you all enough to pay attention to this piece of
3 legislation. We just saw 10 days ago how this
4 current government has reversed Obama regulations
5 which required that individuals who were so mentally
6 ill had received social disability payments from the
7 Federal Government that they have to have a trustee
8 receive those payments. Those individuals now, those
9 rules have just been reversed, and those individuals
10 now can obtain guns without notice to law enforcement
11 whatsoever. So, my point is, gun legislation is
12 going the wrong direction fast in Washington D.C.,
13 and we need to stick up and stand up as a community
14 to make sure that we don't lose the ground that we
15 have gained over the last 15 to 20 years in the
16 safety in our community. So, you have me in a
17 partner, and I hope you all with your loud,
18 important, well-respected voices do everything you
19 can to make sure that those in Washington D.C. know
20 that we will be the ones who pay the prices for their
21 political agenda. Thank you.

22 CHAIRPERSON GIBSON: Thank you very much,
23 DA Vance. We appreciate your presence, your
24 testimony, and we'll have questions for you as we
25 have your other colleagues speak. Thank you once

1
2 again, and now we welcome our District Attorney of
3 Bronx County, DA Darcel Clark.

4 DISTRICT ATTORNEY CLARK: Good morning,
5 Councilwoman Gibson and members of the Public Safety
6 Committee. It is my honor to appear before you
7 today. In 2016, the Bronx District Attorney Office
8 underwent a transformation to a 21st Century urban
9 prosecutor's office to enable us to carry out our
10 mission to pursue justice with integrity. For too
11 long our borough had not gotten its fair share when
12 it came to the public safety and criminal justice
13 funding necessary to provide Bronx citizens with the
14 District Attorney's Office they deserved. Thanks to
15 you and Mayor de Blasio, that changed. A year ago I
16 asked for and received 11.5 million in additional
17 funding from the City Council and the Mayor in the
18 City Budget. I put that use immediately to fulfil
19 the promises that I made to you. New bureaus and
20 units were formed to target guns, violent crimes,
21 corruption, and domestic violence. Ground-breaking
22 bureaus were created to ensure the integrity of our
23 prosecutions and community outreach was expanded. We
24 reduced the notorious backlog of misdemeanors by 40
25 percent. I'll report to you in detail in a few

1
2 moments on the achievements made possible by your
3 generosity to me last year. They could not have
4 happened without the help of loyal, devoted and
5 hardworking Assistant District Attorneys. They
6 sacrificed time, nights, weekends and holidays with
7 their loved ones to make our initiatives a success.
8 They are the cornerstone of the mission of the Bronx
9 District Attorney's Office, and that is to pursue
10 justice with integrity, but that cornerstone is being
11 chipped away. Inequities in salaries of our
12 prosecutors and a result in attrition aversely effect
13 our initiatives, and by extension, the efficiency of
14 the criminal justice system and public safety in the
15 Bronx. Assistant District Attorneys who love their
16 jobs are performing good work and would like to stay
17 in our office but are forced to leave so they can
18 earn more money to support their families and to help
19 ease the burden of their law school debts. Are they
20 going to white shoe law firms? No. Fortune 500
21 corporations? No. They are leaving to go to other
22 city and state agencies such as the Department of
23 Corrections, the Department of Investigation, the
24 Mayor's Office of Criminal Justice, the Law
25 Department, and the Attorney General's Office, all of

1
2 whom can pay more than my office can. On average,
3 our ADA's are among the lowest paid in the City and
4 we lag behind other city agencies. The average Bronx
5 ADA salary is nearly 8,600 dollars less than the
6 estimated average salaries of all the New York City
7 District Attorney Offices and the Special Narcotics
8 Prosecutor's Office. I need to bring the average
9 salary of an ADA in the Bronx up to the other
10 agencies' average salary so I can retain people who
11 have been trained and have garnered valuable
12 experience. Bronx Assistant District Attorneys make
13 a three-year commitment. They're trained to be great
14 lawyers, and then they get picked up by other
15 agencies that pay up to 20 percent more on average.
16 Frankly, we are running in place, and we're replacing
17 them with less-experienced people. The parity issue
18 has to be addressed quickly so we could continue all
19 the new initiatives. We estimate that it would
20 require 3.7 million dollars to pay our ADA's
21 equivalent to the average salary of prosecutors in
22 the other New York City District Attorney's Offices,
23 and if the City Council is inclined to approve funds
24 for raises for the other New York City District
25 Attorney's Offices in Fiscal Year 2018, I believe my

1 office should be considered for the additional funds
2 as well so our salaries remain comparable. No
3 prosecutor expects to get rich for what he or she is
4 doing. They work day-- their workday starts well
5 before nine and regularly goes past 5:00 p.m. They
6 do not get overtime. They work days, nights,
7 weekends, holidays, they're on 24-hour call duty
8 daily, and all while carrying large caseloads.
9
10 Paying our ADA's less than other New York City DA's
11 offices and other city and state agencies, by doing
12 that they leave, and with that, the people of the
13 Bronx lose. I'd like to tell you know how my ADA's
14 stepped up to the demands of a 21st Century Urban
15 Prosecutor's office. A little over a year ago I
16 began requiring them to report weekly to their bureau
17 chiefs about their oldest cases and begin pushing
18 them to try them or dispose of the cases to cut the
19 backlog of felony and misdemeanor cases. Every Monday
20 and Trial Stat [sic], that's what I call it, the
21 Bureau Chiefs report to my Executive Staff and me
22 about the oldest cases, and everyone rose to the
23 challenge. And what was the result? Our prosecutors
24 reduced the notorious backlog of misdemeanor cases by
25 40 percent, from more than 16,500 to a little over

1
2 9,300. We achieve considerable results on our felony
3 backlog as well, disposing over half of the oldest
4 cases that I targeted for disposition, and those were
5 cases that were on average three years or older. We
6 went from a downright embarrassing situation in 2016
7 where the New York Judiciary was being sued in
8 Federal Court because of that backlog to receiving
9 the praise from the state's Chief Judge Janet DiFiore
10 in her 2017 State of the Judiciary Address which was
11 held in the Bronx. In early July 2016, even before
12 our funding for the fiscal year began and we could
13 begin hiring additional staff, we put into place the
14 Vertical Prosecution Model and our ADAs stepped up to
15 the massive reconstructing. The Vertical Prosecution
16 Model, which is one-- which means that one prosecutor
17 will handle a case from beginning to end, and it
18 helps reduce long waits for trial because files are
19 not handled-- handed off from one ADA to another as
20 the matter moves along the system. This helps ADAs
21 and witnesses build a rapport and it assists
22 prosecutors to a more-- to quickly identify problems
23 in these cases, especially where we should release a
24 defendant or dismiss a case. Another extraordinary
25 important initiative our office created with the

1 funding from the budget last year was the Rikers
2 Island Prosecution Bureau. We opened a satellite
3 office on Rikers Island in September. As I have said
4 repeatedly, Rikers Island is the most challenging
5 neighborhood in my jurisdiction. Our ADAs assigned
6 to the Rikers Island Prosecution Bureau worked
7 seamlessly with our Public Integrity Bureau, the
8 Department of Correction, and the Department of
9 Investigation. The Rikers Island Prosecution Bureau
10 is currently handling indictments against 163
11 defendants and 200 pending felony investigations
12 involving inmates and visitors. Last year, my office
13 prosecuted almost 1,100 cases of crimes committed on
14 Rikers Island. Approximately 350 of those cases were
15 felony and over 700 were misdemeanors. As part of
16 our efforts to deter violence on Rikers, we request
17 that if an inmate is convicted of a violent crime in
18 the jail, his or her sentence for that crime run
19 consecutive to any time he or she gets for their
20 underlying case. Recently, an inmate who had a 60-
21 day jail sentence that he was serving in Rikers for
22 his underlying misdemeanor conviction was convicted
23 of three vicious attacks on an inmate and on
24 corrections officers. We asked for consecutive time
25

1 on those three felony convictions and the judge
2 agreed. The inmate got three consecutive terms,
3 totaling eight years in state prison. That sends a
4 strong message that you will pay a heavy price for
5 committing violence behind bars. Contraband is a
6 leading trigger of violence. More than half of the
7 contraband smuggled into Rikers is brought in by
8 secreting it in body cavities. You will recall my
9 testimony earlier this year on prosecuting violence
10 in New York City jails. There is state-of-the-art
11 technology that if available to DOC would detect
12 weapons and contrabands. Five ionizing body scanners
13 that can detect secreted blades were purchased by
14 DOC, but because of a state law prohibiting their use
15 except in medical facilities, they have been sitting
16 in a closet for several years. The state law must be
17 changed to allow these scanners to be used in Rikers
18 for safety purposes. I support Commissioner Ponte's
19 recommendation on body scanner technology, along with
20 new legislation that would allow the use on Rikers.
21 We must act immediately to put this technology to
22 work to save lives. Our Public Integrity Bureau is
23 another initiative that showed success in the first
24 year. Since the creation of the bureau in March
25

1
2 2016, we have convicted 17 correction officers at
3 Rikers Island on charges of promoting prison
4 contraband, assault, offering a false instrument for
5 filing, and official misconduct. Some of them were
6 sentenced to state prison. My prosecutors have come
7 through in furtherance of another initiative that was
8 funded last year. In October we opened the City's
9 first Complaint Room for victims of domestic
10 violence. The DV Complaint Unit, a dedicated space
11 in our building co-located with the Mayor's Family
12 Justice Center is where Assistant District Attorney's
13 from the Domestic Violence Bureau interview victims
14 and provide them with direct access to available
15 services. Out of approximately 4,000 domestic
16 violence cases processed since October of 2016,
17 approximately 1,300 were done at the new complaint
18 room. We are working with the Family Justice Center
19 to expand our hours beyond Monday to Friday, nine to
20 five, because most domestic violence cases come in at
21 night and on the weekends. Another unit created with
22 your funding, the Conviction Integrity Unit, has
23 received applications to review 98 cases. The CIU
24 completed its review process in 41 of those cases and
25 since April 2016, initiated a comprehensive

1
2 reinvestigation in 10 cases. One of these resulted
3 in the vacated conviction of Richard Rozario [sp?],
4 free from prison after 20 years after we determined
5 that he did not get a fair trial. Our professional
6 responsibility, the first of its kind among the 62
7 District Attorney offices in New York State, oversees
8 litigation training, best practices and ethics.
9 Since its inception in September of 2016,
10 Professional Responsibility has reviewed more than
11 100 cases that were tried by our assistance to ensure
12 that they perform in accordance with the applicable
13 law and the New York Rules of Professional Conduct.
14 This is pursuing justice with integrity. Other
15 notable achievements over the last year, we held a
16 gun buy-back in August, which took 165 firearms, most
17 of them automatic pistols, off the streets of the
18 Bronx. We held a Warrant Forgiveness Program event
19 entitled "Another Chance" attended by 500 people and
20 cleared 270 old warrants that help people move on
21 with their lives. It was also re-- it also
22 reinvigorated the community's trust in the justice
23 system, and we will be holding another one this year
24 in August. Our Immigrant Affairs Unit participated
25 in Know Your Rights forums in Muslim and Hispanic

1 communities and it has distributed 5,000 brochures in
2 five languages. The new funding required our office
3 to hire 188 new attorneys and staff. OMB tasked us
4 to hire 75 percent of that number by December 31st of
5 2016. We hired 132 new employees and reached that
6 goal. To date, we have hired 156 employees or 83
7 percent of the newly funded positions. I want to
8 give special recognition to my entire staff. It was
9 all hands on deck to meet and achieve these Herculean
10 hiring goals, including 120 new assistant District
11 Attorneys beginning this fall. My support staff and
12 Assistant District Attorneys went above and beyond to
13 improve our office with tangible results. It takes
14 years for prosecutors to develop special expertise in
15 areas of criminal law and procedure. We have
16 invested significant resources and training, and it
17 is vital that we retain them. As I said, Bronx ADAs
18 earn less than their counterparts in the four other
19 boroughs; yet, last year they handled nearly 30
20 percent of the City's murders, felonies, assaults,
21 and robberies. They deserve parody. Finally, I'm
22 making OTPS budget request in the current year and
23 two for Fiscal Year 2018. In the current fiscal
24 year, the rapid increase in staff has required the
25

1 office to create office spaces using systems
2 furniture and other pieces. This has also involved
3 electrical and networking expenses that are not
4 eligible for capital funding. Accordingly, I'm
5 requesting that the Council approve a Fiscal Year 17
6 budget modification that we have requested OMB
7 include in the Executive Plan. The request is to
8 move 350,000 dollars from our PS budget to our OTPS
9 budget. This amount will cover our immediate one-
10 time expenses for the staffing increase. The re-
11 organization of the office and the increase in staff
12 has also generated ongoing increases in case-related
13 expenses including court transcripts, per-diem
14 interpreters, wire-tap fees, along with contractual
15 expenses for legal reference, investigative
16 databases, and software, as well as office supplies,
17 copiers, laptops, and cellphones. Accordingly,
18 beginning with Fiscal Year 18, we request a baseline
19 OTPS budget increase of 1.1 million. This office's
20 OTPS allocation has fallen 19 percent from its high
21 of 2.18 million in 2002. I have details in the
22 addendum to my remarks how the requested increase
23 would restore our OTPS budget at least to its
24 inflation adjusted buying power in 2002. These funds
25

1 will allow us to overcome our file storage problems
2 by shipping files to city contractor GRM. This will
3 also save the City approximately 125,000 dollars per
4 year that we currently pay for lease space. Finally,
5 we need to update our case tracking system. It is
6 essential to performing our day-to-day operations.
7 We therefore request funding for technology audit,
8 and based on similar projects in the past, we
9 estimate that this assessment will cost between
10 200,000 and 275,000 dollars, and you can be assured
11 that I will be back to request funding for the
12 upgrade. While we still face many challenges,
13 members of the Council, I believe that with the
14 hiring and retention of the best and brightest
15 employees and our emphasis on swift, efficient
16 justice we will continue to make great strides in
17 2017 in the fight against crime in making Bronx
18 streets safer and in earning the trust of the people
19 of the Bronx. Thank you very much for this
20 opportunity.

21
22 CHAIRPERSON GIBSON: Thank you very much,
23 DA Darcel Clark, and now we'll have our District
24 Attorney of Staten Island Richmond County, DA Michael
25 McMahon. Thank you and welcome.

1
2 DISTRICT ATTORNEY MCMAHON: Thank you,
3 Madam Chairwoman, and to you and to your colleagues
4 and to all assembled here, a very hardy and warm good
5 morning and thank you on behalf of myself, our staff
6 and the people of Staten Island. It's always warmly
7 nostalgic and wonderful for me to come back to this
8 chamber where I once sat on that side of the
9 proceedings with some of you who are still here
10 today, and I'm amazed and in awe of the dedication
11 and commitment that you all show to your work and to
12 your constituents, and especially I know we all thank
13 you, Chairwoman Gibson, and Speaker Mark-Viverito for
14 your commitment to the issues of public safety that
15 we deal with every day, and you really are a
16 remarkable chairwoman. And of course I want to thank
17 Minority Leader from Staten Island, Steven Matteo,
18 and my Council Members Rose and Borelli for the great
19 work that they do in conjunction with all of you here
20 on this committee, and we thank you. It's also an
21 honor for me to sit on this table, at this table with
22 two of the greatest prosecutors in the United States
23 of America, Mr. Vance and Judge Clark, as well as the
24 leaders of the offices of Queens and Brooklyn,
25 especially the Prosecutor's Office. It's quite a

1
2 thing for a guy from Staten Island to sit here, and
3 I'm in awe. When I came-- but the problems we face
4 in Staten Island when it comes to the DA's Office,
5 unfortunately are as severe and as strong as they are
6 in the other boroughs and the rest of the city, and
7 when I came last year for the first time it was a
8 challenge for me to convince everyone that Staten
9 Island is no longer that quiet little hamlet on the
10 hill where we don't have the big city problems when
11 it comes to crime. In fact, we had them and we had
12 them in great numbers, and thanks to your help and
13 your commitment to equal justice for all New Yorkers,
14 Staten Island, we've come a long way in just a short
15 period of time, and I'm proud of that and I'm sitting
16 here reflecting on it. Again, it's in gratitude to
17 you and to the Mayor for hearing our pleas. To sort
18 of put it in perspective, as to what we've done in
19 just a year and yet the challenges we face, when you
20 hear the homicide numbers throughout the City and how
21 they've come down, it might be shocking to hear that
22 in Staten Island last year we had 21 homicides, which
23 is quite a startling number when you hear the numbers
24 in the other boroughs and you look at the per-capita.
25 Yet, at the same time, in 2015 our office tried eight

1 jury verdicts throughout the whole year, and last
2 year we tried jury cases to verdict, and so we've
3 really upped the game and we've increased our efforts
4 and our productivity when it comes to doing the basic
5 things that a prosecutor's office has to do. But at
6 the same time, the challenges that we face continue
7 to grow, and I want to talk to you about some
8 specific areas where in Staten Island we, like my
9 colleagues, face some serious challenge, and that is
10 with the heroin and opioid crisis, the rising number
11 in domestic violence cases, and also how we try to
12 transform our offices to make them modern 21st
13 century working environments for modern day
14 prosecutors. I know with your help I'm confident
15 that we continue along this path that we've both
16 chosen together. First, let me talk to you about the
17 heroin and opioid plague on Staten Island. In 2015,
18 the Department of Health said that the overdose death
19 numbers in Staten Island were at 69. That's what
20 they estimated it to be. One year later in 2016
21 estimates are now somewhere around 110 deaths of
22 Staten Islanders from overdoses from heroin and
23 heroin-related substances. Quite frankly, our
24 children, our brothers and sisters, friends and
25

1 neighbors are overdosing at very alarming rates and
2 never seen before because of the toxic heroin that's
3 on the streets and also because of the fentanyl that
4 is currently on the streets as well. So, I was
5 pleased to see that just a few weeks ago the Mayor
6 came out with a new program to deal with this issue
7 and deals with it in a very comprehensive way, both
8 as a public health and as a public safety crisis, and
9 that's very encouraging. What I'd like to do is to
10 talk to you about what we've done on Staten Island, a
11 couple of initiatives that we've undertaken, how
12 they're working and how we need your help to continue
13 these efforts. Let me be very clear that we are
14 committed to reducing not only the supply of illegal
15 drugs that are on the streets, but also to work on
16 the demand and reduce that as well. When I came into
17 office, I realized that no one really knew how bad
18 the problem was. No one was tracking overdoses. No
19 one was cataloging them, and we were not
20 investigating them as the crime scene that they
21 should be. So just a little over a year ago we
22 kicked off what we call the Overdose Response
23 Initiative, and basically every overdose death and
24 now virtually every overdose that occurs on Staten
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1
2 Island is investigated by the NYPD detectives and
3 members of my staff to make sure that we are
4 gathering forensic evidence to be able to investigate
5 and pursue the dealers who are purveying these
6 poisons on the streets of our city and Staten Island
7 in particular, and also to try to give support and
8 counseling to the families that have had such
9 terrible addiction illness to one of their members.
10 We've had success from our investigations. We've had
11 major take-downs bringing more than 50 drug dealers,
12 significant drug dealers including two drug king-pins
13 to justice, and we continue in these efforts. And
14 I'm happy to report that the Overdose Response
15 Initiative approach that we started on Staten Island
16 is now being brought to the rest of the City through
17 Overdose Response Squads by the NYPD, and so that is
18 one effort that we have, we continue to do. We also
19 prevailed upon the Office of Court Administration to
20 set up in Staten Island for the first time a Special
21 Narcotics part in the criminal term of the Supreme
22 Court, and so we were able to prosecute the cases
23 against the dealers with a judge dedicated-- with the
24 dedicated judge in calendar to ensure quick, fair and
25 efficient justice in these very important cases. So

1 we have the investigation. We have the enforcement
2 and prosecution in court, but we also wanted to find
3 a way to get people who are in the early stages or in
4 the throes of addiction only into earlier-- into
5 treatment earlier in the process. And so we started
6 just two months ago our HOPE program, Heroin Overdose
7 Prevention and Education, which is an early diversion
8 approach to the issue. And so the way that HOPE
9 works is this: If you are eligible-- you are
10 eligible for HOPE if you're charged the top charges
11 to 20.03 of the penal law which is criminal
12 possession of controlled substance in the seventh
13 degree at the time of your arrest and you are
14 eligible for a desk appearance ticket. If that is
15 the case, a peer coach will be dispatched to meet you
16 at the precinct and explain to you further how the
17 program works. You will be given the desk appearance
18 ticket and even at that point or the next day, you'll
19 be taken to a Resource Recovery Center where you will
20 be met by trained professionals, and we have one on
21 the north shore, one on the south shore of Staten
22 Island, to assess you and to help you find a path to
23 get some engagement, to help you get recovery and a
24 path out of the addiction. The-- as I said, also at
25

1 the precinct the peer counselor gives Naloxone
2 training and will give the individual, whether they
3 accept the program or not, they will be given an
4 application of Naloxone. At the Resource and
5 Recovery Centers, a path is fashioned for you,
6 customized for you to get you on a better way. You
7 will also be engaged with an attorney from Legal Aid
8 to advise you on the program and explain how the desk
9 appearance ticket process works. If you get your
10 assessment before the seventh day, the shortened
11 return date normally a desk appearance ticket has a
12 30-day return date. Under our program you get a
13 seven-day return date. If you do that, the case will
14 be adjourned then for 30 more days, during which time
15 if you meaningfully engage as defined by the provider
16 professionals in the community, not by me, if that
17 happens, then we will decline to prosecute your case,
18 meaning there will be no record. The record cases
19 will be sealed. The arrest will be sealed. The case
20 was never docketed in court, and so in essence it's
21 as clean of a record as possible, and hopefully now
22 you have engaged in something more meaningful than
23 just being locked up, arraigned, perhaps convicted
24 for a misdemeanor or violation, given time served,
25

1 and being back on the street in a matter of 24 to 36
2 hours, unfortunately using again. So I just wanted
3 to give you some early numbers on what we've done
4 over the last two months since we started since
5 January 17th. A hundred and 14 Staten Islanders have
6 been found eligible and offered HOPE, and of those 92
7 percent have entered the program and received and
8 assessment, and of those 92 percent, 96 percent those
9 who have entered the program had meaningfully engaged
10 with services, and 105 individuals have received
11 Naloxone training and 98 Naloxone kits have been
12 distributed. So, early success, we're very
13 optimistic. The Mayor's Office of Criminal Justice
14 has engaged an independent evaluator who will come on
15 board in about six months to start an evaluation. So
16 next year when we come back we will be able to give
17 you sort of empirically accurate data as to how the
18 program is going, but we cobbled this together with
19 some help from some local providers. We need to keep
20 it going for current-- for the coming year. So we've
21 asked for 330,000 dollars to help us with that, and
22 that's in OTPS because the majority of that funding
23 goes to the peer counselors who have to be on 24/7
24 call. In battling the overdose crisis on Staten
25

1
2 Island we noticed something very startling, and that
3 is that-- and this goes to the next request. Forty-
4 five percent of the people who have received Naloxone
5 saves in Staten Island had a history of domestic
6 violence, either as a victim or a suspect, and 41
7 percent of the overdose fatalities reported by NYPD
8 in 2016 had a history of domestic violence. And last
9 year, we had three child deaths in the last year
10 occur on Staten Island, all involved in situations
11 where drugs were-- where substance abuse was a
12 factor, very significant or at least ancillary
13 factor. And so what we want to do is to undertake an
14 initiative to better understand the crossroads
15 between domestic violence cases and the drug abuse
16 cases, and so we have a request to do that, to do
17 that analysis of 250,000 dollars. And now our third
18 request is on the issue of domestic violence, and I'm
19 glad that my great colleague from the Bronx talked
20 about how in her borough she was able to establish a
21 complaint room for domestic violence cases, and that
22 has an incredible success because the victims of
23 domestic violence, if they're spoken to early and
24 they establish a relationship of trust with the
25 prosecutor and with the PD, are more likely to stay

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2 with the case, enable us to successfully prosecute
3 the case, and also within the Family Justice Center
4 or not find themselves a better path to get out of
5 the relationship that is at the very origin of the
6 violence situation that they find themselves in and
7 to get on themselves to a better life. We do not
8 have a separate complaint drawing component in Staten
9 Island. In fact, quite often defense counsel is
10 speaking to the victim before the prosecutor is and
11 so we have a request of 325,000 dollars to all us to
12 staff up with the prosecutors and support staff that
13 will allow us to do a separate DV complaint room
14 because of the extended hours that are needed to do
15 that. One of the things I promised to do last year
16 when it came to modernizing the office was to work to
17 build bridges to the community from our office. We
18 were the only office in the city that did not have a
19 community partnership unit. Thanks to you guys, we
20 have one now. It is almost fully staffed, and we're
21 doing some things in the community I think that
22 you'll be very proud of, including for the first time
23 in Staten Island we did Fresh Start Program, a
24 recent-- at the end of last year. We had over 200
25 people come to it, and it was extremely successful,

1 and again, very forward thinking and progressive idea
2 that my colleagues had perfected that we now have on
3 Staten Island. We also opened on Veteran's Day for
4 the first time a Veteran's Court on Staten Island
5 which has shown some early signs of success, and we
6 are using these successes to start the path to
7 establish a full-blown Community Court on Staten
8 Island as well, and thus we have a request for
9 funding of 100,000 dollars to allow us to start the
10 planning for that. Like my colleagues, we-- I came
11 into an office that did not even have a case
12 management system. We have brought one in, but it
13 need some fine-tuning and enable us to link directly
14 with links from PD and OCA, and so we've asked for
15 100,000 in technology funding. I just want to go
16 back and talk about the work of the Community Affairs
17 Unit. We continue to be I think the only office in
18 New York that does not have an Immigrant Affairs
19 Unit, and so I've requested funding to have an ADA
20 who has the ability to deal with issues arising out
21 of immigration concerns, especially given what's
22 going on in our nation's capital. We think that
23 that's a very important request. We would also like
24 to establish a Conviction Integrity Review Unit in
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1
2 our office and we've had initial conversations with
3 the Speaker, and she's supportive of this and
4 mentioned it in her State of the City address, and we
5 just want you to know that we are ready to go with
6 that, and we have the funding request in their as
7 well. Lastly, we've made great progress in economic
8 crimes and asset forfeiture in the year prior to us
9 coming in office, our office only brought in 50,000
10 dollars in asset forfeiture money. We've more than
11 tripled that so far, but I need additional personnel
12 to do that. Lastly, one request not directly to my
13 budget, we are slated to get Shot Spotter on Staten
14 Island. This is the innovative technology that
15 allows the NYPD to track cases of gun fire that are
16 not often reported. In fact, the estimates are that
17 70 percent of the cases of gun fire are not reported,
18 and the plan is to cover one precinct on Staten
19 Island. We want them to cover half of another
20 precinct, and in so doing it would cover just about
21 all of the area of Staten Island where it would prove
22 most effective. Again, thrilled to be here. It's an
23 honor. Thank you all for your support in the work
24 that we do, and we look forward to answering your
25 questions today and joining together to make the City

1
2 of New York, and in our case Staten Island, both
3 safer and stronger. Thank you very much.

4 CHAIRPERSON GIBSON: Thank you very
5 much, DA McMahon. I'd like to acknowledge we've been
6 joined by Council Member Robert Cornegy, and now
7 we'll have representing our Queens District Attorney
8 Richard Brown. Thank you for being here, ADA John
9 Ryan. Thank you and welcome.

10 ASSISTANT DISTRICT ATTORNEY RYAN: Good
11 morning. Thank you, Chairwoman Gibson. The District
12 Attorney first asked me to start by expressing his
13 regrets that he couldn't be here this morning. He
14 had an unavoidable conflict, but he really wanted me
15 to emphasize his gratitude for the members of the
16 Council for the support they've given us over the
17 years and how appreciative we are of all that. The
18 Council support over the years and your recognition
19 of the important role that we as prosecutors play in
20 making the justice system work for the benefit of all
21 New Yorkers is greatly appreciated. With your help,
22 we've been able in recent years to make significant
23 strides in rebuilding our operations and addressing
24 emerging needs after a decade-long series of budget
25 reductions in the aftermath of the 9/11 and the

1
2 economic downturn. With the monies you provided in
3 last year alone we were able to increase the number
4 of investigators assigned to our in-house Queens
5 District Attorney's Detective Bureau to add staff to
6 our technology effort, to hire solely needed
7 appellate attorneys to meet growing demands, and add
8 critical staffing for a comprehensive anti-gun/anti-
9 violence initiative working in conjunction with the
10 Mayor's Office of Criminal Justice. That said,
11 however, we need your continued support to continue
12 what we have-- excuse me, to ensure that we have the
13 resources that we need to continue to rebuild and
14 grow and to respond to the many new and emerging
15 areas of criminal activity that is taking place
16 around us. As I do each year, I provided you with a
17 booklet summarizing our office's accomplishments over
18 the past year and setting forth our needs for the
19 coming year. You'll find in the material that we
20 have provided to you today a request for some
21 additional monies including for capital funding for
22 new computer network infrastructure as well as for
23 some additional personal services money to help
24 address a growing problem with recruitment and
25 retention of our line assist [sic] and District

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2 Attorneys. On the personnel services side this year
3 we are requesting a 1.2 million dollars in additional
4 baseline personnel services funding to address an
5 increasing recruitment and retention problem with our
6 line assist and District Attorney staff as well as a
7 significant salary compression issue for our
8 experienced attorneys that is developed over time.

9 By way of background, during the long series of post-
10 9/11 budget cuts we were forced to restrict both the
11 starting salaries for our new Assistant District
12 Attorneys and salary increases for attorneys they
13 gained experience in training. As a result, overtime
14 we simply lost pace with many of the salary levels
15 with private sector employees and government
16 colleague offices who were able to provide and we
17 were not. Class years did not allow for sufficient
18 growth or separation of salaries as years of
19 experience increased. The impact of this has been
20 significant with increasing problems in both
21 recruiting and retaining the level and diversity of
22 Assistant District Attorneys our county needs.

23 Indeed, in recent years we have seen our Assistant
24 District Attorney's attrition rates on an upward
25 climb with staff losses in Fiscal 17 now projected to

1
2 be nearly double our five-year annual average for
3 attorney separations and attritions. And the bulk of
4 the attrition in recent years has been with our line
5 nonsupervisory Assistant District Attorney staff.
6 Losing high numbers of experienced ADA's poses
7 significant issues for our office as we lose staff
8 with the background and training levels needed to
9 carry out our mission of investigating and
10 prosecuting the over 60,000 arrest cases we handle
11 each year in Queens County. We know this overall
12 issue is one faced by our colleagues here today as
13 well as that sorting through all of this will take
14 some time and discussion, but today, we wanted to
15 open the dialogue with this request, and we look
16 forward to working with you so that we can hopefully
17 all move ahead to make both targeted salary
18 adjustments this year focused on the levels of
19 attorneys most affected and to address current salary
20 compression issues as well. On the other than
21 personnel services side, we look forward as well to
22 your support this year in obtaining 3.8 million
23 dollars in capital funding to address some of our
24 basic computer network infrastructure issues. The
25 upgrading and replacement of our network equipment

1 long went unaddressed over the years of budget
2 reductions. We are now critically in need of
3 equipment and we outlined our request. This is
4 particularly important for us as our office continues
5 to expand its use of technology to increase
6 efficiency and effectiveness in virtually every area
7 of our operations and to support an ever-expanding
8 network of linkages to virtually every federal, state
9 and local enforcement and government agency.
10 Upgrading this equipment is also essential as the
11 foundation for HOPE for a future project of
12 converting our offices current antiquated PBX
13 telecommunication system to a state-of-the-art voice
14 over internet protocol solution, VOIP. So we very
15 much need the funding we request this year to move
16 these critical projects forward and look forward to
17 your support on this request as well. Now, let me
18 brief you on where we are with all our longstanding
19 office space issues. As you may recall, the DA
20 testified before you last year outlining our
21 longstanding problem with overcrowding and lack of
22 office space. With the current staffing at over
23 eight times of that which existed when our main
24 office facility was built in 1950's, the Queens
25

1
2 District Attorney's Office has simply outgrown the
3 space allotted to it. Based upon the projected
4 staffing and plan facilities we are now close to
5 90,000 square feet short of where we should be in
6 usable office space, and that continues to have a
7 devastating effect on both the efficiency of our
8 office and our staff's day-to-day living conditions.
9 I am pleased to say that with additional rent money
10 provided last year, the City is now actively working
11 with us to identify additional interim rental space
12 to address at least a portion of our critical space
13 needs now. Along these lines we are working with the
14 City to add additional office rental space to our
15 existing rental facility located at 8002 Kew Gardens
16 Road, and we are also working with the City on
17 finalizing close to 40,000 square feet of space in a
18 new facility across from the courthouse located at
19 12606 Queens Boulevard which was vacated last year by
20 the Board of Elections. But even this particularly
21 since available rental space in the area around Kew
22 Gardens Courthouse where we work is in such short
23 supply, this will still leave us close to 40,000
24 additional square feet short. So we all still very
25 much need a solution in the long-term. Along these

1
2 lines we continue to explore with the City various
3 options, including the possibility of construction of
4 a new consolidated facility or the addition to our
5 existing facilities of the additional square footage,
6 perhaps-- and it wouldn't be a Queens presentation
7 without a mention of this-- perhaps even ultimately
8 either taking over and renovating the vacant Queens
9 House of Detention, which I note it has now been
10 vacant since 2002, space that's contiguous to our
11 office's main facility as discussed at last year's
12 council budget hearings or through some other option.
13 Progress has been slow. However, moving forward on a
14 solution that will give us the modern consolidated
15 and comprehensive fiscal plan we need, this remains a
16 top priority for us, however, and we continue to need
17 your help and support in maintaining focus and
18 momentum on this important issue. We look very much
19 forward to working with you and your staff in
20 addressing these needs. As the District Attorney has
21 said many times in the past, we are key partners in
22 the criminal justice system along with the police,
23 probation, and the courts. We must work
24 collaboratively to ensure that each of our offices is
25 given the criminal justice and public safety dollars

1
2 that we need to do our jobs to maintain and advance
3 the efficiency and effectiveness of the entire
4 system. again, we thank you for the opportunity to
5 be here today and assure [sic] you that we continue
6 to be very much committed to working with you and
7 addressing our City's public safety issues, and we
8 certainly are prepared to answer any council
9 questions that you may have. Thank you.

10 CHAIRPERSON GIBSON: Thank you very much
11 on behalf of Queens DA Judge Brown, and now we have
12 our Chief ADA Steven Goldstein representing Special
13 Narcotics Prosecutor Bridget Brennan. Thank you for
14 joining us.

15 CHIEF GOLDSTEIN: Good morning,
16 Chairperson Gibson, members of the Public Safety
17 Committee. Bridget Brennan asked me to express her
18 regrets at not being able to testify this morning.
19 As you know, testifying before this committee is
20 always a high priority for the Special Narcotics
21 Prosecutor, but as a result of the snow storm and
22 rescheduling of the date, she had an unavoidable
23 conflict out of town. I want to focus my testimony
24 here today on what has been the critical focus of the
25 Office of the Special Narcotics Prosecutor, the

1
2 opioid epidemic. As you all know quite well this is
3 a problem that is gripping our city and our country
4 with overdose deaths that have reached tragic and
5 historic numbers. The written testimony you have
6 before you provides an abundance of analysis and
7 critical statistical measures which highlight the
8 gravity of the problem, but let me just add a few
9 statistic that are not in the report, but I think
10 provide some historical perspective that helps to
11 capture where we are today. The measure that is most
12 often used to look at a drug epidemic is overdose
13 deaths per 100,000 in a population. In the 1970's
14 during the height of the heroin epidemic that
15 followed the Vietnam War, drug overdose deaths in the
16 United States peaked at 1.5 deaths per population of
17 100. During the height of the crack epidemic in the
18 80's, that number was just shy of two deaths per
19 100,000. The present opioid crisis is killing 10.3
20 people per 100,000 in the United States, and that's a
21 2015 number, without the fentanyl impact. Its
22 statistics that we expect to see when the 2016
23 numbers are finalized. As many of you know, fentanyl
24 is a highly potent synthetic opioid that has caused a
25 sharp escalation in death rates, and I'll talk about

1 that a little more in a few moments. In many states
2 the situation is far worse. Over 40 deaths per
3 100,000 in West Virginia, over 30 in New Hampshire.
4 In New York City, the average is about 15, higher in
5 some counties, lower in others. What we have seen
6 through our investigations in cases is a market that
7 is literally flooded with opioids. The cases is
8 described in our written testimony provide a clear
9 window into this supply. One example we highlighted
10 involved an investigation that resulted in a court-
11 authorized search warrant to the single-family
12 private residence in the Bronx which was functioning
13 as a heroin mill where over one million glassines of
14 heroin directly headed for the street were recovered.
15 This was believed to be the largest heroin packaging
16 operation dismantled by the DEA in New York, but
17 unfortunately it is the type of operation we are
18 seeing all too regularly. Those numbers reflect the
19 scope and the lucrative nature of this business.
20 Last week we saw just how lucrative it is in another
21 investigation where we executed a warrant and seized
22 a record 4.5 million dollars, the profits from this
23 business that were destined for a cartel in Mexico.
24 These two cases along with the others highlighted in
25

1
2 our testimony illustrate the importance of continuing
3 investigative and law enforcement efforts to cut off
4 supply of these drugs. Of course, restricting supply
5 is just one piece of what needs to be a multifaceted
6 and nuanced effort to address this problem, but it is
7 a critical one that cannot be ignored. When the
8 market is flooded with highly-addictive narcotics,
9 any other efforts to address addiction and save lives
10 are compromised. For us to avoid the dangers of the
11 highly-addictive drugs, we need to do all we can to
12 restrict access. What we experienced in the last
13 decade with respect to prescription pills should
14 provide a valuable lesson in how important it is to
15 curtail this supply of highly-addictive drugs. In
16 the case of powerful prescription drugs, for a great
17 many years they had been confined and only used for
18 acute pain or life-ending care, but in the 90's there
19 was a massive pharmaceutical marketing and lobbying
20 effort coupled with flawed sponsored medical research
21 and we began to see dramatic increases in opioid
22 prescriptions year after year. That problem that
23 we're facing today was rooted in that in that
24 increase in drugs. The good news is that we
25 effectively addressed-- we've begun to effectively

1
2 addressing this piece of the challenge: increased
3 education and awareness on the part of medical
4 professionals, regulatory changes under New York
5 State's Prescription Monitoring Program, National
6 Takeback Initiatives, and dedicated investigations
7 into medical pill mills have resulted in a number of
8 prescriptions for oxycodone actually going down in
9 2016 after many years of increasing. This is really
10 significant because the majority of people who
11 developed heroin addictions first become dependent on
12 prescription pills. My comments here today are in no
13 way to attempt to minimize the critical importance of
14 education of coordinated public health initiatives of
15 treatment alternatives to incarceration, increased
16 access to life-saving naloxone, and many educational
17 and health initiatives aimed at addressing the
18 problems we face. The Special Narcotics Prosecutor
19 commends Mayor de Blasio for recognizing the
20 seriousness [sic] of the current epidemic and
21 committing resources under the new initiative:
22 Healing New York City. But effective law enforcement
23 initiatives aimed at cutting off supply must continue
24 to be a central part of the strategy to address this
25 very serious epidemic. The cases described in our

1 testimony and the record number of heroin and
2 fentanyl seizures speak to the work that is being
3 done by the Special Narcotics Prosecutor coordinating
4 with local and federal partners and working hand-in-
5 hand with the five District Attorneys. We are
6 extremely grateful to the City Council and the
7 Mayor's Office for the additional 280,000 that we
8 received for heroin investigations in 2016 and for
9 all your steadfast support over many, many years.
10 Before concluding, I want to speak to you about what
11 I just mentioned at the beginning, the synthetic
12 opioid fentanyl. We have seen this drug in ever-
13 increasing amounts and we need to raise public
14 awareness of its dangers, because in our estimation
15 it is truly a game changer, and I'm afraid we're just
16 beginning to see its impact. Fentanyl, as many of
17 you know, is a highly potent and often lethal
18 powdered synthetic that has infiltrated the drug
19 market and it's likely to increase because it's
20 cheap, and it can increase profits for narcotics
21 traffickers. Fentanyl costs a fraction of what
22 heroin costs, and by mixing it with heroin or other
23 drugs, drug dealers can dramatically stretch their
24 product and increase profits. The problem is that in
25

1
2 its usual form, fentanyl is about 50 times stronger
3 than heroin, and there are many forms of fentanyl
4 that far exceed that. Doses as small as two
5 milligrams can be fatal. Users simply do not know
6 what they're buying when they purchase heroin, and
7 sometimes neither did the sellers. Because of its
8 nature and strength, overdose antidotes such as
9 naloxone which have been so critical in saving lives
10 are not nearly as effective with fentanyl as they are
11 with these other opioids. We've not only seen
12 fentanyl alongside heroin when we locate mills or
13 seize drugs. We've seen it in cocaine as well.
14 Equally troubling. Motivated by enormous profits,
15 traffickers exploit the high consumer demand for
16 prescription meds by producing inexpensive fraudulent
17 prescription pills containing potentially deadly
18 amounts of fentanyl as well. We've seen this in the
19 context of opioid pills, counterfeit opioid pills
20 that we've seized that have had fentanyl. We've also
21 seen it for other drugs like Xanax. In Florida in
22 2016 nine people died from counterfeit Xanax
23 containing fentanyl. Our written testimony contains
24 additional information about fentanyl and what our
25 investigations has been revealed, but I really think

1
2 it's' critical that we all take a role in educating
3 the public about this drug, and the Special Narcotics
4 Prosecutor welcomes any questions or suggestions you
5 may have. Let me close on a more upbeat note by
6 focusing on the community initiatives that our office
7 has brought to neighborhoods that have been impacted
8 by drug trafficking and law enforcement activity.
9 They're highlighted on page nine of our testimony,
10 and we are proud of that work. We're also working
11 with the Richmond County District Attorney's Office
12 and Columbia University School of Public Affairs to
13 examine the impact of the opioid crisis on Staten
14 Island and the accessibility of treatment options and
15 prevention efforts. Our goal there is to identify
16 gaps in service so that they can be addressed. These
17 efforts, along with our continued commitment to drug
18 treatment to education and prevention demonstrate the
19 priority that Special Narcotics Prosecutor Brennan
20 places on a comprehensive approach to the complex
21 problem that we face. Again, we are deeply
22 appreciative to the City Council for all your support
23 and help over the years.

24 CHAIRPERSON GIBSON: Thank you very much,
25 and now we'll have our Chief of Staff Leroy Frazer,

1
2 Junior, representing our Acting Kings County District
3 Attorney Eric Gonzales. Thank you for being here and
4 welcome. Good to see you again.

5 CHIEF LEROY FRAZER: Nice to see you too,
6 Madam Chairwoman. First of all, thank you, Madam
7 Chairwoman and members of the Public Safety
8 Commission. I too have to be by offering
9 apologies and regrets from Acting District Attorney
10 Eric Gonzalez. He would certainly have loved to be
11 here for his maiden voyage in testifying before you,
12 however, as he told you Madam Chairwoman, prior to
13 the date being rescheduled that he had a commitment
14 out of the jurisdiction that we was unable to change.
15 But however, he assures you he will be here at the
16 next hearing to testify before you and answer
17 questions. At this stage he's asked me to come and I
18 hope I can do the job that he requests. First of
19 all, again, we thank you for the opportunity to
20 address you on the Mayor's Preliminary Budget, its
21 impact on our office, the strides we have made in the
22 last year, and the continued fiscal challenges we
23 face going forward. We come before the committee in
24 our roles as working within the Brooklyn District
25 Attorney's Office with a heavy heart and that we

1
2 continue to remember and honor and celebrate the late
3 District Attorney Ken Thompson. We remain committed
4 to continuing his legacy of balanced and fair justice
5 for all of Brooklyn. During Fiscal Year 18 November
6 and January budget plans our office saw a slight
7 increase from the Adopted Budget attributable to
8 additional collective bargaining and city revenue
9 funding. In 2016, Brooklyn saw 88,658 arrests, a 5.7
10 percent decrease from prior year 2015. Felony
11 arrests remained highest in Brooklyn, approximately
12 7,000 more arrests than the next highest county.
13 With Brooklyn accounting for the highest percentage
14 of total arrests citywide and the highest felony
15 arrests, our limited resources are strained keeping
16 up with this volume. Felony cases require tenured
17 and highly skilled Assistant District Attorneys to
18 prosecute these cases with the level of attention to
19 detail the people of Brooklyn expect and deserve.
20 With an ever-growing number of felony cases in
21 Brooklyn, we rely on the dedicated workforce of ADA's
22 who work diligently and tirelessly in the pursuit of
23 justice. These ADA's are committed to doing this
24 often thankless work, and we hope as an office to be
25 able to compensate them for the work that they are

1
2 lose in one year. The ability to retain the
3 attorneys we are losing or replace them once they are
4 gone is severely restricted by the low salaries that
5 we offer the ADAs. So therefore, Acting District
6 Attorney Gonzalez is asking the council to support
7 the proposal that we make to the City to increase our
8 budget by approximately 1.8 million dollars in order
9 to begin September with a starting salary of ADAs at
10 the rate of 68,000 dollars. As we remain the borough
11 with the highest volume of cases to prosecute, we
12 need to ensure our ADAs have the tools necessary to
13 successfully prosecute cases to conviction. As part
14 of the Fiscal Year 16 Executive Plan, our office
15 received 236,100 dollars for the expansion of
16 forensic science and cold case unit which serves as
17 an advisory passage to all bureaus and units
18 throughout the office and instructing the Assistant
19 District Attorneys on Grand Jury presentations,
20 motion practice and trial strategy in cases involving
21 DNA, latent [sic] prints and ballistics. Prior to
22 2014, the Office reviewed cold cases on an ad-hock
23 basis. With the creation of this specialized unit
24 and its expansion, the office is now able to take a
25 proactive approach to cold case review efforts. By

1
2 expanding the unit beyond forensics with greater
3 focus on cold case review, the office was able to
4 work in collaboration with the NYPD Cold Case Squad
5 and the Office of the Chief Medical Examiner to bring
6 two cold cases to indictment linked to the same
7 defendant. The two cold case homicides of Teribia
8 [sp?] Thomas, age 17, and Rashan Brazelle [sp?], age
9 19, in 2004 and 2005 respectfully, both from the
10 Bushwick section of Brooklyn was linked to a
11 defendant who was first indicted on the homicide of
12 Ms. Thomas in 2016. Further investigation found
13 several links to the defendant including Mr.
14 Brazelle's blood on a tool bag owned by the
15 defendant. So, in January of 2017, the defendant was
16 indicted on the homicide of Rashan Brazelle as well.
17 The lives of these young people were viciously stolen
18 from their families. It is our hope that the efforts
19 of this unit will help bring closure and justice to
20 these families and the many other families throughout
21 Brooklyn awaiting an answer on a case that has gone
22 cold. In 2014 our office was funded 500,000 annually
23 to expand the conviction review unit which now has a
24 dedicated staff of nine senior ADAs, two fulltime
25 investigators and two paralegals. This unit remains

1 the largest Conviction Review Unit in the nation. In
2 the last three years, this unit has emerged as a
3 model for the country. Since March of 2014, we have
4 found that 22 individuals were wrongfully convicted,
5 including for example, Paul Gattlin [sp?] now 83
6 years old who plead guilty to avoid the death penalty
7 in 1964 shooting death of a Brooklyn artist during a
8 robbery gone bad. Mr. Gattlin maintained his
9 innocence even after his life prison sentence was
10 commuted in the 1970's after being in custody for
11 nine years. After a long and extremely difficult
12 investigation our Conviction Review Unit unearthed
13 long suppressed records which cast extreme doubt on
14 the eyewitness testimony. In May of 2016 Mr.
15 Gattlin's conviction was vacated and his voting
16 rights were restored. As we continue to work through
17 the backlog of cases of cases for review, DA Gonzalez
18 remains committed to maintain the unit within the
19 office that will continue to conduct thorough and
20 fair investigations of cases up for review and remain
21 steadfast in the pursuit of justice for all of
22 Brooklyn. In October of 2015, our office was one of
23 four local government agencies nationwide to be
24 awarded a grant of 425,000 dollars from the Federal
25

1 Bureau of Justice for Smart Prosecution. This grant
2 is a collaborative initiative with the Center for
3 Court Innovation to create a comprehensive approach
4 to adolescent and young adult prosecution and
5 diversion in Brooklyn with an emphasis on misdemeanor
6 defendants at the greatest risk of reoffending,
7 conviction and/or incarceration. Our initiative
8 called the Brooklyn Young Adult Justice Initiative is
9 designed to reduce offending and increase public
10 safety to promote the use of meaningful social
11 services to provide rigorous compliance monitoring
12 and to reduce criminal convictions and the use of
13 jail. With funding for this grant, we created the
14 Young Adult Court Bureau to focus on high-risk
15 offenders between the ages of 16 and 24 years old who
16 have been charged with low-level offenses. While
17 this group accounts for only 10 percent of the
18 population of Brooklyn, they are charged with 30
19 percent of the crimes in the borough. Incarceration
20 has not been as effective as evidence-based
21 intervention which has been proven to ensure levels
22 of recidivism remain low. We believe focusing on
23 this group will help increase public safety while
24 offering effective solutions for decreasing both
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2 crime and cost to the Criminal Justice system. Since
3 its opening in March of 2016 there have been 3,935
4 cases adjourned to the Young Adult Court and over
5 1,200 young adults have participated in diversion
6 programs and received social services instead of
7 being sent to jail. We believe in the Young Adult
8 Court and want to maintain this court going forward.
9 Unfortunately, the federal funding used to start this
10 initiative is ending in December of this year. We are
11 unable to apply for additional funding from the
12 Federal Government to cover this valuable initiative,
13 and therefore, we ask the Council to support our
14 request to OMB to maintain the funding for this court
15 with baseline funding of the 425,000 dollars. This
16 important initiative requires continued and secured
17 annual funding, and I hope the Council will support
18 us in this funding request. We would like to thank
19 the Council for continuing DOVE [sic] funding which
20 enables our Victims Services Unit to provide services
21 to a wider number of immigrants, the deaf and hard of
22 hearing, teenage, and LGBTQ-identified victims.
23 Victims Services Unit combines community outreach and
24 education activities which direct service to victims
25 of domestic violence. The community benefits as the

1
2 funding allows for the provision of direct services
3 to domestic violence victims, advocacy, case
4 management, crisis intervention counseling, community
5 outreach, and educational workshops and training.

6 Our office-- our current office space in Brooklyn is
7 approaching 20 years of occupancy. While the space
8 more than met the office needs all those long years
9 ago, today the office has changed and expanded. As
10 the lease renewal is approaching, we have been
11 notified by DCAS and OMB that the plan for the City
12 to renew the current lease space has been approved as
13 well as a life-cycle replacement update to the
14 workspace on the ten floors we occupy there at 350 J.
15 Street. The space has not been renovated since the
16 initial signing of the lease in 1998. This
17 renovation project will be negotiated as part of the
18 new lease, and is slated to begin once the new lease
19 renews. As part of the lease renewal, we requested
20 an expansion of our space to include two additional
21 floors at 350 J. Street, a total of 65,000 square
22 feet has been approved by DCAS for expansion of the
23 Family Justice Center and consolidation of all
24 related bureaus to the 28th and 29th floors. The
25 Brooklyn Family Justice Center is the oldest and

1 largest partner with the Mayor's Office to Combat
2 Domestic Violence, helping to maintain the center and
3 devoting staff resources for prosecution. At 11
4 years old, the Family Justice Center is the oldest
5 and most used center serving approximately 20,000
6 clients in 2015 alone. This center is unique as it
7 operates in the middle of our office headquarters and
8 was not part of the original plans for lease space.
9 The needs of both the Office and the Center have
10 expanded since its inception. The expansion and
11 upgrade to the layout would mirror the newer Family
12 Justice Center locations in other boroughs. Our
13 entire floor would be dedicated to the Family Justice
14 Center allowing for growth and open space to serve
15 the needs of the clients. The one-stop no co-located
16 services model requires us to maintain the close
17 proximity of our Domestic Violence Bureau, our
18 Special Victims Bureau, our Victim Services Unit
19 along with the Family Justice Center. Therefore,
20 these two floors together would serve as a genuine
21 one-stop center for domestic violence victims and
22 their families and the other special victims in
23 related bureaus. The people of Brooklyn deserve an
24 updated and upgraded Family Justice Center to serve
25

1 the ever-growing needs of the borough. Finally,
2 fiscal challenges remain present in our office. As
3 we continue to face those challenges, we remain
4 focused on the fiscal responsible and prudent
5 stewards of the resources entrusted to us by the
6 great people of Brooklyn. This responsibility is one
7 that DA Gonzalez takes very seriously and will
8 continue the legacy started by the late District
9 Attorney Thompson to transform the Brooklyn District
10 Attorney's Office into one of the leading law
11 enforcement agencies that the people of Brooklyn
12 deserve. Once again, he thanks you and thanks
13 Chairwoman Gibson and the members of the Public
14 Safety Committee and the entire Council for your
15 tireless support of our office as we make the case
16 for these additional resources. With your support it
17 is our hope that this funding will be provided by OMB
18 for the next budget plan so that we can continue to
19 ensure safe neighborhoods and peace of mind to the
20 great people of Brooklyn. Thank you.

22 CHAIRPERSON GIBSON: Thank you very much,
23 Mr. Frazer, and certainly to you and the Acting
24 District Attorney Eric Gonzalez. We appreciate your
25 commitment and your vision and really continuing to

1 do the great work that the late great Ken Thompson
2 put forth. It was an honor to work with him when he
3 served as the first African-American District
4 Attorney of Kings County, and certainly I know that
5 the borough of Brooklyn are in capable hands with you
6 and Mr. Gonzalez. So we thank you, and now with that
7 we're going to get to questions, and because I'm
8 feeling generous today I'm going to give my
9 colleagues an opportunity to ask all the questions of
10 our District Attorneys and then I will close us out.
11 But please be mindful that we do have other
12 testimony, CCRB, the Mayor's Office of Criminal
13 Justice and the NYPD and members of the public
14 following this panel. So everyone is at a clock of
15 six minutes. That's unheard of in the Public Safety
16 Committee. So I want to thank all my colleagues for
17 being here and acknowledge we've been joined, as I
18 mentioned, Council Member Robert Cornegy and Council
19 Member Jumaane Williams. We will begin with our
20 Minority Leader, Steve Matteo, followed by Council
21 Member Vincent Gentile. Thank you, colleagues, once
22 again, and Minority Leader, thank you.

24 COUNCIL MEMBER MATTEO: Thank you, Madam
25 Chair. Welcome to all the District Attorneys and

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2 staff. Thank you for your partnership. I'm going to
3 direct my questions to my colleague and friend
4 District Attorney McMahon. I just want to thank you
5 for your efforts over the last few years and for
6 working with us, and I just want to begin with
7 naloxone. We've had discussions about the
8 distribution of naloxone, its cost, whether it's the
9 proper use of resources. So I wanted to get your
10 take on the use of naloxone, how effective you think
11 it is, and can you also talk about the follow-up to
12 after someone is given naloxone and how we can try to
13 capture the opportunity to prevent another OD? I
14 know you're working with the NYPD and one of the
15 local hospitals. So, if you could expand on that,
16 that would be great.

17 DISTRICT ATTORNEY MCMAHON: Sure. Thank
18 you, Minority Leader. I think, you know, I speak for
19 many people when you first hear about naloxone and
20 the word you used earlier, the concept that you're
21 going to bring someone back from an overdose and then
22 equip them or loved ones or emergency responders with
23 the means to do that again, and perhaps it can recur
24 again. It's almost counterintuitive, right? You're
25 almost thinking, "Wait, what are we doing?" But then

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2 when you sit down and think it through it makes a
3 whole lot of sense and when you see what's happened
4 just in the year and a half or so that I've been
5 dealing with this issue on the front lines in the
6 Staten Island DA's office, and I think others who
7 deal with it as well, it not only makes sense, but
8 it's a game changer. It's saving lives. We saw last
9 year if we looked at the number of overdoses that we
10 have 90 confirmed and 120 suspected, and our naloxone
11 save numbers were around 74/75. This year, the first
12 three months we're running sort of an inverse where
13 we've had 17 deaths, but 35 saves. So we're seeing
14 the graph arrow sort of changing direction, and it's--
15 - and we're seeing a wider dispersion of the
16 naloxone, not only the police, the EMTs, people--
17 folks in the hospital and loved ones and friends, and
18 I hate to say it, but without it think of what our
19 numbers would be. We would be this year already 50,
20 close to 60 deaths. So, it's having an incredible
21 impact. That's why we included it as part of our
22 HOPE program so that we're giving people-- we're
23 giving them the training and we're giving them the
24 kits so that they have it available and there's no
25 two ways around it. I think it's a perfect example

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2 of where sometimes law enforcement understands the
3 public safety side of this iss-- the public health
4 side of this issue. So, public safety is
5 understanding public health sometimes quicker than
6 public health understands public safety. So, I think
7 it's very important. What we've tried to do in
8 Staten Island as well though is when there is a
9 police responded to save, then we have part of our
10 peer counseling and mentoring, we have a follow-up
11 that tries to make that contact as part of the
12 Overdose Response Initiative. We try to follow up
13 and contact the person and try to steer them towards
14 treatment. In one of our two hospital systems
15 there's a program called the Warm Handoff which also
16 tries to do that. So we're trying to do more within
17 the bounds of HIPAA and Public Health restrictions
18 that when someone does have an overdose and they do
19 receive a save that we're trying to do the follow up
20 as well. It's part of the ORI, but we're trying to
21 expand it beyond as well, and we are finding you
22 know-- the thing about the HOPE program when we reach
23 out to people when they've been arrested, we think
24 that there's sort of a moment of clarity or
25 reckoning. You know, you're sitting in the precinct

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2 and thinking about where my-- what am I doing in
3 life? We think the same thing happens with an
4 overdose. So the sooner we can connect people with
5 services, the better, and maybe that'll bring down
6 the overall numbers as well. And I know that you've
7 taken a somewhat public stand as well, supportive in
8 understanding the politics of it from where you come
9 from, and as I said, with all due respect I commend
10 you for doing that as well, because it is an honest
11 approach and it's an effective approach to a really
12 terrible problem.

13 COUNCIL MEMBER MATTEO: And I agree, and
14 I appreciate that, and I think the follow-up is
15 extremely important and I want to work with you to
16 expand that, because if we're not following up with
17 them after as best as we can, it may not be as
18 effective as we want it to be.

19 DISTRICT ATTORNEY MCMAHON: Sure, and
20 maybe, you know, the-- do we see repeat cases? Yes,
21 we do.

22 COUNCIL MEMBER MATTEO: Right, okay. So
23 you mentioned the HOPE initiative that you launched a
24 few months ago. So, can you just go into a little
25 bit more detail and some clarification on how one

1
2 gets into that. Is it that they're just someone
3 who's been addicted and arrested because of their
4 addiction, and is there any other charges that are
5 involved with that? And just can you just tell me
6 your expectation and goals and the results also?

7 DISTRICT ATTORNEY MCMAHON: Sure. So,
8 we-- you know, the program was a result of 10 months
9 of planning and trying to come up with something that
10 could work and that planning was done with disparate
11 [sic] organizations, so law enforcement, the NYPD,
12 and it has to be a program that a 35,000 member
13 police force can implement without making it too
14 complicated because they have so many other things to
15 do. With Legal Aid we certainly see things from
16 quite a different perspective maybe than I do, my
17 office does, and with the Mayor's Office of Criminal
18 Justice and Department of Health somewhere in the
19 middle and the providers as well. So, we had to kind
20 of come up with a program that upon implementation we
21 wanted it to be successful. We didn't want to set it
22 up for failure. So, what we did is we narrowed the
23 charges down to that, as I said, to 22003 which is a
24 misdemeanor possession of the penal law. That has to
25 be the highest charge. You cannot have an extensive

1 record, otherwise you are not DAT-able. So, normally
2 you get arrested, you're held over, you're arraigned,
3 and then you appear before a judge. If the offense
4 is a low-level charge, if you're a first time
5 offender, you'll be given a desk appearance ticket.
6 It means you don't have to sit all night and you're
7 usually told to come back in 30 days, but you have to
8 qualify for that. The charges have to be low enough,
9 and your history has to be not too complicated in
10 order to get a desk appearance ticket. So we
11 combined those two processes together so that if your
12 highest charge is a 22003 and you're DAT-able, you
13 sort of automatically qualify for the program, and we
14 thought in our projections we thought we would hit
15 maybe 3-400 people, but it's already-- there are more
16 arrest in this category. There are more people
17 qualified, and we're trying to-- we want it so that
18 there's some discretion still, and we try to err in
19 the favor of offering the program if we can when
20 circumstances are appropriate. It's been very
21 successful, and you know, getting the peers to
22 precinct, that was a real logistical problem as well.
23 That's working out. The PPS, the performing provider
24 system on Staten Island which is amalgamation of the
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2 medical providers who are working to bring down
3 Medicaid and Medicare costs, they gave us some
4 initial funding, and so it's worked out pretty well
5 and we're pretty optimistic about it. Because
6 otherwise, you know, with that charge you would just
7 be going through the revolving door of justice and
8 getting back to what you were doing. This way we're
9 giving people an option that we hope is for HOPE, and
10 so it's so far so good. I should also say that the
11 Police Commissioner-- I know I speak to him, I know
12 he's coming later. But at the press conference where
13 the Mayor announced his Heal NYC program, the
14 Commissioner was there as well, and he spoke about
15 hoping to bring it to other parts of the City as
16 well, because the initial numbers had been pretty
17 positive, and we hire-- we have two people in our
18 office who coordinate it. They're directors, and
19 thanks to the funding that we received last year that
20 we were able to hire them. So, thank you.

21 COUNCIL MEMBER MATTEO: Great. Thank
22 you, Mr. District Attorney. Thank you, Madam Chair.

23 CHAIRPERSON GIBSON: Thank you very much,
24 Minority Leader Matteo. Next we'll have Council
25

1
2 Member Vincent Gentile followed by Council Member
3 Rory Lancman.

4 COUNCIL MEMBER GENTILE: Thank you, Madam
5 Chair, and thank you all for being here today. I'll
6 get right to it. Mr. Goldstein, I'm just curious. I
7 heard this morning that there was a new drug takedown
8 of a drug called "White China." Is that-- and it's
9 new to New York City, is that?

10 CHIEF FRAZER: Yes, actually, DA Gonzalez
11 announced an arrest yesterday of 35 individuals who
12 were in possession of heroin, cocaine and something
13 called furanylfentanyl which was imported from China,
14 and the people on the street who were using it
15 referred to it as White China. So, everything that
16 Steven was saying, we could see that it's getting
17 worse, because fentanyl by itself is dangerous
18 enough, but then this new opioid, furanylfentanyl,
19 which is illegal on a federal level, but not on a
20 state level because it's not included in the opioid--
21 in the charts of controlled substances. It's
22 something new that has hit the street, and that's
23 something that we're very interested in prosecuting.

24 COUNCIL MEMBER GENTILE: Okay, thank you.
25 Thank you. I just want to DA Vance. By the way, you

1
2 have a great card here on hate crimes. It's very,
3 very creative. I wanted to ask you, you testified
4 about collateral consequences to convictions and that
5 you have a unit looking at that.

6 DISTRICT ATTORNEY VANCE: We'd like to
7 stand up a unit that focuses on that and provides
8 support to the whole office.

9 COUNCIL MEMBER GENTILE: To the whole
10 office, right. So, when you look at that, what is
11 the outcome? Do you actually make different plea
12 offers? What is the practical--

13 DISTRICT ATTORNEY VANCE: [interposing]
14 The outcome can depend upon the information that is
15 provided to the Assistant as a result of the research
16 done by the unit, prospectively. Every case is
17 different, and the collateral consequences of a plea
18 may be different depending upon the nature of the
19 charge, the nature of the issue, immigration as
20 opposed to some other disqualifying event, and
21 frankly it-- I think we-- it's at this point in time
22 when we think we need to be particularly smart about
23 collateral consequences as we look at cases coming
24 into our court, but we feel that the same questions
25 regarding collateral consequences are being asked by

1 the 600 Assistants over the entirety of the office,
2 and we want to make sure that there is commonality of
3 information to all 600 and also that we are more
4 coordinated among cases that we are reviewing for
5 collateral consequences so that individual A in one
6 courtroom who has an issue doesn't get erratically
7 different result than individual B in another
8 courtroom with another Assistant District Attorney
9 when they have the same issues.
10

11 COUNCIL MEMBER GENTILE: I see, okay.

12 So, and that's an ongoing--

13 DISTRICT ATTORNEY VANCE: [interposing]

14 Well, we do it now, but we do it essentially in every
15 bureau and every Assistant individually but this-- we
16 just believe strongly that this kind of expertise is
17 specialized and that specialized expertise can make
18 the work of the Assistants better, fairer, more
19 informed.

20 COUNCIL MEMBER GENTILE: Great. I just
21 have to move on because of the time factor here. I
22 want to ask all the DA's here about arrest to
23 arraignment time, and certainly the law requires
24 arrest to arraignment within 24 hours, but I think
25 anything short of 24 hours can serve as a good

1 performance metric for each of the DA's offices. So
2 I'm curious if you could just relate to us what your
3 latest statistics are in each office of the arrest to
4 arraignment time?
5

6 DISTRICT ATTORNEY VANCE: Nineteen.

7 COUNCIL MEMBER GENTILE: Nineteen, and any
8 explanation if you want.

9 DISTRICT ATTORNEY CLARK: Well, we were
10 the worst in the City, I remember, over 24 hours.
11 We've gotten it down to as little as 20. I think
12 we're at 22 right now.

13 COUNCIL MEMBER GENTILE: Twenty-two?

14 DISTRICT ATTORNEY CLARK: Uh-hm.

15 DISTRICT ATTORNEY MCMAHON: So, we are--
16 Staten Island is around 20, but I want to give the
17 caveat that we do not have 24-hour arraignments, and
18 our weekend courts are limited to just a few hours in
19 the morning. So, we have a lot of hold-overs because
20 of that, and but if you break down the components, if
21 you look from complaint to arraignment time, or
22 actually from appearance of officer to through
23 complaint to arraignment, our numbers are comparable.
24 So, our office is doing-- we're moving cases through
25 our office pretty well, but because of physical

1 limitations and other factors that Staten Island
2 faces including limited hours from arrest to delivery
3 to us is a longer period of time. So, we're working
4 with the PD to get that down as well.
5

6 COUNCIL MEMBER GENTILE: Okay.

7 ASSISTANT DISTRICT ATTORNEY RYAN: For
8 last year--

9 COUNCIL MEMBER GENTILE: [interposing]
10 Sorry.

11 ASSISTANT DISTRICT ATTORNEY RYAN: Okay.
12 For last year we were at 16 hours 0.19. What's that?
13 Sixteen hours and 30 minutes, something like that.

14 COUNCIL MEMBER GENTILE: That's I guess
15 the lowest.

16 ASSISTANT DISTRICT ATTORNEY RYAN: As a
17 matter of fact, it is.

18 COUNCIL MEMBER GENTILE: It is. Matter of
19 fact it is, okay.

20 CHIEF FRAZER: Yes, we are at 20 which is
21 up 1.2 percent from last year. However, we are
22 working again with NYPD and with actually OCA to
23 address those.

24 CHIEF GOLDSTEIN: Most of our cases are
25 processed through Manhattan Criminal Court and we're

1
2 roughly around the same time as the Manhattan
3 District Attorney's Office.

4 COUNCIL MEMBER GENTILE: Okay. Now, it
5 was suggested, I guess, by DA McMahon that certain
6 resources have to be available for arrest arraignment
7 to happen in more efficient manner. So, what
8 additional resources might be used to bring down
9 arrest arraignment times? That's for anybody here.

10 ASSISTANT DISTRICT ATTORNEY RYAN: I
11 mean, we put in an enormous amount of resources in to
12 keep maintaining those times. The DA personally
13 monitors the schedule three times a day. First thing
14 in the morning he keeps track of what happened the
15 night before. We put senior people in in-take over
16 the course of the weekend. I don't know if we've
17 ever mastered the art of getting specifically funded
18 for it which is probably shortcoming on our part, but
19 we have senior people working every weekend. We just
20 bolstered the number of supervisors I have. We have
21 paralegals that are designated as expeditors, and the
22 main thing I think is the DA's personal involvement,
23 I mean, tracking it literally three times a day to
24 see where we are, and we hate snow. It ruined our
25 times.

1
2 DISTRICT ATTORNEY CLARK: I think for the
3 Bronx we need more staff to do it. You know, we--
4 because we've gone vertical, it takes a lot more
5 staff to process the cases. I think also our
6 antiquated system, you know, there's a lot of
7 glitches in the whole case tracking system that is
8 causing a lot of delays for us, almost to the point,
9 I mean, I'm ready to throw those machines out the
10 window and start all over, but I can't just do it
11 that way. So we constantly monitor it. We put in
12 new supervisors. We even have expeditors now, people
13 dedicated to arraignments and the complainant to work
14 nights and weekends to help us also do that as well.

15 COUNCIL MEMBER GENTILE: And you're
16 vertical from arraignment--

17 DISTRICT ATTORNEY CLARK: [interposing]
18 We're vertical from the complaint.

19 COUNCIL MEMBER GENTILE: From complaint--

20 DISTRICT ATTORNEY CLARK: [interposing]
21 That's what-- that's the goal. It's not 100 percent,
22 but we're well, well on our way there.

23 COUNCIL MEMBER GENTILE: I have other
24 questions, but my time is up. I'll be back hopefully
25 if you allow me. Thank you.

1
2 CHAIRPERSON GIBSON: Okay. Thank you very
3 much, Council Member Gentile. Next we'll have
4 Council Member Rory Lancman followed by Council
5 Member Elizabeth Crowley.

6 COUNCIL MEMBER LANCMAN: Good morning,
7 everyone.

8 UNIDENTIFIED: Good morning.

9 COUNCIL MEMBER LANCMAN: It's good to see
10 you all. One of the problems that is vexing the
11 criminal justice system is the tremendous amount of
12 delays particularly in Criminal Court. My committee,
13 the Committee on Courts and Legal Services, had a
14 hearing on it last year. The-- I know each of your
15 offices in your own ways have tried to deal with the
16 problem, but just by way of background for 2015, the
17 average wait for a jury trial in Criminal Court was
18 571 days, and the average wait for a bench trial was
19 479 days, and I know in Queens in particular we
20 talked about how often there is simply just not a
21 judge available to try a case. And I raise this in
22 the context of an issue that we're having with the
23 Mayor's Office where the Mayor has certain number of
24 appointments to be able to make to Family Court,
25 Criminal Court and Interim Civil Courts. I don't know

1 if you're aware of this, but there are currently I
2 believe the number is eight Interim Civil Court
3 Judgeships that are available to the Mayor to appoint
4 which he is refusing to appoint. And as you know,
5 almost all of those judges, if not all of them, what
6 does it matter, of course, be assigned to the
7 Criminal Court to handle arraignments and trials, and
8 etcetera. So, can you just give me an update on
9 where we are with the state of the speedy trial
10 crisis in the Criminal Court in your respective
11 jurisdictions? I know that you all have done
12 tremendous work within confines of the resources and
13 the operational changes that you can name, but if any
14 of you can tell me that speedy trial crisis has been
15 solved, I mean I'd be happy to hear it.

17 DISTRICT ATTORNEY MCMAHON: I'll go quick
18 and just give you a Staten Island perspective. We in
19 the beginning of last year got a third Criminal Court
20 Judge full-time, but which in theory would be
21 helpful, but we don't have the necessary court
22 officers. We don't have the necessary clerks. We
23 don't have the necessary space to actually have three
24 parts running the jury trials or non-jury trials at
25 the same time. So, it's-- and then though to your

1
2 point, even when you have three judges, between
3 vacation time and between time-out time, whatever
4 have you, who's doing weekends and then getting time
5 off comp-time, it's not too often that they're there.
6 So, it would be wonderful to have another judge and
7 we could do hearings, but at the same time you need
8 other resources as well. A judge alone can't do it.
9 The crisis I think in Criminal Court goes deeper than
10 its judges and everything necessary to make a
11 courtroom run.

12 DISTRICT ATTORNEY VANCE: for us it's not
13 so much a speedy trial crisis. It's a question in
14 any trial situation. We need judges. We try to
15 focus the Office of Court Administration. They've
16 listened. Many of us at this table go to God knows
17 how many MOCJ meetings. I've yet to go into a
18 meeting on this particular topic. We keep raising it.
19 They keep telling us they're going to get there.
20 It's a very bad situation and people have to-- you
21 know, it's-- the Criminal Court is a war of
22 attrition. Whoever gives in first is going to win.
23 We need to get more cases tried. It's better and
24 there have been improvements. I don't want to
25 discount there's been improvements, but you have

1 realize where we came from. In 2015, in a county of
2 2,200,000 people we had eight Criminal Court jury
3 trials. Last year I think we got it up to 20
4 something. That's still nowhere near enough. We
5 need more. There has to be more focus on the court
6 that deals with, what is it, 90 percent of the
7 criminal cases are handled in the Criminal Court, and
8 it gets about 10 percent of the attention. We need
9 those judges. We need them right away.

11 COUNCIL MEMBER LANCMAN: I assume the
12 Bronx could use another judge or two?

13 DISTRICT ATTORNEY CLARK: Yes. Well,
14 since I left and my Chief Assistant Judge Dawson
15 left. We used to help in that matter, but yeah, it's
16 a matter of having more judges as DA McMahon said.
17 More st-- every time you put a judge it takes more
18 than just the judge, the clerks and everything else.
19 We-- and in my situation because I'm focusing so much
20 on the old cases, I'm really ready when I say I'm
21 ready, and it just, you know, doesn't get out. To
22 the OCA's credit, at least in the Bronx, Judge Grasso
23 [sp?] who's the supervising judge has set up
24 something that he calls Trial Fridays. So his
25 Criminal Court judges work Monday through Thursday on

1
2 their regular assignments, but there's a number of
3 them that are available on Friday, and their duties
4 are to do the bench trials that they can do on
5 Fridays, and we've been having some success with
6 that. So that has helped, but you know, the more
7 judges the better.

8 DISTRICT ATTORNEY VANCE: This has been a
9 significant problem in Manhattan since I started. I
10 think it really became noticeable when the state cut
11 OCA's budget about six years and that led to reduced
12 trial hours. It led to reduced court officers,
13 reduced staff, and ever since that happened, I think
14 we've been trying to dig our way out of a hole. So
15 in 2015 in Criminal Court, which I completely agree
16 with my colleagues, is the court that actually should
17 get a lot of attention because it's our success or
18 lack of success in dealing with these young people
19 who come into it, which may define whether they come
20 back again. Since we don't fully staff it or we
21 don't staff it and resource it as much as we should,
22 A, don't think we're delivering justice as well as we
23 can, but in 2015 we had 1,500 cases in Manhattan
24 where both the defense and the prosecution showed up
25 ready for trial and there was no court to go to. It

1
2 could be they didn't have enough court officers. It
3 could be that they didn't have judges, but you know,
4 I'm not trying to be flip, I just don't think this is
5 rocket science. If you don't have-- if you have
6 judges, then cases will move fast, because people who
7 are-- and lawyers and prosecutors who said trial is
8 starting next week, they make decision about whether
9 that case will or will not go forward, but if you
10 only have a couple of judges if the system is like a
11 pond backing up, and what happens in that pond when
12 it's backed up and stale is that it's inadequate,
13 unfair justice system where people lose witnesses who
14 don't want to come to court for the third time, and
15 it's unfair to the defendants whose cases should be
16 adjudicated quickly.

17 COUNCIL MEMBER LANCMAN: Could we just
18 hear Brooklyn's perspective?

19 CHIEF FRAZER: Yes. The only thing I
20 would add to what DA Vance said was that I was happy
21 to hear him mention also staff and court officers,
22 because we experience a number of instances while we
23 do have a dearth of judges where-- in Criminal Court--
24 - where we would have both sides ready and no court
25 officers, and in Brooklyn it's a little different

1
2 additionally because of how our jail is not at the
3 same location as the courthouse and the court offices
4 therefore have to provide security to different areas
5 so that I know they are repeatedly asking for more
6 court officers. So there's a number of things that
7 have to be looked at in order to improve the speedy
8 trial in Criminal Court.

9 COUNCIL MEMBER LANCMAN: Thank you.

10 CHAIRPERSON GIBSON: Thank you, Council
11 Member Lancman. We've also been joined by Council
12 Member Chaim Deutsch and Council Member Inez Barron.
13 Now we will have Council Member Crowley followed by
14 Council Member Robert Cornegy. Thank you.

15 COUNCIL MEMBER CROWLEY: Thank you.

16 Thank you to our Chair and good morning to all the
17 District Attorneys and representatives from the
18 District Attorney's Office. I'm going to ask the
19 same question of each office, and I think it's a
20 quick answer. It's just what is the starting salary
21 of new District Attorney, generally somebody just
22 coming out of law school?

23 DISTRICT ATTORNEY VANCE: \$62,500.

24 DISTRICT ATTORNEY CLARK: The Bronx is
25 \$61-2,000.

1
2 DISTRICT ATTORNEY MCMAHON: Staten Island
3 is \$68,000.

4 ASSISTANT DISTRICT ATTORNEY RYAN:
5 \$64,500 unadmitted, \$65,000 admitted.

6 CHIEF FRAZER: Sixty thousand dollars in
7 Brooklyn.

8 COUNCIL MEMBER CROWLEY: Six zero even?

9 CHIEF FRAZER: Yes.

10 COUNCIL MEMBER CROWLEY: Now, it's
11 interesting to see how it ranges from 8,000 dollars.
12 Now, what is the average cost of your seasoned
13 Assistant District Attorney and the new ones, all of
14 them combined, divided by the number of-- do you
15 happen to know that number?

16 DISTRICT ATTORNEY VANCE: Line ADA in our
17 office who does not have a title such as Bureau Chief
18 or Supervisor, it's about 80-- \$85,000.

19 DISTRICT ATTORNEY CLARK: In the Bronx
20 it's \$86.

21 DISTRICT ATTORNEY MCMAHON: And I would
22 just say Staten Island is very much close in that
23 range, right, in that-- but that's assuming close to
24 eight years-- eight to 10 years' experience I think
25 before they go up to the Bureau Chief level.

1
2 ASSISTANT DISTRICT ATTORNEY RYAN: In
3 that experience range, I would say we're about the
4 same, somewhere in the high 70's, low 80's.

5 CHIEF FRAZER: In Brooklyn for those less
6 than five years, \$70,800. The agency average,
7 however, for more than five years is \$88,950, but
8 that includes some of the supervisors.

9 COUNCIL MEMBER CROWLEY: So supervisors
10 is about the same, would you say? Do you think that
11 you all have enough or similar resources for your
12 needs? Do you feel that-- it's hard to pit one of
13 you versus another county, but the starting salaries
14 range significantly, but do they range when you get
15 to be mid-level or experienced ADA? They seem to be
16 about the same, but what about your supervisory
17 staff? If we could start at Manhattan.

18 DISTRICT ATTORNEY VANCE: So, Council
19 Member, I just got the answer. The best we can do is
20 say that if you put all the ADA's in the pot,
21 including supervisors, the average is 100,000.
22 That's 600 lawyers.

23 DISTRICT ATTORNEY CLARK: Right, yeah.

24 COUNCIL MEMBER CROWLEY: Okay.
25

1
2 DISTRICT ATTORNEY CLARK: See, ours is
3 different. My 86 is only just ADA's, you know,
4 including-- it includes everybody even the
5 supervisors. So that's-- the average of the whole
6 office is at 86.

7 COUNCIL MEMBER CROWLEY: Okay.

8 DISTRICT ATTORNEY MCMAHON: I can get you
9 an average number. I don't have it prepared before
10 me today, but I do think that, you know, there's some
11 vagaries and we were the lowest, and then we did
12 some-- because we got a little budget, we raise it up
13 a little bit. But I do think it's fair to say that
14 their-- within some variations I think the numbers
15 are fairly comparable amongst the different offices.
16 I say that, you know, more anecdotally than
17 empirically, but I've never heard of any great
18 disparity amongst the different offices.

19 ASSISTANT DISTRICT ATTORNEY RYAN: And
20 it's difficult to calculate because you really have
21 to look at an office and see how senior it is at any
22 given level. If two-thirds of your assistants are
23 there-- over half of our offices where there's more
24 than 10 years. We're blessed by that. It's a great
25 feeling for the DA to know he's got experienced

1
2 people to put just about everywhere, but they come at
3 a cost. So, the fact that we have that many over 10
4 years really adds to our cost. It's the cost we're
5 willing to pay, and you make the adjustment for that,
6 quite frankly, by reducing-- I hear the Bronx is
7 hiring 125 for this coming September. We're hiring
8 20. You make your adjustments along the way. I
9 would say if we averaged everybody in the office,
10 everybody, it probably works out to, you know, just
11 under 100, 100, something like that, but it's very
12 hard to-- everybody's on a different plane depending
13 on, you know, how senior they are.

14 CHIEF FRAZER: Yeah, I have to echo what
15 Jack was just saying, because for example, as I think
16 about it, in our Appeals Bureau most of the people
17 there upwards 20 years in the office, and so that
18 throws it off a little bit, but again, a little over
19 100,000 if you look at the entire office. For a
20 supervisor it's in terms of an average--

21 COUNCIL MEMBER CROWLEY: [interposing]
22 Right.

23 CHIEF FRAZER: including that.

24 DISTRICT ATTORNEY MCMAHON: I think it's
25 interesting that someone who's been 20-plus years in

1
2 our office I'm sure and Brooklyn as well is making
3 about what a newly admitted lawyer coming out of law
4 school is making at a top law firm.

5 DISTRICT ATTORNEY CLARK: And I think--
6 I'd like to add, because I looked at the numbers. I
7 know we have a big compression problem as well from
8 the bottom and in between, but the average of all our
9 ADA's is 86, and when I looked at the average of the
10 other officers, tried to get a sense, there's came
11 out to about 95. So that's why I came up with my
12 8,600 dollar difference between my office and the
13 others.

14 COUNCIL MEMBER CROWLEY: And recently the
15 Bronx was able to get more resources to hire
16 additional staff because of the needs at Rikers
17 Island.

18 DISTRICT ATTORNEY CLARK: Not only Rikers
19 Island, but the vertical prosecution system requires
20 more Assistant DAs, so with the help of you last
21 year--

22 COUNCIL MEMBER CROWLEY: [interposing]
23 Right.

24 DISTRICT ATTORNEY CLARK: I got the money
25 to do that. Now I'm hiring them, but again it's

1 still at that low level, and the other people-- while
2 I'm hiring 120, we lost 100 last year because of
3 attrition. So, really, I'm running in place.

4
5 COUNCIL MEMBER CROWLEY: Just while we're
6 talking about what your office is able to do in terms
7 of the prosecution early you mentioned the concurrent
8 sentences verse consecutive sentences.

9 DISTRICT ATTORNEY CLARK: Yes.

10 COUNCIL MEMBER CROWLEY: Now, I would
11 imagine a lot of the people who are there on Rikers
12 Island who are getting arrested again or getting
13 prosecuted again for crimes that happen there happen
14 to have started in the District Attorney of one of
15 your neighboring counties.

16 DISTRICT ATTORNEY CLARK: Yes, all five
17 boroughs.

18 COUNCIL MEMBER CROWLEY: So, how do you
19 each work together to make sure that you can maximize
20 the sentence to make sure that we can do whatever we
21 can to make Rikers Island safer and to deter--

22 DISTRICT ATTORNEY CLARK: [interposing]
23 That's a great question, Councilwoman Crowley, and it
24 just so happens that we are-- we have just started
25 efforts to prioritize the most violent of those crime

1
2 drivers at Rikers and that has taken us to have to
3 speak to each of the five offices to speak to those
4 assistants, or each office has given us a
5 representative that is familiar with those people
6 that are on that list, and we're now collaborating to
7 see, you know, getting the cases ready, whether if
8 it's a Brooklyn homicide-- for example, we have a
9 person by the name of John Doe that's there now,
10 right? He has a homicide in Brooklyn. He has a
11 homicide in Queens, and I have 20 cases against him,
12 14 of them are felonies. Last week he slashed
13 another prisoner. I had to go into court to ask for
14 a lock-down order for him because he is violent and
15 it is unsafe for the officers, the other inmates as
16 well. Because of this effort that we have now,
17 Brooklyn is on board. I spoke to DA Gonzalez. His
18 case is ready. My cases are ready. OCA got
19 involved. I spoke to the Chief Administrative Judge.
20 We're all going to sit down, and these Rikers cases
21 now are going to be prioritized so that we can get
22 these people out of Rikers Island.

23 COUNCIL MEMBER CROWLEY: And at the end--

24 CHAIRPERSON GIBSON: [interposing] Council
25 Member, I'm sorry--

1

2 COUNCIL MEMBER CROWLEY: [interposing]

2

3 Wait--

3

4

CHAIRPERSON GIBSON: I just need you to
5 wrap up very quickly, please.

5

6

COUNCIL MEMBER CROWLEY: Okay. When he
7 gets sentenced for all the crimes, the two murders in
8 the two different boroughs and the 18 to 20 or
9 however many--

9

10

DISTRICT ATTORNEY CLARK: [interposing]

11

Well, that's if he gets sentenced. We got to get a
12 conviction first.

12

13

COUNCIL MEMBER CROWLEY: Were--

14

CHAIRPERSON GIBSON: Got to be convicted
15 first, okay.

15

16

COUNCIL MEMBER CROWLEY: But will be one
17 judge that handles all of those--

17

18

DISTRICT ATTORNEY CLARK: [interposing]

19

No, it can't be one judge because the cases are in
20 different jurisdictions.

20

21

COUNCIL MEMBER CROWLEY: There's no way
22 to move them into--

22

23

DISTRICT ATTORNEY CLARK: No.

24

CHAIRPERSON GIBSON: Okay.

25

COUNCIL MEMBER CROWLEY: No. Okay.

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DISTRICT ATTORNEY CLARK: No.

CHAIRPERSON GIBSON: Thank you very much,
Council Member. Next we will have Council Member
Corney followed by Council Member Williams.

COUNCIL MEMBER CORNEGY: Thank you, Madam
Chair. Good morning to all of the District
Attorneys.

DISTRICT ATTORNEY CLARK: Good morning.

COUNCIL MEMBER CORNEGY: I have a
statement. I want to just say that I realize the
difficulty that there must be faced in district-- for
District Attorneys who find themselves under
political pressure about particular cases in a big
city like New York, and I wanted to particularly
address my statement to DA Cy Vance on the recent
indictment on the White Supremacist case. Some of
the charges that stand out to me are: murder in the
second degree as a crime of terrorism; murder in the
second degree as a hate crime. To me those are
landmark indictments being brought at a very volatile
time in this country and especially in the City. I
want to commend you for taking the bold action to
start to look at what we view as to be domestic
terrorism to some degree, and I just want to know if

1
2 you have seen these charges brought in other
3 jurisdictions similar across the country, because I
4 wasn't able to really find that.

5 DISTRICT ATTORNEY VANCE: Thank you,
6 Council Member. Our office has developed an
7 expertise in terrorism over the last eight years
8 beyond the domestic terrorism that you refer to. So
9 our office has already-- is in this space, so to
10 speak. I'm not aware of other local offices around
11 the country who have charged terrorism indictments.
12 There may be. I believe the Bronx did more than a
13 decade ago in relation to a gang, but I think that
14 case ultimately was reversed on appeal. So, I think
15 we are-- we're sort of uniquely in this space, but I
16 think that being in Manhattan, it's-- we have to find
17 a way. We have to be there and able to take those
18 cases that the federal government and prosecutors may
19 not be able to take and in some cases may not want to
20 take, but we believe representing New York and our
21 constituents that these cases should be brought.
22 With regard to a decision in the tragic case of 10
23 days ago, we simply felt that analyzing this under
24 the terrorism statute and given all the facts and the
25 statements of the defendant as to his intent, that it

1
2 was exactly the appropriate charge to bring, and that
3 case falls squarely with within what we believe
4 domestic terrorism statutes are designed to address
5 and prevent.

6 COUNCIL MEMBER CORNEGY: So, I guess my
7 last question is a controversial question. Have you
8 at this point gotten pushback from your colleagues
9 in-- not your City colleagues, around the country?
10 Have you heard any murmur of descent about bringing
11 those charges because to some people it could
12 potentially open up the ability to bring those
13 charges? So, some of us, you know, under these
14 circumstances and with groups that have propagated
15 hate--

16 DISTRICT ATTORNEY VANCE: [interposing]
17 Right.

18 COUNCIL MEMBER CORNEGY: would have liked
19 to see this in the past.

20 DISTRICT ATTORNEY VANCE: Well, first and
21 foremost, Council Member, the jurisdiction, the state
22 jurisdiction, has to have the laws, and after
23 September of 2000-- after the terrorism attacks in
24 2001, our state legislature quickly passed laws that
25 in many respects mirror federal laws involving

1
2 terrorism, and so our state has those laws, and I
3 simply can't state whether those laws exist in the
4 other 49 states. But to answer your question
5 directly, I have received no pushback with regard to
6 our decision. If I received pushback, it would more
7 likely come-- although none has come from our federal
8 colleagues who may have felt that it was more
9 appropriately brought in federal court, but thus far,
10 there has been no negativity from other prosecutors
11 about our decision. That's been relayed to me.

12 COUNCIL MEMBER CORNEGY: I'll just end my
13 comments by saying certain communities in this city
14 and around the country appreciate the idea of
15 bringing charges that are consistent with what the
16 acts were and taking the opportunity to do that at
17 this time puts as a city at the forefront as we
18 should be at making these decisions. So I personally
19 appreciate it.

20 DISTRICT ATTORNEY VANCE: Thank you.

21 CHAIRPERSON GIBSON: Thank you very much,
22 Council Member Cornegy. Now we'll have Council
23 Member Williams followed by Council Member Barron.

24 COUNCIL MEMBER WILLIAMS: Thank you,
25 Madam Chair. I thank you DAs and DA's offices for

1
2 your testimony. I have a couple things I want to get
3 through, so if I push along it's only because of the
4 time that I have. First, I know what opioid crisis
5 is an epidemic now. I do appreciate the way DA
6 McMahon has been handling the opioid crisis. I have
7 to point out it's been frustrating to view just in
8 the history of drugs the way these things are treated
9 in different communities, and so I'm glad that we're
10 now treating it as human beings who need assistance,
11 but I feel like that didn't happen prior when there
12 was drug abuse in other communities with more melanin
13 in their skin. So I understand now that officers are
14 walking around now with the anecdote. I just want to
15 know, how do you decide which drugs deserves to have
16 that kind of resource? Is that available for other
17 communities where it's not perhaps opioid, but
18 something else? What discussions are happening in
19 other DA offices?

20 DISTRICT ATTORNEY MCMAHON: What I can
21 say to that is the program that I outlined, the HOPE
22 program, it's all substances, anything on the
23 schedule, right? So any charges for possession for
24 controlled substances is handled there. And we have
25 statistics, it's not only--

1
2 COUNCIL MEMBER WILLIAMS: [interposing]

3 This was particularly for the anecdotes. Is it
4 nasoprine [sic], what's it called?

5 DISTRICT ATTORNEY MCMAHON: Naloxone.

6 COUNCIL MEMBER WILLIAMS: Yes.

7 DISTRICT ATTORNEY MCMAHON: Yeah, it's my
8 understanding the way that works is that it impedes
9 the receptor in the brain that adheres to the opium
10 or the morphine molecule. So I do not know if it
11 would apply-- if it would work with other overdose
12 situations. But all the other programs that we have
13 initiated deal with all substance abuse issues, not
14 just opium or heroin.

15 COUNCIL MEMBER WILLIAMS: Sure. It just
16 seems all of a sudden we have an anecdote for this.
17 There were other communities that were dealing with
18 drug overdoses and drug crimes, and they weren't
19 treated this way. So my hope is that maybe this is a
20 new way. Are we looking into particularly marijuana
21 arrests but other drugs that people who were arrested
22 that may have been-- should have been put in
23 treatment or maybe have been overcharged, are we
24 looking at some of those crimes, particularly on
25 marijuana, to reduce those crimes or wipe them out?

1
2 DISTRICT ATTORNEY CLARK: Well, I think
3 that there's been a progression over the years
4 between changing the Rockefeller Laws to make the
5 sentences less penalties for drug crimes to opening
6 up so many drug treatment courts now so that the way
7 the drug cases are handled, I know in the Bronx at
8 least, especially for people who are addicted is
9 different than it was 20 years ago when the crack
10 epidemic hit where everything was arrest, arrest,
11 arrest, and you just go to jail. There was no
12 options. Now with the drug treatment courts we have
13 the ability now to recommend instead of prosecution
14 they go into treatment, and when the treatment is
15 over it re-pleaders [sic], they can re-plead their
16 case or things of that nature, and a lot of diversion
17 cases a lot like what DA McMahon is doing. So I
18 think the approach is different now because of the
19 progression on how we deal with drugs. As far as
20 naloxone, that-- I don't know how long that's been
21 around, but that's the way the public health area is
22 dealing with the opioid epidemic now.

23 COUNCIL MEMBER WILLIAMS: Thank you. I'm
24 not-- I only have a couple minutes, but I thank you
25 for that.

1 DISTRICT ATTORNEY CLARK: Okay.

2 COUNCIL MEMBER WILLIAMS: I'm glad we're
3 viewing it now as public health now and have that.
4 We should have before, because a lot of people in
5 jail now because they weren't viewed this way.

6 DISTRICT ATTORNEY CLARK: Right.

7 COUNCIL MEMBER WILLIAMS: I have a
8 question about police-involved shootings,
9 particularly when it's questionable when there's
10 someone unarmed. Does the DA have access to police
11 officers' records in terms of substantiated or
12 unsubstantiated complaints against them when they're
13 trying to get an indictment?

14 DISTRICT ATTORNEY CLARK: Yeah, the DA has
15 to work with the Police Department. Normally, it's
16 the force Investigation Unit of the Police
17 Department, and when you have an officer who is under
18 investigation for one, the DA does have access to
19 those records.

20 COUNCIL MEMBER WILLIAMS: If that's the
21 case, I just want to put on record the former DA of
22 Staten Island, Dan Donovan, had access to Officer
23 Pantaleo's records and still wasn't able to get an
24 indictment, and that says to me that he didn't want
25

1
2 one and that he had a reprehensible disregard for
3 black life then and probably still does now. I did
4 have some respect for him. I've lost it all, and it's
5 very unfortunate that that is the case. He's now in
6 Congress. He was rewarded for that disregard of
7 black life, but it is unconscionable that anybody
8 could have looked at that tape, period, and not get
9 an indictment, and now seeing what he saw and still
10 not even get an indictment, not even a not guilty,
11 just an indictment to move forward I think is
12 reprehensible, and I just want to make sure I make
13 those comments on the record. Lastly, I also want to
14 associate myself with the comments of Council Member
15 Cornegy. I thank you Cy Vance. Your office and I
16 did speak about what the plans were at that time. I
17 wasn't sure whether you'd be able to do it. I'm glad
18 to see that you were. Yours is one of the first
19 institutions, I guess, that was mentioning terrorism.
20 The way that was handled by many institutions in the
21 City I think was very disrespectful to the black
22 community, the killing of Timothy Caughman, what was
23 done in the Daily News. The Post, I expect it from.
24 They're a rag, but they were still-- the response or
25 lack of response from many institutions including the

1 Administration at that point in time I think was-- I
2 don't even know what the word is. I am still waiting
3 hopefully for law enforcement to speak to that
4 community to tell them what they're doing to make
5 sure that something like that doesn't happen again.
6 I'm surprised it hasn't happened yet. So, thank you
7 for doing that. I'm sure it took some courage, and I
8 appreciate your effort there. Thank you.

10 CHAIRPERSON GIBSON: Thank you, Council
11 Member Williams. Next we'll have Council Member
12 Barron.

13 COUNCIL MEMBER BARRON: Thank you, Madam
14 Chair. Thank you to the panel that's here. I echo the
15 comments of my colleagues, Council Member Cornegy and
16 Council Member Williams, and I think that until we
17 acknowledge and understand that this present day
18 situation that we have which has a culture of
19 allowing police officers to kill unarmed children,
20 men, women, and not have appropriate consequences is
21 going to continue the culture that we see. Not only
22 are they not appropriately sanctioned, they get
23 rewarded. Last week there was an article that said
24 now Inspector Chell, who was in 2008 a Lieutenant,
25 killed an unarmed man, Ortanzso Bovell. There was

1 never a department investigation. There were never
2 charges that were brought by the DA at the time,
3 Charles Hynes. There was a civil suit which the
4 family brought. The jury heard evidence, ballistic
5 evidence which they say contradicted Inspector
6 Chell's testimony that he was falling and his gun
7 discharged. The jury heard ballistics evidence which
8 led them to conclude he was lying, Inspector Chell,
9 and that he had to have been standing at the time
10 Bovell was shot in the back. We want to know what
11 the District Attorney, and I know Brooklyn DA is not
12 here, but his representative, what he plans to do
13 based on this new information that has come to light.
14 So whoever is representing. I'm not sure who is here.
15 If you would address that first.

17 CHIEF FRAZER: Council Member Barron, I
18 have not had a conversation with DA Gonzalez on this.
19 I will do that and get back to you in short order.

20 COUNCIL MEMBER BARRON: Thank you. As I
21 said, this is a pattern going back many, many, many
22 decades. We know Clifford Glover was shot in the
23 back, 10 years old, five feet, less than 100 pounds,
24 and they thought he fit the description of two men
25 that they were looking for. So there's a pattern

1 here, and it has created a culture, and my concern
2 also is the close relationship between the DA's and
3 the NYPD, because you need them to conduct your
4 investigations. You rely on evidence. That's
5 problematic. That's problematic, and I think it's
6 important that we do now have an independent
7 investigator who will look at those kinds of cases,
8 and we're going to look to see if in fact we can't
9 bring that investigator in on this issue of Inspector
10 Chell killing Bovell by shooting him in the back when
11 he was unarmed. So we're going to look to see if in
12 fact we can do that as well. And I do have
13 legislation which says there should be a moratorium
14 on any kind of advancement for officers who are under
15 investigation, okay? We know that in the killing of
16 Ramarley Graham 30,000 dollars was added to the
17 officer's salary since he has killed Ramarley Graham
18 unarmed. So, I think that that's an important issue,
19 and I look forward to working with all of you as we
20 seek to get justice so that we're not expected to not
21 believe what our eyes show us is actually happening,
22 that we're supposed to push that to the side and say,
23 no, we're not seeing what we're seeing. That's not
24 really a choke-hold. That's not really the cause of
25

1 death. So, I look forward to making sure that we
2 change the culture that exists so that police
3 officers know they are not above the law, that they
4 will be indicted, and hopefully we'll get the justice
5 that families have not gotten. Thank you.

7 CHAIRPERSON GIBSON: Thank you very much,
8 Council Member Barron, and for the sake of time I'm
9 not going to ask any questions. I've had an
10 opportunity to meet with each of your offices, and in
11 your testimony today you really outlined extensively.
12 I think there is obviously a common denominator on
13 courtroom needs, capacity, document retention,
14 database of your cases, federal potential cuts from
15 the federal government. The Speaker in her State of
16 the City announced several initiatives that she's
17 supporting with many of your offices so that
18 obviously we will make sure that that remains a
19 priority, but just in terms of the work we're doing
20 to address the opioid abuse and the addictions that
21 are happening across the City, obviously hate crimes
22 that are going on in our communities. We want to
23 make sure that we're focusing obviously on treatment
24 and prevention and less detention. So we appreciate
25 all of the efforts that your offices are embarking

1
2 on, the community partnerships, the warrant amnesty,
3 the gun buy-back, I could go on and on, but truly
4 thank you. It's been a pleasure working with you
5 last year's baselining of 22 million dollars so that
6 all of your offices could get the support you need,
7 and even now in 2018 with the new fiscal year you
8 still remain challenged, but MOCJ is coming this
9 afternoon. So we will certainly ask them questions as
10 well followed by the NYPD, but I encourage you in
11 your constant communications with OMB with OCA to
12 please let the Council know how we continue to be
13 helpful. Once we commence with all of our hearings
14 this week, the City Council will put forth its budget
15 priorities for the Administration to review and then
16 we will be working with them over the next several
17 weeks before the Executive Budget comes out. So, I
18 look forward to working with you. Certainly we'll
19 keep talking to you and hoping that we can see a lot
20 of what your offices need in the Executive Budget
21 before we commence with more hearings later on this
22 season. So thank you once again to our District
23 Attorney of Manhattan, Cy Vance, District Attorney of
24 the Bronx, Darcel Clark, District Attorney of Staten
25 Island, Michael McMahon. Thank you very much John

1 Ryan for coming on behalf of Queens DA Richard Brown.
2 Thank you Steven Goldstein on behalf of Special
3 Narcotics Prosecutor Bridget Brennan, and thank you
4 Leroy Frazer on behalf of Acting Brooklyn District
5 Attorney Eric Gonzalez. Thank you all. We look
6 forward to working with you, and thank you once again
7 for being here.
8

9 UNIDENTIFIED: Thank you.

10 UNIDENTIFIED: Thank you.

11 [break]

12 COMMITTEE COUNSEL: Ladies and gentleman,
13 please at this time we're going to resume our
14 hearing. Can you please quiet down and find your
15 seats. CCRB just see a Sergeant at arms to fill out
16 testimony forms whoever is going to be speaking.
17 Thank you so much.

18 CHAIRPERSON GIBSON: Good afternoon,
19 ladies and gentleman. Welcome back to our Budget
20 Hearing of the Committee on Public Safety. I'm
21 Council Member Vanessa Gibson, Chair of the Committee
22 representing the 16th District in the Bronx, and this
23 afternoon we have the fiscal 2018 Preliminary Budget
24 hearing. We just heard from the District Attorneys
25 and the Special Narcotics Prosecutor and now we will

1
2 hear testimony from the Civilian Complaint Review
3 Board. I want to thank all the members of the
4 Committee and my colleagues who are here. The Fiscal
5 2018 Preliminary Budget for CCRB remains nearly
6 unchanged since the Fiscal 2017 Adopted Budget. This
7 afternoon, I hope to learn more about the priorities
8 that are not reflected in the Administration's plan
9 as well as an update on several initiatives that have
10 been implemented by the CCRB during the previous
11 fiscal year. I'd like to acknowledge and recognize
12 CCRB, our Chair Maya Wiley, the General Counsel,
13 Matthew Kadushin, our Acting Executive Director,
14 Johnathan Darche, and our Senior Advisor and
15 Secretary to the Board, Jerika Richardson. Thank you
16 everyone for being here. My deep apologies for the
17 delay, but I thank you for your work, your
18 partnership, and look forward to your testimony
19 today, and now I'll turn this over to our Legislative
20 Counsel to administer the oath before you proceed
21 with your testimony. Thank you.

22 COMMITTEE COUNSEL: Please raise your
23 right hand. Do you affirm to tell the truth, the
24 whole truth and nothing but the truth in your
25

1
2 testimony before this committee and to respond
3 honestly to Council Member questions?

4 CHAIRPERSON GIBSON: Thank you very much.
5 You may begin.

6 CHAIRPERSON WILEY: Thank you Chairperson
7 Gibson and members of the Public Safety Committee.
8 It's a pleasure to be here today with you. We have
9 and I have testimony that we will offer for the
10 record. I thought in the interest of time since
11 you're running behind I might just make a few remarks
12 based on that testimony rather than reading it so
13 that we could get into discussion. What I really
14 wanted to preface this by saying is what a tremendous
15 privilege it is to serve as the Chair of the Civilian
16 Complaint Review Board. I've been Chair for about
17 eight months now, and part of why it's so important
18 right now is we are actually at a moment in time
19 where both the conversation nationally about police
20 oversight and very important issues to the City of
21 New York like "stop and frisk" are very much under
22 debate in the new Administration in Washington D.C.,
23 and the New York City Civilian Complaint Review Board
24 is a civilian oversight body that's not just the
25 largest and the oldest, it is one that community

1
2 leaders, elected officials fought for starting in
3 1965, and in the current form that we're in we really
4 got to not until 1993 because it was long slow fight
5 to increase civilian oversight over the NYPD. So one
6 of the things I thought it was important to do given
7 this unique period of time that we're in is to really
8 flag one, some of the things that we think have been
9 so important that make us unique as Civilian
10 Oversight Review Board in the country, some of the
11 things that we think we've done a very good job of
12 and some of the areas where we think we have
13 opportunities to grow and improve. So, starting with
14 our uniqueness, you know, we believe that we are the
15 only Civilian Oversight Review Board in the country
16 that has the Administrative Prosecutions Unit whereby
17 if we as a board decide that a case that has been
18 substantiated should have charges or specifications
19 is actually our prosecutors that we have on staff
20 that independently prosecute those charges inside the
21 administrative process at the New York City Police
22 Department, and that is a critically important power
23 that's just existed since 2012, and it makes us
24 unique in the country. We're also one of only eight
25 Civilian Oversight Review Boards that has a Mediation

1 Unit. That's incredibly important because that's
2 such an opportunity to create-- to both increase the
3 positive relationships and understanding between
4 police and community. I mean, in addition to that we
5 now have a training unit, and that means we're able
6 in-house to both increase the capacity, the skills
7 and the effectiveness of our investigators, and we
8 believe that's unique, and the size and effectiveness
9 of our Outreach Unit. While there are other Outreach
10 Units in other Civilian Oversight agencies, we are
11 still one of the few that has an Outreach Unit and an
12 Outreach Unit that has grown substantially both in
13 size and in effectiveness. So what I would highlight
14 is our successes that we're both very proud of and
15 that we're going to continue to focus on is the fact
16 that we now have investigations completed in a record
17 period of time. We are at 148 day's average
18 completion on investigations, and that is down 60
19 percent from 2015. So, that's a substantial
20 increase, and at the same time we've actually
21 increased quality of our investigations, not
22 decreased quality, and one of the major reasons
23 being, as I said, our training unit and the fact that
24 we focused on that as well as reorganizing how the
25

1 trained-- the Investigations Unit has been
2 structured. And one example of how our effectiveness
3 has increased is the fact that we also have the, in
4 the past two years, the highest substantiation rates
5 on allegations and that's been incredibly important
6 to us. A big reason for that, of course, is also
7 increased presence of video evidence. For example,
8 in 2014, we had video in only five percent of our
9 cases. We're up to video in 18 percent of our cases
10 in 2016. So we're very much looking forward
11 obviously to body-worn camera roll-out and the fact
12 that we hope to be able to increase our ability to
13 determine what happened in any individual case as a
14 result of more video. That also matches an increase
15 in our concurrence rate in the sense that the Police
16 Commissioner has been agreeing to impose discipline
17 when we have recommended discipline. So we are now in
18 2016 at an 83 percent concurrence rate. In 2013,
19 that rate was 57 percent just to give you a sense of
20 the steady increase that we have had each year.
21 Mediation, as I said, is an important area for us
22 because we think it really is a way for cases that
23 are eligible for mediation that we can increase both
24 the effectiveness of policing and the ability of
25

1 complaints to get satisfaction through the process.
2 Our success rates when cases are mediated are
3 extremely high, 98 percent in 2015 and 80 percent in-
4 - 88 percent in 2016. And finally, the fact that we
5 have been able to radically increase our outreach
6 efforts. We are now literally have seen a 259
7 percent increase in outreach presentations in 2016.
8 That's an astounding number because we've both been
9 able to increase our capacity and we have a
10 phenomenal team, and that team is also particularly
11 focused on populations that are vulnerable and that
12 we want to make sure they're aware of us, what we do,
13 and that they can come to us if they have complaints.
14 That includes people who are homeless, LGBTQ
15 populations, residents of public housing and people
16 who are formerly incarcerated, and that's in addition
17 to the fact that we have now of the seven board
18 meetings I've presided over as Chair, we have had
19 three of them in communities where we have high rates
20 of complaint in three boroughs, including in the
21 Chairwoman's district. So, that's incredibly
22 important to us and we have actually laid out a
23 schedule for being in community every other board
24 meeting for the rest of the year, and we will
25

1
2 continue to do that, and I've seen tremendous
3 interaction and dialogue as a result about what's
4 happening with policing in communities where we see a
5 high rate of complaint. We still have work to do,
6 and we are not either resting on these as lurals
7 [sic] or suggesting that there are not areas of
8 improvement for us, and two particular focal points
9 that I will flag is public education and engagement
10 is incredibly important, and our Outreach Unit has
11 demonstrated the importance of it through its
12 presentations. We really think one of the things we
13 hear from community when we're out there as a board
14 is there's still far too many people who don't know
15 who we are, who don't know what we do, and who don't
16 know how to contact us, and we have to change that,
17 and we also have the ability to think, as our board
18 meetings have demonstrated, the ability to foster
19 more dialogue about what's happening with policing in
20 communities to be able to be more proactive at
21 identifying and preventing problems that may come
22 down the road. So we're looking forward to finding
23 ways to do more of that. The other one I will flag
24 is our truncation rates. That is the rate of cases
25 that we have that we close because we cannot complete

1 investigation. That rate for us is too high. It's
2 something we would like to bring down. Something
3 we're working on right now is actually just looking
4 at where are there opportunities for us in our
5 investigations process to make sure we're doing
6 everything we can to keep people engaged throughout
7 the investigation. Generally, we're not able to
8 complete the investigation because people start
9 cooperating with the investigation and we can't make
10 a determination. So, that's one thing that we can do
11 right now, but we are also looking at creative ways
12 to try to experiment with additional ways to bring
13 those truncation rates down. With that, as I said,
14 substantiation-- the ability to conclude what happens
15 in an investigation to lower our unsubstantiation
16 rate, to know whether we should be exonerating,
17 finding a case unfounded, or substantiating
18 allegations. We're hoping that body-worn cameras
19 will increase our ability to have a conclusion about
20 what happened in any allegations. So, that's
21 something we will be tracking obviously quite
22 aggressively. I will stop there and invite any
23 questions.
24
25

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2 CHAIRPERSON GIBSON: Thank you very much.
3 That was quick. And I thank you for your testimony.
4 We do have it, and you know, you and I have had a
5 chance to meet to talk about some of the priorities
6 that CCRB has. Certainly want to commend you just
7 in, you know, under a year. I think you've been
8 absolutely critical to CCRB and not only giving it a
9 new meaning, honestly, but also giving it life. I
10 think the broader New Yorkers and you know, targeting
11 many of those communities that have been under, you
12 know, served for many, many years that have the
13 greatest challenges with law enforcement. Its'
14 really great that we're looking at creative
15 approaches to reaching them, and I myself have senior
16 staff at precinct council meetings. The CCRB board
17 meetings that you've held in Bronx, Brooklyn and
18 Queens have been very successful, the community
19 partnership efforts. Many of my constituents simply
20 do not want to travel to 100 Church Street. That's
21 the reality. A lot of it about mobility, but it's
22 also about affordability as well, right? And
23 especially knowing that, you know, the case may
24 require them to travel and come back, documentation.
25 So, I appreciate the work that CCRB has done to

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2 expedite cases. Like, that was probably the number
3 one priority that we needed to do. So I wanted to
4 ask a couple of questions in terms of some of the
5 Fiscal 2017 challenges that we had faced with Level
6 I/Level II investigators, promotional path. I think
7 you along with the DAs are facing some of the
8 challenges around starting salary and retaining
9 staff, right? Going through the process of not just
10 attracting the best and the brightest but keeping
11 them. You're losing them too many other law
12 enforcement agencies. So can you talk about some of
13 the work CCRB has done to address the entry of new
14 investigators and also the promotional path.

15 CHAIRPERSON WILEY: Absolutely, and I
16 one, want to both thank you for your kind remarks
17 about me and really reflection on the team. We have a
18 full staff of leadership here with us today and I
19 really want to commend the staff which has been very
20 committed and worked extremely hard on these. The
21 issue with the investigators, so you know, we-- in
22 early 2016 we created a pathway for promotion for
23 Level I, Level II and Level III investigators. Level
24 I investigators make just over 38,000 dollars. This
25 can increase to over 52,000 dollars after the first

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2 successful year at Level II and to over 60,000
3 dollars after 18 months at Level III. Obviously,
4 we're hoping that this is going to continue to
5 increase our retention rate, and that's something
6 that we're going to track.

7 CHAIRPERSON GIBSON: Great. And then can
8 you also just talk about the database that CCRB has
9 in terms of how do you maintain documents, and
10 obviously making sure that from beginning to end the
11 same investigator is working on that particular case?
12 Can you just give us a little bit of how that works?

13 CHAIRPERSON WILEY: I'm going to turn
14 that over to our Interim Executive Director.

15 EXECUTIVE DIRECTOR DARCHE: So, the--
16 good afternoon.

17 CHAIRPERSON GIBSON: You can raise it.

18 EXECUTIVE DIRECTOR DARCHE: So, the CCRB
19 uses a variety of case tracking tools. The main one
20 we refer to is CTS for Case Tracking System, but
21 we've also built a number of apps around that, around
22 CTS, such as the voting app and CTS utilities. We
23 have tools in place to track who is using, who's
24 accessing what case and it is-- the technology is
25 old. It's state-of-the-art for like 1985, and so we

1
2 are working on updating our technology in our Case
3 Tracking System.

4 CHAIRPERSON GIBSON: You said 1985,
5 right?

6 EXECUTIVE DIRECTOR DARCHE: Yes.

7 CHAIRPERSON GIBSON: Okay. I just wanted
8 to make sure.

9 CHAIRPERSON WILEY: Yes.

10 CHAIRPERSON GIBSON: I'm sure you're not
11 the only agency that falls in that category. We're
12 trying to do our very best to ensure that we can
13 embrace the 21st century and more technological
14 advances. I wanted to quickly just ask one question
15 about the outreach efforts, because that's an
16 incredible increase of 259 percent and the 977
17 outreach presentations. Can you just describe a
18 little bit about what that entailed? Was it
19 borough-based? Was it neighborhood-based? How did
20 that look and what is your future plans as well?

21 CHAIRPERSON WILEY: So, our outreach
22 team, one thing to note is thanks to the support of
23 the Administration and the City Council went from one
24 outreach position to six. So, that obviously greatly
25 expanded our capacity to do outreach. It is

1
2 community-based and borough-based. We have staff
3 assigned by borough, but staff also develops
4 relationships with everything from a neighborhood
5 school to community-based organizations as well as,
6 as the Chairperson noted, elected-- local elected
7 officials and what that means is we actually identify
8 and offer presentations both to groups that exist who
9 have community facing impact and where we can access
10 more community members, schools, but public housing
11 we've done presentations in public housing as an
12 explicit effort to reach more folks I public housing.
13 We will also obviously attend Community Board
14 meetings, precinct meetings, any organized meetings
15 where we have an opportunity both to learn, but offer
16 presentations we will do.

17 CHAIRPERSON GIBSON: And then I have two
18 final questions before I turn it over to my
19 colleagues for questions. What has been the
20 relationship you've had as Chair and your agency with
21 the NYPD under the new Commissioner as it relates to
22 CCRB recommendations? I think many in the public
23 talk about police accountability, holding every
24 individual accountable for their actions and not
25 really understanding the work and the recommendations

1 that CCRB can recommend, right? We know some of the
2 more extreme cases that hit the paper have been
3 highlighted around criminal sanctions through the,
4 you know, prosecutorial effort, but also the vacation
5 and sick time and other measures such as that. How
6 often does the NYPD agree with the recommendations?
7 Has their relationship improved, and where do you see
8 some of the challenges that currently remain?

10 CHAIRPERSON WILEY: So, I think those are
11 incredibly important questions. I will start with
12 the relationship. We have had a very collaborative
13 relationship with the NYPD. We have both set up
14 quarterly meetings with the Police Commissioner and
15 senior staff so that we have a regular conduit of
16 communication whether or not we have something in
17 particular to discuss or not, so that we have a
18 constant way of being in communication with one
19 another formally. Obviously, at the staff level, the
20 Deputy Commissioner level and with our senior staff
21 there are also conversations that happen in between
22 those meetings on specific issues or questions or
23 possibilities for increasing effectiveness that come
24 up. So far we have seen nothing but a very positive,
25 open relationship. Having said that, as I said, our

1
2 concurrence rates are very high. We can't pull out
3 data specific to this commissioner today, since this
4 commissioner started not long after I did. We both
5 came in relatively at the same time. Obviously we
6 will be able to do that more in the future, but our
7 concurrence rates remain very high. What we can't
8 tell you is-- we can tell you that there is
9 concurrence, meaning agreement, with a recom-- that
10 there be discipline. In terms of answering the
11 question about what the discipline is in terms of its
12 consistency with our recommendation, that's a little
13 more complicated, and that would be an area I think
14 of improvement for us.

15 CHAIRPERSON GIBSON: Okay. What are--
16 the new needs that you identified for this fiscal
17 year, do you have amounts ready for us?

18 CHAIRPERSON WILEY: We do not. We're in
19 discussion with OMB now.

20 CHAIRPERSON GIBSON: Okay.

21 CHAIRPERSON WILEY: And we look forward
22 to coming back and talking about that.

23 CHAIRPERSON GIBSON: Okay, great. Just
24 wanted to make sure because I didn't see it, so I
25 wanted to make sure. The other thing I wanted to

1
2 ask-- and you know, obviously there was a recent
3 action I'll say that CCRB made against one of the
4 employees in the agency. So I wanted to find out
5 what policies we have in place now that CCRB is
6 protecting the privacy of both civilians who file a
7 complaint as well as police officers. What are we
8 doing to ensure that we maintain the highest level of
9 integrity on both sides for both civilians that file
10 a complaint so they feel comfortable should there be
11 another complaint, but also for police officers as
12 well?

13 CHAIRPERSON WILEY: That's also a very
14 important question. So, let me start with-- we
15 actually did not take action against the employee
16 because the employee resigned before action was
17 taken. So just as a matter of fact there was a
18 resignation, but there was no question that we
19 identified the person that we believe leaked and that
20 we would have started personnel action if that person
21 had not resigned. The short answer is that our
22 systems have been quite effective as this instance
23 demonstrated in our ability to identify whether or
24 not there was an improper release of confidential
25 documents. And so obviously we'll continue to review

1
2 our systems as we always will over time to ensure
3 that we're updating them and getting them to a pla--
4 to continue to keep our technology fresh, but our
5 technology has enabled us to identify the problem and
6 we're very happy to say that it was an isolated
7 incident.

8 CHAIRPERSON GIBSON: Okay. And the action
9 would be the same if it was also a civilian that, you
10 know, basically made an allegation that their
11 information was--

12 CHAIRPERSON WILEY: [interposing] correct.

13 CHAIRPERSON GIBSON: Okay.

14 CHAIRPERSON WILEY: For us, this is an
15 issue of public trust. We have confidential
16 documents with not-- and we have a process and its
17 due process for all involved in investigation in
18 every single investigation. So from our standpoint,
19 in order to protect what the Civilian Complaint
20 Review Board is, which is an independent body that
21 reviews these matters case by case, it's critically
22 important that we have strong systems that protect
23 all involved. So from our standpoint the issue is
24 protecting the public trust and that means everyone
25 who is involved in the process.

CHAIRPERSON GIBSON: Okay. Thank you.

Let me ask Council Member Lancman, you have questions? Oh, okay, great. So I'll continue. Moving forward, CCRB reviews a number of issues. So, in the past we've talked about LGBTQ community, vulnerable New Yorkers, homeless New Yorkers, and your agency has administered a series of reports. So, I wanted to find out once you issue those reports and there are recommendations that are made, obviously most if not all of the recommendations will fall to the NYPD, how often and what is the process by which they would institute any of those recommendations and what happens if there is a disagreement and they choose not to, how does that process work?

CHAIRPERSON WILEY: So, that's also a question we've not yet fully developed in terms of our relationship with the Police Department under the new Commissioner.

CHAIRPERSON GIBSON: Okay.

CHAIRPERSON WILEY: And obviously, I came on just as Commissioner Bratton was leaving. I would say that number one, you're absolutely correct that many of our recommendations are directly focused on

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2 NYPD and our hope and our experiences have been that
3 where we can raise those issues in our conversations
4 with them, hash out where or how they should shift.
5 There are areas of ongoing conversation, obviously,
6 that we're going to continue to have with the new
7 leadership at the Police Department. we're also
8 meeting regularly now with community-based groups and
9 advocacy groups to understand what they're seeing,
10 whether or not they're seeing changes, what kinds of
11 experiences they're having, where they have concerns.
12 A great example, because sometimes it's also not
13 what's in our reports, the benefit of being able to
14 have these dialogues with all sides of
15 police/community relationships is there are sometimes
16 uses that are flagged for us that we didn't write a
17 report about because community groups flagged them
18 for us. There have been instances in which we've
19 been able to go directly to the Police Commissioner
20 and say here's something that we think is easy to
21 fix, and the Police Commissioner has said to us,
22 "Great, I'll get a message out to fix it." And so we
23 have seen that level of cooperation, and we're
24 continuing to identify where we need to talk more
25 about policy issues and recommendations.

1
2 CHAIRPERSON GIBSON: And so moving
3 forward, how does the agency determine what the next
4 topic is that you will focus on? So, do you look at
5 all of your caseload and do you look at trends,
6 patterns, whether it's from a geographical
7 perspective, age, ethnicity, or any category where
8 you can say something is happening in this particular
9 community that causes us to look and review further?
10 Does that propel you to provide reports? So, for
11 instance, you recently did a report about Tasers, and
12 I know that's a conversation that we're constantly
13 having with the Department, but how do you figure
14 moving forward where you get your topics from to
15 focus on in terms of subject matter?

16 CHAIRPERSON WILEY: There are really
17 multiple ways in which we identify topics. One,
18 absolutely looking at our data and identifying trends
19 and saying here's a report that should be written
20 because we're seeing a trend. That is our public
21 education function and our ability to identify
22 opportunities to improve policing and
23 police/community relations. The second is sometimes
24 that we have a topical issue like Tasers where
25 something is changing so we determine that it's

1
2 appropriate to track and see what's happening, not
3 because we necessarily look at our data and see a
4 trend, but we think we should, and then we should
5 make that publicly available what we're seeing. So,
6 in the cases of many of our reports we're also
7 committed to updating the reports to see what happens
8 over time. Tasers being a very good example of that.
9 The third like with the report we did after the
10 symposium we did with LGBTQ communities around any
11 unique issues or vulnerabilities that come up with
12 policing where we identify a vulnerable population
13 and say let's have a look at the vulnerable
14 population and see how we understand policing in
15 their context and what recommendations we can make.
16 So sometimes it's literally just identifying
17 populations. Sometimes it's data trends. Sometimes
18 it's because something is changing in the world of
19 policing that we decide we should start looking at
20 what our data says and making it publicly available.

21 CHAIRPERSON GIBSON: Okay. Okay, and I
22 guess my last question, I thought Council Member
23 Williams had a question for you as well. There is a
24 lot of partnership that has to go on with CCRB and
25 the NYPD, right? Just because of the virtue of the

1 work you do. There are a number of legislative
2 efforts that this council has embarked on that had
3 been codified in local law where we've looked at,
4 year, enhanced training. We've looked at crisis
5 intervention to deal with emotionally disturbed New
6 Yorkers and when we roll out these, again, they're
7 massive because it's the entire department, the
8 uniform staff that's focused on getting this new
9 enhanced training. It's usually built into the
10 Academy curriculum. So how often and how does that
11 work for you and your staff to understand what's
12 happening, the nuances, the new initiatives, the new
13 partnerships right, because it all means patrolling
14 differently in our city like the Department has
15 Precision Policing that's a different model that
16 focuses on targeted New Yorkers that are the most
17 offenders of crime in the City. So how does CCRB
18 ensure that you're kept up to speed with the new
19 initiatives, and how do you make sure your
20 investigators are trained to understand because when
21 they get these cases they need to know what is
22 happening out in our community so they can best
23 handle that that particular complaint?
24
25

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2 CHAIRPERSON WILEY: So, we do that in
3 several ways.

4 CHAIRPERSON GIBSON: Okay.

5 COUNCIL MEMBER WILLS: One of the ways
6 obviously as I mentioned is that we have regular
7 meetings with the Police Department, and part of what
8 we can do in those meetings is obviously make sure we
9 understand what's changing and what we need to
10 understand. The second thing we do, obviously, is
11 have meeting-- even outside of those quarterly
12 meetings if there are things that are shifting that
13 sometimes it's a Deputy Commissioner-level
14 conversation with one of our senior team about that
15 specific thing ,DAO makes sure we get updates of any
16 changes in patrol guide that accompany any changes.
17 We also because we have our Internal Training Unit ae
18 able to take any changes that we're seeing and
19 incorporate that to in-service updates for our
20 investigators and that has been an incredibly
21 important mechanism for us to make sure that our
22 investigators are also remaining up to speed. And we
23 have, you know, it's the fact that we have so many
24 different points of contact with NYPD both formal and
25 informal has been what has enabled that. Now, one of

1 the things we're looking at is also identifying where
2 we can learn together about some opportunities for
3 change that we may not either one of us be seeing
4 unless we're talking about it. So, that's something
5 that we're talking about how we do more. The other
6 way is how we also feedback information to NYPD. So,
7 one of the things that we've done with the Risk
8 Management Unit is create a way to give feedback to
9 the Risk Management Unit about things that we may see
10 in our cases that even though we're not
11 substantiating allegations, that it indicates that
12 there's something that the department should be
13 thinking about that does relate to how its training.
14 So, for example, theoretically, you could have a
15 police officer dhow does something that is a problem
16 for police/community relationships but is not
17 actually misconduct because of the way they were
18 trained, and that's an opportunity for us to bring it
19 to the attention of the Police Department and say,
20 here's an opportunity for you because this is
21 creating a problem. It's not going to come back to
22 you as a substantiation. It's going-- but this is a
23 way for us to feedback information to you about
24 things you may consider changing and training.
25

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2 CHAIRPERSON GIBSON: Well, thank you so
3 much. None of my colleagues have any questions.
4 It's a pleasure working with you. I look forward to
5 working with you to address the needs for the new
6 fiscal year making sure that we'll have those
7 conversations to ensure that it can get into the
8 Executive Budget, and I look forward to seeing you at
9 Exec, and thank you for your work, and I appreciate
10 the partnership with the entire CCRB team. Thank you
11 very much.

12 CHAIRPERSON WILEY: And thank you for
13 the leadership of this committee. We really
14 appreciate the support and the oversight. Thank you.

15 [break]

16 COMMITTEE COUNSEL: Ladies and gentleman,
17 at this time please find your seat. We are going to
18 start. Thank you very much.

19 CHAIRPERSON GIBSON: Good afternoon,
20 everyone. Welcome back. I'm Council Member Vanessa
21 Gibson of the 16th district in the Bronx, and I
22 welcome you all to our Public Safety Committee
23 hearing of the Fiscal 2018 Preliminary Budget.
24 Earlier today we heard from the New York City's
25 Prosecutors, our District Attorneys and the Special

1
2 Narcotics Prosecutor, and we also just heard from the
3 Civilian Complaint Review Board. Now, we have with
4 us this afternoon, the Mayor's Criminal Justice
5 Director Elizabeth Glazer and her staff,
6 affectionately called MOCJ, and certainly before I
7 proceed I want to make sure I recognize Council
8 Member Rory Lancman is here with us. Thank you,
9 colleague. Many of us, we all know, the Mayor's
10 Office of Criminal Justice plays a critical role in
11 the cooperation and the coordination of many of the
12 City's agencies involved in all criminal justice and
13 public safety. Though their budget is supported by
14 the Mayor's Office, their work provides critical
15 resources, oversight, coordination, and policy
16 direction for criminal justice in our entire city. I
17 hope this afternoon to learn more about their
18 initiatives, their ongoing and continuous
19 partnerships, some of the recently announced
20 partnerships by the Administration and what role the
21 office continues to play in overseeing many of those
22 initiatives. And I just want to go on record, you
23 know, after-- before you begin just in saying that
24 Chairing this Committing and working with MOCJ it's
25 been an absolute and incredible pleasure and a

1 blessing. MOCJ oversees so much in this entire City,
2 and I can go down the list of every initiative that
3 we've worked on, and I guess out of everything if I
4 could pick what I'm most proud of is our new Office
5 to Prevent Gun Violence, and I certainly want to
6 credit our new Executive Director Eric Cumberbatch
7 and my colleagues Council Member Jumaane Williams and
8 Council Member Laurie Cumbo, and all of my
9 colleagues, the Speaker and everyone who's really
10 made sure that we continue to address the ongoing
11 violence in our communities. The DA earlier in his
12 testimony talked about the conceal to carry
13 legislation that's before Congress now where we may
14 be forced to comply with this backwards legislation
15 that allows anyone from any state to come into our
16 state with a weapon, and that's very scary, and I
17 think, you know, the fact that we're so impacted by
18 gun violence every day in our city is just really
19 disturbing. So I thank you for your partnership.
20 Unfortunately, I had a horrific homicide in my
21 district this week of a young 21-year-old young lady
22 who was killed and last night dozens of us gathered
23 in the community joined as one, Anti-Gun Violence,
24 Cure Violence, Eric was there, just to reassure a
25

1 family who is never going to be the same again.
2 They've lost a daughter. They've lost a niece, and so
3 I think about these families because there are so
4 many of them, and I commit every day to doing
5 everything in my power to make sure that we reduce
6 that. We are tired of going to funerals to say the
7 least, and I know, you know, I speak for all of my
8 colleagues when I say that. You know, we just want
9 to continue to push the button to get more creative
10 to constantly embark on partnerships that can really
11 make a difference in saving many of our young people.
12 So, just wanted to say that, you know, going on the
13 record that MOCJ does an incredible amount of work
14 and we could not have done all of this work in the
15 City without your leadership and the leadership of
16 all of your team who I'm proud to work with. So I
17 thank you for being here, and also want to recognize
18 your staff, Alex Crohn is here from the Mayor's
19 Office of Criminal Justice. We have Jean Claude
20 LeBec also from MOCJ as well as Nicole Torres, also
21 from MOCJ. So thank you for being here, and those of
22 you who are testifying and submitting testimony today
23 if you could just raise your right hand so we can
24 provide the Oath of Office. Thank you.
25

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2 COMMITTEE COUNSEL: Do you affirm to tell
3 the truth, the whole truth and nothing but the truth
4 in your testimony before this committee and to
5 respond honestly to Council Member questions?

6 CHAIRPERSON GIBSON: Thank you very much.
7 You may begin. Your microphone is not on.

8 DIRECTOR GLAZER: Yep. First, I just
9 wanted to--

10 CHAIRPERSON GIBSON: [interposing] Much
11 better.

12 DIRECTOR GLAZER: acknowledge your remarks
13 and, you know, nothing we could do or do do could be
14 done without the partnership of the Council and the
15 strong leadership that we've seen from you and your
16 colleagues, and so we thank you for that. And also
17 just wanted to take a moment to remember Ms. Alder.
18 That was a tragic, tragic murder. There is no murder
19 that isn't tragic, but there is particular resonance
20 to that, and so we move forward from that. We have
21 our eye on that ball. We're grateful to your support
22 for having been able to create the Office to Prevent
23 Gun Violence and look forward to further work from
24 that. So, good afternoon, Chair Gibson, Council
25 Member Lancman. My name is Elizabeth Glazer. I'm

1
2 the Director of the Mayor's Office of Criminal
3 Justice. I appreciate the opportunity to testify
4 today, and as you mentioned, I'm joined by my
5 colleagues, Nicole Torres, Alex Crohn, Jean Claude
6 LeBec and other members of my team are here who have
7 knowledge of an array of different topics that you I
8 know are interested, and so I'd just like to
9 introduce Christian Klossner who heads up our Office
10 of Special Enforcement, Eric Cumberbatch who you've
11 already acknowledged, Dana Kaplan who heads up our
12 Juvenile Justice work, Chidinma Ume who heads up our
13 work around case delay and case expedition, Renee
14 Francois, who together with Amy Sananman heads up the
15 Mayor's Action Plan for Neighborhood Safety. Our
16 office advises the Mayor on public safety strategy
17 and, together with partners inside and outside of
18 government, develops and implements policies that
19 reduce crime, unnecessary incarceration and promote
20 fairness. In the last three years in New York City,
21 we have seen an acceleration of the trends that have
22 defined the public safety in this city over the last
23 three decades. And while jail and prison populations
24 around the country increased, New York City's jail
25 population has fallen by half since 1990. And in the

1 last three years, the jail population dropped another
2 18 percent, the largest three year decline in the
3 last 20 years. This declining use of jail has
4 happened alongside record crime lows. Major crime
5 has fallen by 76 percent in the last 30 years and by
6 nine percent in the last three. And 2016 was the
7 safest year in CompStat history, with homicides down
8 five percent, shootings down 12 percent, and we
9 believe that this is a strong record that shows that
10 New York City's experience is continued and unique
11 proof that we can have both more safety and smaller
12 jails. My office's goal is to invest public
13 resources to further reduce both crime and
14 incarceration while promoting fairness, and to drive
15 towards that goal, we're pursuing a number of
16 strategies that can be grouped under three headings,
17 and I'd like to give an update on each today. The
18 first strategy is moving toward a risk-driven system.
19 If risk were the guiding principle in our justice
20 system, jail beds would be used by individuals who
21 pose a risk to public safety; those who are not
22 dangerous would wait for trial at liberty; and law
23 enforcement resources would be concentrated on the
24 few individuals driving violent crime. The goal is
25

1 to improve the criminal justice system's accuracy by
2 ensuring we can separate those few who should be
3 detained from the many who should not. Over the last
4 year, the City has taken many steps to move closer to
5 a risk-driven system, and we track a few indicators
6 related to risk: The first is the size of the jail
7 population. For the last three decades, as I
8 mentioned, the size of our jail population has
9 steadily declined, driven largely by intentional
10 efforts to reduce the number of people who enter and
11 how long people stay in jail, the two drivers of the
12 size of our population. Reducing the number of
13 people who enter jail is generally associated with
14 reducing the use of jail for individuals for low- and
15 mid-risk. On this score, last year, we saw that
16 misdemeanor and non-violent felony jail admissions
17 had fallen by almost eight percent. Defendants
18 facing misdemeanor and nonviolent felony charges are
19 now eligible for a new alternative to jail,
20 supervised release that rolled out just about a year
21 ago. Supervised release gives judges the option of
22 allowing eligible low-risk defendants to remain home
23 with their families and continue working while
24 waiting for trial and to date has diverted over 3,000
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2 people from jail since it was launched. The jail
3 population detained on bail under 2,000 dollars has
4 dropped 36 percent since 2014. During this same
5 period, the City has rolled out several programs to
6 make it easier to post bail more quickly, including
7 installing ATM's in every courthouse to ensure that
8 people have easy access to cash to post bail. We're
9 currently in the process of rolling out an online
10 bail payment system that will be operational in the
11 City later this year. The number of people with
12 behavioral health needs in the City is also down by
13 about seven percent. After this population steadily
14 increased for five years, the number of people with
15 behavioral health needs in the City has fallen in the
16 three years following the implementation of the
17 Mayor's Action Plan on Behavioral Health and the
18 Criminal Justice System. This plan includes
19 strategies that begin before arrest, extend to
20 reentry after jail to help people with behavioral
21 health needs get access to services that can help
22 them stabilize. And for those who do enter jail, the
23 City has continued to reduce the length of stay by
24 reducing case delay. Detainees awaiting trial at
25 Rikers for long periods of time are the single

1 biggest driver of the City's jail population. In
2 April 2015, in partnership with the courts, each of
3 the five District Attorney's offices, the defenders
4 and others, the City launched Justice Reboot, an
5 intentional effort to remove systemic causes of case
6 delay. Since this effort began, the length of
7 Supreme Court cases on which this initiative focused
8 has been reduced by an average of 18 days, the first
9 reduction in decades, and the number of severely
10 delayed cases, those older than three years, has been
11 reduced by half. We will be announcing further
12 efforts to reduce the jail population over the next
13 months in partnership with the many entities who are
14 working with us on this important issue. The second
15 indicator is the composition of the jail population.
16 As the overall size of the jails and population has
17 fallen and fewer people who pose a low risk are
18 detained, jail has been increasingly reserved in New
19 York City for those who pose a risk, either of flight
20 or to public safety. The proportion of the jail
21 population detained on violent offenses has increased
22 from about 30 percent of the population to almost
23 half over the past 20 years, while the number of
24 people held on felony drug charges declined by 78
25

1 percent, and the number of people held on misdemeanor
2 drug charges by 62 percent. These two trends have
3 accelerated in the last three years with the number
4 of jail admissions, as I mentioned, for misdemeanors
5 dropping by 25 percent since 2014, suggesting that
6 we're getting closer to the goal of reserving jail
7 for those who pose a risk. Additionally, the City
8 has repeatedly affirmed and remains steadfast in our
9 support of raising the age of criminal
10 responsibility, an effort that we hope may come to
11 conclusion as soon as the end of this week with the
12 work of the Legislature in Albany. Moreover, the
13 City is committed to moving 16 and 17-year-olds off
14 Rikers Island as a moral imperative that can't wait
15 for Raise the Age legislation to pass. To make best
16 efforts to move the adolescents, the City has so far
17 committed 300 million dollars in Fiscal 2017 budget
18 for both off-island options for adolescents currently
19 held on Rikers and the needed renovation of ACS
20 facilities. The City is also in the very final
21 stages of a feasibility study to explore possible
22 sites for a dedicated, modern facility that could
23 house the adolescent population off-Island.
24 Specifically, we are looking at the Crossroads
25

1 facility in Brooklyn in need of significant repair no
2 matter what in which we would consolidate the entire
3 detained ACS population, and we would use Horizon in
4 the Bronx as a dedicated facility for 16 and 17-year-
5 olds in DOC custody. The third indicator that we
6 follow is whether enforcement resources are targeting
7 the drivers of violent crime. While the overall
8 number of arrests have continued to decline in the
9 last year, arrests for murders were up 16 percent and
10 gun arrests were up almost 11 percent. The enhanced
11 enforcement is due in part to Project Fast Track, an
12 initiative the Mayor's Office announced last year in
13 partnership with the Courts, the New York City Police
14 Department, the City's five District Attorneys, the
15 Special Narcotics Prosecutor to institutionalize a
16 system-wide focus on the limited number of
17 individuals driving gun violence. This initiative
18 balances safety and fairness focusing on the few
19 high-risk individuals driving gun crime and
20 concentrating on building the strongest cases against
21 these individuals. An initial assessment of this
22 initiative's effectiveness will be published later
23 this spring. Additionally, in the last year, my
24 office in partnership with the police department, the
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2 First Lady's office, the Mayor's Office of Domestic
3 Violence, and experts inside and outside of
4 government launched a Domestic Violence Task Force to
5 reduce domestic violence by intervening as early as
6 possible, enhancing pathways to safety for survivors
7 and ensuring swift, effective and lasting enforcement
8 to hold abusers accountable. While overall crime has
9 fallen dramatically in New York City, domestic
10 violence homicides have remained relatively stagnant.
11 The Task Force is charged with developing durable
12 solutions to a problem that persists nationwide, and
13 their comprehensive, citywide roadmap, which will
14 include ways to ensure that law enforcement resources
15 are effectively reducing domestic violence, will be
16 released later this spring. In addition to moving
17 toward a more risk-driven system, the second
18 overarching strategy our office pursues is
19 investigating approaches to crime reduction that
20 extend beyond traditional law enforcement. In the
21 last year, as Chair Gibson noted, we launched in
22 partnership with the City Council, the Mayor's Office
23 to Prevent Gun Violence. New York City already has
24 the lowest incidence of gun violence of any major
25 U.S. city, and 2016 had the fewest shootings over 30

1 years; 40 days without any shooting whatsoever in the
2 City of New York. The new office will be the
3 backbone for innovative strategies that include
4 traditional law enforcement and extend beyond to
5 engage residents and neighborhoods as partners in
6 fighting crime. Chief among these strategies will be
7 overseeing an expanded Crisis Management System,
8 which includes teams of credible messengers to
9 mediate conflicts on the street and connect high-risk
10 individuals to services that can reduce the long-term
11 risk of violence. This approach has contributed to a
12 15 percent reduction in shootings in the 17 highest
13 violence neighborhoods in New York City since Mayor
14 de Blasio took office. The second major initiative
15 our office oversees to reduce crime through
16 innovative approaches that extend beyond traditional
17 law enforcement is the Mayor's Action Plan for
18 Neighborhood Safety, or MAP. In the last year, MAP
19 launched NeighborhoodSTAT, which brings residents of
20 15 high-crime public housing developments and
21 surrounding neighborhoods together with City agencies
22 to identify key public safety issues, review relevant
23 data, and work hand in hand in developing solutions
24 based on their combined expertise. NeighborhoodSTAT
25

1 is now operating alongside the other components of
2 the Mayor's Action Plan for Neighborhood Safety,
3 targeted law enforcement, physical improvements, and
4 expanded opportunities for work and play, to create a
5 model that has led to a reduction in index crime of
6 four percent and violent crime of six percent since
7 MAP began compared-- which is higher than the NYCHA-
8 wide crime numbers in those same categories. The
9 final overarching strategy I would like to discuss
10 today is ensuring not only that the system is fair,
11 but that New Yorkers see it as fair and legitimate.
12 This trust is the foundation of a well-functioning
13 criminal justice system, and it means in the most
14 pragmatic terms that people will call 911, appear as
15 witnesses, serve as jurors and grand jurors, and
16 follow judges' instructions. Public engagement is a
17 foundational public safety strategy. A key example
18 of this work is reforming the summons process so
19 individuals can more easily understand when and where
20 they need to appear in court and expand options for
21 doing so. In the last year, we partnered with the
22 NYPD and the state courts to rollout citywide a
23 series of changes that we believe will reduce the
24 number of warrants issued for summonses. These
25

1
2 changes include a redesigned summons form, a text
3 message reminder system before court dates, later
4 court hours to accommodate work schedules, flexible
5 court appearance dates, and a website that allows
6 individuals to access complete information about and
7 translations of their summons. These changes are
8 targeted toward reducing the high failure to appear
9 rate in summons court, which can lead to the court
10 issuing warrants that in turn can lead to unnecessary
11 arrests. As we continue to drive down both crime and
12 the use of jail in New York City, my office's
13 priorities will continue to be focused on solving
14 these difficult system challenges, allowing New York
15 City both to continue to be the safest big city in
16 the country and to reduce unnecessary incarceration
17 even further. Thank you very much for the
18 opportunity to testify here today, and I'd be pleased
19 to answer any questions.

20 CHAIRPERSON GIBSON: Great. Thank you
21 very much. I appreciate the detailed testimony, and
22 certainly myself and Council Member Lancman have just
23 several questions for you. So, first, since I talked
24 so much about my love and appreciation of the Office
25 to Prevent Gun Violence, I wanted to ask if it's

1
2 fully funded, or should we expect to see additional
3 funding maybe in the Executive Budget? And I wanted
4 to find out what will this office look like outside
5 of Eric Cumberbatch in terms of staffing? What will
6 we expect to see with this new Office to Prevent GV?

7 DIRECTOR GLAZER: So we're excited about
8 the future work and about the work that Eric and his
9 team are currently engaged in. the office currently
10 is staffed with Eric and four other people. We
11 anticipate hiring several other people. we're
12 already have identified two of those, and we also
13 believe that we'll have added to our baseline
14 approximately four million dollars to help deepen
15 that work that Eric is doing and to supporting the
16 Cure Violence teams and the associated other
17 nonprofits that form the Crisis Management system in
18 the 17 neighborhoods in which the office works.

19 CHAIRPERSON GIBSON: So, I'm glad you
20 brought up the Cure Violence initiative. With the
21 Office to Prevent Gun Violence, obviously it's
22 citywide focused but there are particular boroughs
23 and neighborhoods that account for most of the gun
24 violence, right, and I'm mildly speaking, so will
25 there be an emphasis in terms of the staff that Eric

1
2 and his team have, is there going to be a borough
3 approach? So are there going to be resources infused
4 in Bronx, Brooklyn? Like is that what we can see?

5 DIRECTOR GLAZER: Exactly. So I think
6 that is very much the vision to be able to be on the
7 ground in a very extensive way in the boroughs, and
8 maybe Eric, if you'd like to just come up and say a
9 few words if you need to--

10 CHAIRPERSON GIBSON: [interposing] Oh,
11 sure, yes.

12 DIRECTOR GLAZER: be sworn in and he can
13 give you--

14 CHAIRPERSON GIBSON: [interposing] Okay.

15 DIRECTOR GLAZER: a little bit of a feel
16 for that, if you'd like, Chair.

17 CHAIRPERSON GIBSON: Okay, well as he
18 comes up, because we have to bring a chair over, let
19 me just ask another question, because it ties into
20 the same work around gun violence. The Cure Violence
21 work and I am so grateful that the Mayor has
22 acknowledged publicly not just privately the support
23 of the Cure Violence model of the Crisis Management
24 System of the work that all of the grassroots
25 organizations are doing hand-in-hand with MOCJ,

1
2 working with the NYPD. They cannot and should not do
3 it alone. What I'm most proud of from our providers
4 is not only have we had success, we've had some of
5 our providers that have celebrated 365 days. I had a
6 chance to go out to Queens Bridge. Bronx Connect
7 Release the Grip is doing great work. We also have
8 Save Our Streets, SOS, Brooklyn, Crown Heights, South
9 Bronx, Morrisania that are doing just tremendous
10 work. In the Preliminary, the Mayor announced a 4.5
11 million dollars additional for the 17 catchment
12 neighborhoods. What I'd like to know is will that
13 focus, is that detailed? Because many of our
14 providers are giving jobs to young people. They have
15 Summer Youth and even all-year round which is exactly
16 what we want. So do you have an idea of where that
17 4.5 million will go to our neighborhoods?

18 DIRECTOR GLAZER: Yeah, very much so, and
19 just wanted to acknowledge for a second since you
20 mentioned Queens Bridge, one of the great successes I
21 think is it's not just Queens Bridge but there are at
22 least three other sites that saw 365 days without--

23 CHAIRPERSON GIBSON: [interposing] Okay.

24 DIRECTOR GLAZER: a single shooting.

25

1
2 CHAIRPERSON GIBSON: Okay, great. And
3 just state your name for the record, please?

4 ERIC CUMBERBATCH: Eric Cumberbatch.

5 DIRECTOR GLAZER: Eric, do you want to
6 just give a quick preview of how we're--

7 ERIC CUMBERBATCH: [interposing] Sure,
8 so--

9 DIRECTOR GLAZER: going to invest the 4.5?

10 ERIC CUMBERBATCH: So, the 4.5
11 investment, we're looking at bolstering the current
12 services of all of the Cure Violence sites. So
13 looking at resources that they currently have and
14 where there's gaps and needs that can strengthen each
15 of the 18 locations where we have Cure Violence
16 operating. So we're looking at potentially adding on
17 60 additional outreach workers. Those outreach
18 workers will not serve in a traditional sense of the
19 Cure Violence model. However, they would be
20 individuals that have key focus around employment
21 specialists, community organizers, resource
22 connectors, people that specialize and have a focus
23 around re-entry and integration coming back to
24 community and really just giving the groups a sense
25 of overall autonomy as we have a lot of organizations

1 that have very varying capacity. So we have somewhat
2 of a prescribed idea of what we would like to offer
3 to the organizations, but then for some of those
4 organizations who already have those needs met, to
5 give them the autonomy to fill gaps where there's a
6 lack in service provision. In terms of the five
7 boroughs and the office to prevent Gun Violence, when
8 we're fully staffed we'll have one coordinator per
9 borough. That coordinator will focus on the entire
10 borough, but have a very keen role on connecting the
11 CMS partnership internally with the current wrap-
12 around services, but also things that are going on
13 across the City. So we want to create the tie-in
14 between what PD is doing in that precinct, what the
15 DA's office are doing in that precinct, and other
16 partners that are deeply vested and have resources.
17 It's really about alignment, and we want to be
18 completely synced with all of the violence
19 intervention and interruption activities taking place
20 across boroughs.

22 CHAIRPERSON GIBSON: Okay. And can you
23 quickly talk about the trauma kits? I'm excited
24 because what many don't often realize unless they are
25 experiencing themselves, after a shooting and/or a

1 homicide, the trauma emotionally that a family
2 member, loved one and especially the friends. I
3 think last night's candlelight vigil highlighted the
4 incredible amount of love this young lady had in our
5 community, and the friends I think about so much
6 because I'm not sure that we in the work we do
7 capture friends as a part of this effort to address
8 post-shooting, post-homicide and the services we have
9 available for them.
10

11 ERIC CUMBERBATCH: Definitely, and we
12 look to engage not only with the victim's family or
13 even the network around the alleged perpetrator, but
14 everyone that's impacted in the community. We do
15 have a public safety tool kit that we utilize and
16 it's based on three core areas: what community
17 members can do to prevent violence in their
18 neighborhoods; what are some of the best practices
19 that they can employ around intervention, and then
20 where are the trauma-related services; where are the
21 resources in their community so that they can be
22 better connected and also serve as connectors? In
23 the particular case in the Bronx, you know, we have a
24 lot of very key and close advocates and volunteers
25 for our office. So we were able to align the family

1
2 and align the SOS team with Victim Services and a lot
3 of the other things that we can offer. We also make
4 this public safety tool kit available during or after
5 large scale law enforcement take-downs. So when
6 we're going into community recognizing that there's a
7 trauma when we've had individuals removed from the
8 household, how do we link families to services, and
9 how do we prevent the next generation from filling
10 that void?

11 CHAIRPERSON GIBSON: That's great, thank
12 you. I look forward to continuing to work with you
13 on that, and I appreciate that we're looking at it
14 from multiple perspectives. Many don't realize with
15 these massive take-downs, the siblings and the
16 friends and the family members that are really
17 impacted by that, and I think it took, you know, both
18 you and I to experience it and see it to make sure
19 that we connect the dots, right? So I look forward
20 to working with you on that.

21 ERIC CUMBERBATCH: Thank you, likewise.

22 CHAIRPERSON GIBSON: I want to get to some
23 other work that MOCJ is doing. Recently, the City
24 Council passed three pieces of legislation, the
25 Criminal Justice Reform Act, the-- we call it MOTs.

1
2 So it's the Office of Transitional Services as well
3 as the Office of Crime Victim Services. So I wanted
4 to ask, with all three of these new laws, the role
5 that MOCJ plays in terms of implementation and
6 specifically for CJRA because it's such a lengthy
7 and, you know, substantive law that involved OATH and
8 beefing up the staff at OATH. How are you working
9 with that to make sure that it's fully implemented?

10 DIRECTOR GLAZER: Yeah, so we're very
11 excited about the work around the CJRA. I think the
12 highlines [sic] are that there has been an enormous
13 effort across, as you noted, the multiple partners
14 necessary to make the transition from Summons Court
15 as we know it today to OATH, and we are completely on
16 track to have that up and running in July in--

17 CHAIRPERSON GIBSON: [interposing] Okay.

18 DIRECTOR GLAZER: including service and
19 the alternative service?

20 UNIDENTIFIED: Yeah.

21 DIRECTOR GLAZER: And so Alex, you want
22 to just give a quick little top lines?

23 ALEX CROHN: Yep.

24 DIRECTOR GLAZER: Sure.
25

1
2 ALEX CROHN: And so we've, on the
3 services, community service, we recently named the
4 Center for Court Innovation as a provider of
5 community service at OATH.

6 CHAIRPERSON GIBSON: Okay.

7 ALEX CROHN: And so it'll be fully up and
8 running this summer. It's been one of the smoothest
9 roll-out processes I've been able to be a part of, so
10 it's really been a great sort of group effort between
11 OATH, NYPD, DoITT, the Mayor's Office of Operations;
12 there are quite a lot of people involved.

13 CHAIRPERSON GIBSON: Okay.

14 ALEX CROHN: But it's been very smoothly
15 and we're absolutely on track.

16 CHAIRPERSON GIBSON: Okay. And you said
17 July would roll-out?

18 ALEX CROHN: Yes, that's correct.

19 CHAIRPERSON GIBSON: Okay. Now what about
20 the Office of Crime Victim Services?

21 DIRECTOR GLAZER: So, do you want to do
22 this one--

23 ALEX CROHN: [interposing] Sure, I can do
24 this one as well. So, part of the Office of Crime
25 Victim Services is providing a resource guide to

1
2 victims so that they can access, you know, necessary
3 housing resources after, you know, a crime has
4 occurred, the various resources that exist in the
5 City. So we're working on procuring for that right
6 now in order to provide a resource guide to victims.
7 As the Director mentioned, we also launched the
8 domestic violence taskforce and we anticipate--

9 CHAIRPERSON GIBSON: [interposing] Right.

10 ALEX CROHN: many of the recommendations
11 that come out of that will not necessary be DV-
12 specific. Many of them will, but many of them will
13 sort of impact crime victims generally. So that
14 will-- that's also been a part of this office, is
15 extending additional services to crime victims, and
16 we look forward to coming out with those
17 recommendations--

18 CHAIRPERSON GIBSON: [interposing] Okay.

19 ALEX CROHN: in the next couple of weeks.

20 CHAIRPERSON GIBSON: Is there--

21 DIRECTOR GLAZER: [interposing] And we--

22 CHAIRPERSON GIBSON: [interposing] Is
23 there-- and I'm glad you mentioned that because
24 sometimes when we think of crime victims we only
25 think of DV, but there are so many other New Yorkers

1
2 that are victims of a crime. How does that parallel
3 or are there any similarities between the NYPD's new
4 effort with Safe Horizon to provide services in the
5 precincts for victims of crime. Again, that's also
6 not just geared towards DV, but any victim of a
7 crime. Are there any overlap with that?

8 DIRECTOR GLAZER: So, I think one of the
9 things that's so critical about this new office which
10 is really sort of the resources is that-- and that
11 NYPD is very excited about is that it will-- right
12 now, they sort of put together by hand what the
13 resources are in every precinct or neighborhood to
14 give to their offices, and this will provide a kind
15 of easy access for them to do that and to have it
16 updated, and I think the other feature of it that
17 we're very excited about is that this work will also
18 be a key part of supporting some of the trauma work
19 that Eric discussed because it will be able to
20 highlight right away what those services are that are
21 available and make it easier to connect people to
22 them.

23 CHAIRPERSON GIBSON: Okay. And then
24 lastly the Office of Transitional Services, and I
25

1
2 understand these are individuals that are coming home
3 from Rikers Island or city jails--

4 DIRECTOR GLAZER: [interposing] Yeah.

5 CHAIRPERSON GIBSON: overall, giving them
6 resources similar to I may say a resource guide. Is
7 it similar?

8 DIRECTOR GLAZER: Yeah. Well, I actually
9 think that-- so I think these are definitely two
10 linked things.

11 CHAIRPERSON GIBSON: Okay.

12 DIRECTOR GLAZER: The Office of
13 Transitional Services we're very excited about, and
14 you may have seen that we announced yesterday a new
15 effort to--

16 CHAIRPERSON GIBSON: [interposing] For re-
17 entry.

18 DIRECTOR GLAZER: Yeah. To link every
19 city sentence person leaving Rikers with a job,
20 educational services, a navigator to help them get
21 back on their feet. So we see this as really a much
22 more coordinating and operational office that will
23 help identify where the issues are and where the gaps
24 are, and then be able to sort to link those services
25 together so that we are identifying and effectively

1
2 providing the right kind of services to people to
3 ensure they never go back to either jail or prison.

4 CHAIRPERSON GIBSON: Okay, great. Let me
5 have Council Member Lancman ask questions, because
6 I'm pretty sure as Chair of Courts and Legal Services
7 he'll have questions on the legal services aspect,
8 18B attorneys, I'm giving him questions as well as
9 all of our District Attorneys have courtroom space
10 issues and needs and priorities that MOCJ is very
11 much aware of that we always want to make sure we go
12 on record for. Council Member Lancman?

13 COUNCIL MEMBER LANCMAN: Thank you, and
14 good afternoon.

15 DIRECTOR GLAZER: Good afternoon.

16 COUNCIL MEMBER LANCMAN: So, I got to be
17 honest with you. I'm a little less thrilled with the
18 state of criminal justice, public safety in the City
19 than you are and the Administration is, and perhaps
20 some of my colleagues, and maybe that's just I'm a
21 glass half-empty kind of guy. Just, can the Sergeant
22 at Arms just make sure the door is closed in the back
23 because there's a lot of noise? Yeah, thank you. So,
24 the backdrop for this is I think the City is doing
25 way too much patting itself on the back when it comes

1 to the state of public safety in the City. The
2 reality is in 2016 there were just as many murders,
3 335 as there were in 2013, the last year of the
4 Bloomberg Administration, flat, no progress. For
5 the-- for two of the other seven index crimes that
6 make up our measurement of how safe we are in City.
7 Rape was up 3.6 percent comparing 2016 to 2013.
8 Felony assault was up 5.3 percent. And if you look at
9 the precincts throughout the City, what progress
10 there has been made on crime statistics have been
11 very uneven, and I don't think any of us would be
12 surprised to see that that unevenness comes in
13 communities of color. Just going through-- now, I
14 understand some of these questions or issues might be
15 better directed at a particular person, right? The
16 Police Commissioner, but you're the Director of the
17 Mayor's Office of Criminal Justice, so somehow it all
18 in some way, shape or form, you know, lands on your
19 desk. Alright? We start with the fact that we've
20 got a speedy trial crisis and acknowledge speedy
21 trial crisis in the criminal courts, and the Mayor
22 has still not appointed, as I believe the number is,
23 eight judges that would be available to be assigned
24 to criminal court to help relieve that crisis which
25

1 all of the District Attorneys testifying this morning
2 thought-- I'm characterizing their testimony-- was
3 ridiculous. We have the Justice Reboot program,
4 which we had a hearing on last year in the fall which
5 was designed to reduce the backlog at the time of
6 approximately 1,400 cases pending at Rikers Island
7 for a year or more. That backlog was reduced, but
8 now we have another 13,000-13,050 cases, at least
9 that was the testimony in the fall, and I was not
10 able to elicit from the people who were testifying
11 any identification of any systematic changes that
12 were going to be put in place so we're not just
13 continually replacing one cohort of 1,400 people with
14 another cohort of 1,400 people. On Raise the Age,
15 that's terrific that the Mayor supports raising the
16 age, we all do. We have identified some specific
17 things which the City has within its power to do to
18 mitigate the effect of New York not having Raise the
19 Age, and we'll see what happens this week. But we
20 have asked for an expansion of what I understand is
21 called Project Reset which Cy Vance testified about
22 earlier today which deters or sends young people on a
23 different track from being prosecuted for low-level
24 non-violent crimes. Right now I understand it only
25

1
2 exists in Manhattan and one precinct in Brooklyn. We
3 have urged the Mayor to expand it citywide and also
4 to give consideration to expanding who would be
5 eligible for that program, but we haven't heard any
6 response. On the issue of bail which we've had
7 numerous hearings on, I think it's great that we are
8 finally expanding the ability or creating the ability
9 for people to pay bail online. We had a good
10 conversation yesterday, and I appreciate that. We
11 were supposed to have this up and running, the mayor
12 said, in spring, and now in your testimony, later
13 this year. But that's progress. I get how
14 government works. It's hard. But there's been no,
15 to my knowledge, expansion of the BECS [sic] Program
16 which has been incredibly helpful in keeping people
17 out of going to Rikers Island in the first place. I
18 do not understand the Administration's objection to
19 my bill or working with me on this concept of getting
20 Judges' financial information about defendants who
21 are being arraigned so that they can see that for
22 this defendant, 500 dollars bail might as well be
23 five million dollars bail. And then we have the
24 backdrop of Broken Windows policing where still a
25 couple of hundred thousand people a year are run

1 through the criminal justice system overwhelmingly
2 people of color, irrespective of where the 311 calls
3 for. I mean, I love when the Commissioner shows the
4 maps of this is where the 311 calls come from and
5 this is where quality of life-- they don't match, and
6 so the system overwhelmingly impacts people of color.
7 I do not understand the Mayor's refusal to recognize
8 the impact that this Broken Windows, this quality of
9 life policing on undocumented immigrants, that there
10 were 30,000 people last year who were arrested and
11 charged with the misdemeanor of fare beating rather
12 than given a civil summons and sent to the Transit
13 Adjudication Bureau, that a Deputy Commissioner--
14 certainly going to bring this up with our next guest--
15 - could state that nobody gets deported for jumping a
16 turnstile, when objectively that is not true. I
17 don't understand why the NYPD and the Mayor's
18 Criminal Justice team has waited the full year to
19 come out with the guidelines that we mandated
20 legislatively last year to determine who was going to
21 get sent to a civil process versus a criminal process
22 for a host of low-level quality of life offenses. I
23 get it. The deal was you get a year, but with the
24 election of Donald Trump and the focus on deporting
25

1
2 immigrants, why is there no sense of urgency of
3 expediting that and let's get that rolling? And you
4 know, we had a hearing on summons reform, Summons
5 Court reform I think two years ago, and the
6 deficiency rate for summonses is still the same as it
7 was, meaning I think last year 55,000 people were
8 issued a summons which was on its face defective.
9 So, I get that you can point to successes and the
10 Administration should be proud of its successes, but
11 this overall rosy view, I got to be honest, I find
12 the Administration to be very timid, particularly in
13 the face of the urgency that I believe is required
14 coming from the Trump Administration. So let's-- I
15 don't have all day, and that was my speech. Can we
16 start--

17 CHAIRPERSON GIBSON: [interposing] Was
18 that a statement or-- we have time, so the PD has to
19 come up. So can you just ask a direct question,
20 because you put a lot in there?

21 COUNCIL MEMBER LANCMAN: Let's do as many
22 of these as we can, and Madam Chair, you tell me when
23 we've had enough. I've sat in that chair. I get it.
24 I think it's the Justice Reboot Program, the effort
25 to whittle down the number of cases pending at Rikers

1
2 for a year or more. At the hearing in the fall, one
3 group of 1,400 went out and there was another 13-
4 1,350 that went in. Are there any systematic changes
5 that you're proposing that will maintain a much, much
6 lower number?

7 DIRECTOR GLAZER: Yeah, so I think this is
8 I think one of the most vexing problems, case delay,
9 in part because there's so many pieces that are--
10 that comprise it and none of them are within the
11 control of any single person. So, I think it was a
12 good thing to clear out the backlog. You know, we
13 have 104 fewer cases that are a year or older now.
14 That's good, much steeper reduction and even older
15 cases. I think the moving from sort of the
16 initiative to the system to the systematic approach
17 is absolutely critical, and over the course of the
18 last six months we've worked with all the different
19 partners that must agree to this to establish
20 milestones at each of the critical points to ensure
21 that we're starting to shrink the younger cases
22 coming in because what we've seen happen is that the
23 older cases drop significantly, but the younger cases
24 started to pile up. So we now have these milestones,
25 how many days it takes between indictment and

1 arraignment, what the goal is to shrink the number of
2 times between adjournment, between disposition and
3 sentencing, and those benchmarks seem to be to serve
4 a slow slog [sic] and very different in borough by
5 borough. Each borough has different issues, but
6 we're starting to see that that is shrinking the
7 number of younger cases by about seven percent and
8 we're seeing some milestones a lot more success. For
9 example, the indictment to arraignment milestone is
10 now it has to happen within 14 days. It used to
11 happen-- could happen within 14 days, but in many
12 boroughs was happening over a course of a month or
13 two months, and other places where we need to-- where
14 the milestones are still outside of our reach. So,
15 between disposition and sentencing is still sort of a
16 milestone that has to be shrunk, but that is a
17 systemic thing that all parts of the system are now
18 focused on, the courts and the DA's, the defenders,
19 Department of Corrections which also obviously has a
20 role. So I think it's a, you know, steeper hill than
21 we hoped it would be, but I think that there are real
22 opportunities here, and I think that we're on our way
23 to addressing them.
24

1
2 COUNCIL MEMBER LANCMAN: Now, I don't know
3 what's going to happen with Raise the Age up in
4 Albany, but can you take a look and speak to the
5 other DAs if necessary or whatever is necessary--
6 it's a collaboration between the NYPD and I guess the
7 DA's offices-- whether or not we can expand this
8 Project Reset? It's hard to keep track of all the
9 names that we come up with.

10 DIRECTOR GLAZER: Yeah, so I know that--

11 COUNCIL MEMBER LANCMAN: [interposing] Is
12 it all five boroughs?

13 DIRECTOR GLAZER: So, Cy Vance is
14 expanding it to all of Manhattan where it was a pilot
15 project. I have some questions about Project Reset.
16 It deals with folks that for the most part are not
17 jail-bound. It is not clear to me at all what in
18 fact the effect of it is, and I'm very eager to see
19 the results, but I don't think we have those kinds of
20 results yet. There's a big question. Generally, in
21 this area, the notion of sort of having a heavier
22 hand on low-risk people has been shown repeatedly to
23 have the exact opposite effect than you would like it
24 to have. So I'm very, very cautious about taking
25 very, very low-risk guys, folks who have been sort of

1
2 issued DATs and having more and more services or
3 requirements or whatever. I could-- I am totally
4 open to changing my mind on that, but--

5 COUNCIL MEMBER LANCMAN: [interposing]
6 Well, that's [sic]--

7 DIRECTOR GLAZER: in the range-- in the
8 range of things that we could do and in a resource-
9 limited world, it-- just to be frank with you, it's
10 not at the top of my list.

11 CHAIRPERSON GIBSON: Okay. I'm sorry--

12 COUNCIL MEMBER LANCMAN: [interposing] No
13 problem.

14 CHAIRPERSON GIBSON: I have to cut you
15 off, but no, we have a number of questions that we'll
16 ask you, but we'll reach out to your staff--

17 DIRECTOR GLAZER: [interposing] And we'd
18 be pleased to answer them.

19 CHAIRPERSON GIBSON: just about some of
20 the efforts. Absolutely, but thank you so much to
21 the Mayor's Office of Criminal Justice. Thank you,
22 Liz. Thank you to your team. Thank you, Council
23 Member Lancman, and we appreciate all the work you've
24 done. Thank you so much.

25 DIRECTOR GLAZER: Thank you.

1 CHAIRPERSON GIBSON: Thank you.

2 DIRECTOR GLAZER: Appreciate it.

3 [break]

4 CHAIRPERSON GIBSON: Good afternoon

5 ladies and gentlemen. Welcome to the City Council to

6 our Chambers. I'm Council Member Vanessa Gibson of

7 District 16 in the Bronx. I'm proud to serve as the

8 Chair of the Committee on Public Safety. I welcome

9 all of you here this afternoon to the Public Safety

10 Committee's Fiscal 2018 Preliminary Budget and Fiscal

11 2017 PMMR hearing. This afternoon we will hear

12 testimony from our NYPD Police Commissioner James

13 O'Neill and the NYPD regarding their Preliminary

14 Budget. I also want to recognize the members of our

15 committee here, Council Member Rory Lancman and

16 Council Member Robert Cornegy. The Department's

17 Fiscal 2018 Preliminary Budget totals 5.3 billion

18 dollars, an increase of two percent compared to the

19 Fiscal 2017 Adopted Budget. More than 90 percent of

20 this budget supports personnel services, while less

21 than 10 percent supports other than personnel

22 services. The Department's budget supports a

23 budgeted headcount of approximately 52,000 personnel

24 which includes 36,000 uniformed personnel and 16,000

1
2 civilians. This City Council and this Administration
3 have made significant investments in public safety
4 and criminal justice reform over the last few
5 budgets. By working together collaboratively we have
6 continued to build stronger ties with the NYPD and
7 our communities in this City. Together, we have been
8 able to achieve the hiring of 1,300 police officers,
9 raising the headcount at the NYPD, strengthening the
10 Neighborhood Coordination Officer Program,
11 neighborhood policing model, adding more than 600
12 civilian staff, passing-- I'm very proud of this--
13 the Criminal Justice Reform Act, integrating and
14 upgrading technology and police operations, and
15 successfully implementing a uniformed overtime
16 control plan. This budget reflects new initiatives
17 and investments in the NYPD such as the hiring, again
18 my personal favorite, 200 school crossing guards, and
19 for the first time, 100 school crossing guard
20 supervisors. The Preliminary Budget also funds an
21 enhancement of the Vision Zero initiative, bullet-
22 resistant windows for patrol vehicles and an NYPD
23 Management Team to assist with the overall Homeless
24 Shelter Training and Security with the Department of
25 Homeless Services. This afternoon I hope to learn

1 more about the Department's new initiative, its
2 capital programs, particularly precinct-wide
3 improvements, the accomplishments and the existing
4 expansion of the Neighborhood Policing model, the NCO
5 program, as well as budget priorities for FY 2018.
6 Before we get to our Commissioner I certainly want to
7 thank you for your leadership. This is your first
8 time coming before the City Council in your new
9 capacity as Police Commissioner, and we are grateful
10 for your partnership, for your commitment. We've
11 stood with you many times on a number of press
12 conferences and new partnerships that we are
13 embarking on as a city, and I'm very proud of the
14 work we're doing. I certainly know we're not done
15 yet. We have a lot of work to do, but you have the
16 commitment of this City Council, of our Speaker and
17 all the members of the City Council. So I thank you
18 for being here and now want to turn this over to our
19 Counsel to administer the oath before we begin, and
20 once again thank you and welcome, and I know that
21 you're here at this hour because earlier today we
22 graduated about 600.

23
24 COMMISSIONER O'NEILL: Over 600.
25

1
2 CHAIRPERSON GIBSON: Over 600 new police
3 officers. I hope I can say this publicly, 22 percent
4 women.

5 COMMISSIONER O'NEILL: Yes.

6 CHAIRPERSON GIBSON: Okay, wonderful. So
7 we are definitely making a difference, and I know not
8 just women, but people of color excited at the
9 efforts that we're undertaking, and certainly we want
10 to keep pushing because I want that number to get
11 higher and higher. So thank you once again for being
12 here.

13 COMMITTEE COUNSEL: Please raise your
14 right hand. Do you affirm to tell the truth, the
15 whole truth and nothing but the truth in your
16 testimony before this committee and to respond
17 honestly to Council Member questions?

18 COMMISSIONER O'NEILL: I do.

19 CHAIRPERSON GIBSON: Okay, and thank you.
20 Just want to recognize we have Commissioner James
21 O'Neill of the NYPD, our Chief of Department, Chief
22 Carlos Gomez, our First Deputy Commissioner, Ben
23 Tucker, and our Deputy Commissioner of Management and
24 Budget, Vincent Grippo. Thank you so much, and you
25 may begin.

COMMISSIONER O'NEILL: Okay, thank you.

Good afternoon everyone. Thank you for the opportunity to discuss the Mayor's Preliminary Budget for the 2018 Fiscal Year. It's a pleasure to be here and to testify before the members of the Council about the outstanding work the men and women of the New York City Police Department have been doing and continue to do every day and every night. When I was named by Mayor de Blasio as Police Commissioner six months ago, we spoke about continuing to bridge the gaps between the NYPD and the communities we serve about building on the philosophy that true public safety is very much a shared responsibility. In order to drive crime down past already record low rates while keeping people safe, ensuring that they also feel safe, the NYPD requires the insight and assistance of every person who lives in, works in and visits our great city. We've been working long and hard over the past three years to make sure we're improving community police relations and ensuring our partnerships are built on trust. New York City is a welcoming place and NYPD aims to keep our well-earned title of safest big city in United States. We want to keep New York City a place where everyone in every

1 neighborhood can walk the streets without fear. I
2 believe the way our officers perform their duties and
3 interact with the public regardless of age, race or
4 immigration status helps us maintain that goal, and
5 we don't plan to throw away any of the goodwill we've
6 earned because we know that each of us has a stake in
7 keeping all of us the safe. Before I highlight some
8 key budget items I want to update you on our core
9 crime fighting mission and several significant public
10 safety initiatives. As you know, the NYPD is
11 undergoing the most radical top to bottom operational
12 change it has seen since the advent of CompStat in
13 the 1990's. I want to be crystal clear here.
14 Neighborhood Policing is not simply a program we're
15 trying out in one or two corners of the city with
16 cops who have some spare time on their hands. In
17 fact, it's the diametrical opposite. Neighborhood
18 Policing is a complete paradigm shift in the way the
19 entire NYPD goes about its business. We have
20 restructured our department at every level. We draw
21 in the sectors that police officers patrol so now
22 they follow natural neighborhoods instead of
23 arbitrarily chosen blocks of space. Added the role
24 of Neighborhood Coordination Officer to our command
25

1
2 so that two NCOs in each sector can act as liaisons
3 between our cops and our communities, dedicated teams
4 of sector officers who work the same neighborhoods
5 every day on the same tours so those we serve can
6 actually get to know them and vice versa, and most
7 importantly, we're finally giving our police officers
8 the time and the time and the resources to accomplish
9 everything we've long asked them to do.

10 Specifically, our steady sector cops now have a third
11 of their work days away from the constant stream of
12 911 jobs dispatched over their radio so they can
13 leave their vehicles, visit workers in stores and
14 residents in their homes and interact with children
15 on streets and in the playground. Additional
16 officers still are assigned to what we call Response
17 Orders [sic], to cover their radio runs while all
18 this is going on. Every police officer now works
19 closely with community members to identify problems
20 specific to their neighborhoods, develop intelligence
21 about crime and lead problem-solving and crime
22 fighting efforts. This is how trust is earned. This
23 is how lasting productive relationships are built,
24 and the NYPD is doing it. Neighborhood policing, of
25 course, is a crime fighting philosophy first and

1 foremost. We'll never lose focus of our mission,
2 fighting crime and keeping people safe. We knew we
3 needed to change the way we fought crime so we could
4 simultaneously rebuild relationships in every
5 neighborhood. Never in any previous model of
6 policing have we granted our officers the time to do
7 that. Now we do. Everything we do now is geared
8 towards fostering genuine community ties while also
9 reducing crime and keeping people safe, everything.
10 For our Neighborhood Coordination Officers and the
11 teams of cops they work with, it's now much more than
12 just a traditional answering of one 911 call after
13 another. It's about deeper problem solving. It's a
14 tailor-made policing that individualized for whatever
15 neighborhood you're in. Neighborhood policing is
16 inherently proactive. Not only with respect to
17 making connections with those who live and work in
18 every corner of New York City, it also strengthens
19 our efforts to investigate crime, catch criminals and
20 prevent crimes before they occur. This is a Police
21 Department that understands that no one knows a
22 street, a block or neighborhood better than those who
23 live and work there every day. Throughout this
24 tremendous change we've had the Mayor's full support,
25

1 and we've benefitted from the City Council support as
2 well. Thank you for your ongoing partnership and
3 assistance, for everything you do to help us build a
4 better and stronger Police Department. Most notably,
5 the Council and the Mayor authorized a first
6 headcount expansion the NYPD has seen in a dozen
7 years. With the hiring of new police officers and a
8 strong push towards civilianization we essentially
9 added 2,000 officers to patrol. We use them to
10 create our counter-terrorism critical response
11 command, to repurpose our former taskforce as a new
12 and improved disorder and crime control unit called
13 the Strategic Response Group and to bolster our
14 patrol precincts in housing police service areas as
15 we prepare to introduce neighborhood policing
16 citywide. We are well on our way with neighborhood
17 policing operating in 39 of our precincts and in all
18 nine PSAs. We're slated to add four more precincts
19 in April. We know that our police officers are
20 enjoying and indeed flourishing under this new model
21 of policing, and anecdotally, we know the residents
22 and workers in our communities find it's equally
23 rewarding. To quantify all this, we've been working
24 with an outside contractor and soon expect to enhance
25

1 the metrics by which we measure the levels of
2 satisfaction in our neighborhoods. It revolves
3 around a real-time sentiment [sic] meter and can show
4 us exactly where in the City trust and effectiveness
5 are thriving and where we need to work harder. This
6 gauging of satisfaction will be similar to the way we
7 approach our ongoing quality of life efforts. Our
8 quality of life response continues to be driven by
9 complaints from the public. The public wants and
10 expects us to keep answering their concerns. We do
11 with the knowledge that many issues can be resolved
12 in ways that do not involve summary enforcement
13 action. Turning to crime, as you know, 2016 was an
14 absolute banner year for us. New York City
15 experienced another four percent drop in major crime
16 from the year before and that was on top of a
17 historic crime reduction realized over two decades
18 prior. Robberies dropped by nine percent.
19 Burglaries dropped by more than 14 percent, and we
20 saw the fewest number of shootings since modern
21 record-keeping began. We had 998 shootings last year
22 and it was the first item New York City was ever
23 below 1,100. We're now nearly through the first
24 quarter of this year and 2017 has picked up right
25

1 where 2016 left off. So far this year, major crime
2 is down another five and a half percent. Robberies
3 are down 12.1 percent. Rape is down 6.7 percent, and
4 shootings for the year are down another 21.8 percent.
5 For the current 28-day time period, shootings are
6 actually down more than 35 percent. I don't think
7 it's possible to overstate how remarkable that is.
8 The NYPD is waging an all-out war on illegal guns in
9 this city and we're winning. Crime is down in the
10 precincts. It's down in-- it's not down in transits.
11 It's up slightly, and it's just about even in public
12 housing. In January, for example, the largest public
13 housing development in the United States, the Queens
14 Bridge Houses in Queens, recorded a full year without
15 a single shooting. The New York Times in an article
16 that highlighted our partnership in community-based
17 efforts marked the occasion with this headline, "Six
18 Blocks, 96 Buildings, Zero Shootings, New Recipe at
19 the Queens Bridge Houses." We know that our
20 successes don't happen by accident. They are all a
21 direct result of the dedication of our cops, the
22 skill and creativity of our commanders, the
23 leadership of our Executive Staff and the unrivaled
24 assistance from the public we serve. They're also a
25

1
2 result of the commitment to public safety by this
3 Administration and by you, and we look around our
4 nation at crime trending upward in other major
5 cities. We can all see that New York City is indeed
6 an exception. One of the ways we're continuing to
7 push crime down is through precision policing.
8 Focusing our resources on the relatively small
9 percentage of the population responsible for
10 committing much of the violence, last year we
11 conducted about 100 take-downs of individuals, gangs
12 and crews and locked up about 1,000 people. These
13 are people who are committing the robberies, the
14 shootings, the murders, buying and selling the guns,
15 and conducting the wholesale drug dealing in our
16 communities, and we're not done. We've already
17 conducted several more takedowns this year including
18 one this month that netted 24 individuals who were
19 charged by the Brooklyn DA's Office and a 627-count
20 indictment with weapons offenses and conspiracy for
21 trafficking guns purchased in Virginia, transporting
22 them up the iron pipeline and selling them on the
23 streets of New York City. The more than 200 weapons
24 recovered by police included assault weapons and
25 machine gun, rifles and handguns with extended

1 magazines, and high-capacity ammunition drums. The
2 way we look at it, every one of those firearms
3 represent a life saved and a family kept intact.
4 Each time we conduct a take-down we later hold a
5 community debriefing session. We confer with
6 community leaders and hold that meeting at a time
7 that works best for those who live and work there.
8 At these sessions we explain who we arrested and why
9 and asked for an ongoing open-line of communications
10 so we can keep doing the important work that keeps
11 all of our communities safe. We are able to do what
12 we do because of the relationship we enjoy with our
13 local, state and federal law enforcement partners.
14 Through the joint Terrorism Taskforce and other
15 coordinated efforts, we routinely work seamlessly
16 with the FBI, the ATF and others to combat crime in
17 ways that could not previously be conceived even in
18 recent years. Now collaboration is stronger than
19 I've ever seen it in my nearly 35 years in law
20 enforcement. As we conduct long-term investigations,
21 we remain in lock-step with our five District
22 Attorneys in New York City and the southern and
23 eastern districts of New York at the federal level.
24 Each year we also receive portions of money the DA's
25

1
2 offices have seized through asset forfeiture, and in
3 early in this month, we were fortunate to get an
4 additional 20.3 million from the Queens District
5 Attorney's Office. That money will enhance our
6 neighborhood policing efforts and includes the
7 purchase of new SUV's and cars for the 16 police
8 precincts in that borough, plus replacing and
9 updating training equipment and technology to be used
10 in our police academy and beyond. I want to make sure
11 I don't-- I made a little bit of an omission on
12 dealing with our prosecutors-- were also instrumental
13 in dealing with the Special Narcotics Court. Another
14 partnership producing results is our work with the
15 City's Department of Transportation to reduce traffic
16 fatalities as part of the Mayor's Vision Zero
17 initiative. Traffic fatalities in 2016 dropped to
18 the lowest number ever, and we recently completed our
19 Dusk and Darkness Campaign which showed fatalities
20 dropped 26 percent this winter, and summons to
21 drivers for violations like speeding and failure to
22 yield rise exponentially. As we continue our stepped
23 up efforts of education coupled with enforcement, I'm
24 confident we'll continue to make even more
25 significant progress in this area. Citywide, we'll

1
2 continue to leverage every tool available to us to
3 keep the city safe, including the use of new and
4 innovative technology. Twenty-three years ago,
5 CompStat revolutionized crime fighting by leveraging
6 the power of data. We still rely on CompStat today
7 to ensure rapid and relentless follow-up on crime
8 conditions and accountability. We're also keenly
9 focused on technological advances and how they can be
10 applied to fighting crime and creating safer and more
11 efficient ways for police officers to do their jobs
12 of keeping all New Yorkers safe. As you already
13 know, we're moving ahead with our Body One Camera
14 Program, and all of our patrol officers will be
15 wearing them in the years ahead. Every one of our
16 officers already has a Department-issued smartphone
17 putting police databases in the palms of their hands.
18 New exciting applications for those phones and the
19 tablets in their patrol cars are coming by summer.
20 Soon, the memo books cops carry with them to record
21 their assignments, the jobs they're dispatched to,
22 the community engagement activities while off the
23 radio, and more will be shelved in lieu of an
24 electronic activity log. And our revolutionary
25 neighborhood policing application will soon allow

1
2 quality of life tasks to be managed and discussed by
3 the groups of officers responsible for the specific
4 areas of the city. Next month, a new performance
5 evaluation system will be up and running and
6 available on each our members' Department-issued
7 smartphones. It already allows self-reporting so
8 officers can record the deeds and interaction that
9 make up their work days. It allows supervisors in
10 the field to make notations about individual officers
11 who may not even be under their direct command.
12 Soon, the system will allow quarterly evaluations to
13 ensure that police officers and precinct PAs and
14 transit PSAs in transit districts on a wider scale
15 are performing at their full potential. We're also
16 working with NYCHA to link our unique Domain
17 Awareness System to a thousand of additional security
18 and surveillance cameras in 15 housing developments
19 throughout the City. In the Bronx, our new Public
20 Safety Answering Center, or PSAC II, is open for
21 business and is now our primary 911 call center for
22 all of New York City making Metro-tech in Brooklyn
23 our backup location. Importantly, we've leveraged
24 the City's investment in the Bronx site to dedicate a
25 large portion of that space as our backup to One

1
2 Police Plaza. With all the capabilities of NYPD
3 headquarters in real-time tabletop exercises we've
4 already managed several large scale mock incidents
5 from IIPP [sic] as we call it. At a public-facing
6 level, we'll soon revamp our valuable NYPD Crime
7 Stoppers website to help garner even more tips in
8 exchange for cash rewards. This public/private
9 partnership between the NYPD and the New York City
10 Police Foundation has been an invaluable crime
11 fighting tool since the program's inception in 1983.
12 The City has also responded very well to us making
13 police accident reports available online to the
14 parties involved. Approximately 21,000 people have
15 downloaded reports from our website since it went
16 live in November. Our footprint in social media also
17 continues to expand. In order to share timely
18 important information directly with the public, the
19 NYPD currently runs 122 Twitter accounts and one for
20 each-- one for every precinct PSA and a handful of
21 chiefs and specialty units. We also maintain 15
22 separate Facebook accounts, including 12 for
23 neighborhood policing commands, one for recruitment,
24 and one for the Cadet Corps. More coming soon.
25 Additionally, the NYPD has a very popular blog at

1
2 NYPDNews.com, and we're on Snapchat, Instagram and
3 have our own YouTube channel called NYPD Connect.

4 Turning to budgetary issues, the NYPD plans to apply
5 again for and obtain federal assistance to protect
6 members of the public and critical infrastructure
7 including the financial district, the transit system,
8 bridges, tunnels, and ports. We rely on these funds
9 to help protect all New Yorkers and visitors to our
10 great city against terrorist attacks and to
11 strengthen our Homeland Security preparedness.

12 Although we've already started planning for the
13 Federal Fiscal Year 2017 Grand Funding process, the
14 application guidelines for Homeland Security
15 Preparedness Grants have not yet been released
16 because the Federal Government, including the
17 Department of Homeland Security and the Federal
18 Emergency Management Agencies, currently operating
19 under a continuing resolution until April 28th, 2017.
20 The timing of the Fiscal Year 2017 appropriation will
21 significantly compress the timeframe to announce and
22 award these grants by September 30th, 2017.

23 Consequently, grant applications will have a much
24 shorter application period than in recent years,
25 potentially as short as just several weeks.

1
2 Specifically, federal grant funds have allowed the
3 NYPD to develop and sustain our sensor [sic] and
4 information technology centerpiece known as the
5 Domain Awareness System, or DAS, which I mentioned
6 earlier. It provides critical support to the
7 Department's counterterrorism mission. Federal
8 funding also allows us to hire intelligence research
9 specialists and deploy officers to the transit system
10 into strategic locations citywide based on
11 intelligence and to train officers to respond to
12 chemical or biological and radiological threats or
13 incidents as well as to active shooter scenarios.
14 The NYPD also uses federal funds to purchase personal
15 protective equipment for uniformed members of the
16 service and purchase other critical equipment that
17 enhances our ability to protect New Yorkers as well
18 as critical transportation and port infrastructure.
19 Regarding the President's recent Executive Order on
20 Sanctuary Cities and the US Attorney General's
21 remarks about cities complying with federal laws as
22 they pertain to immigration, it is still too early to
23 predict what impact this will have on the federal
24 funding we regularly receive. It is unclear if the
25 Executive Order would apply to all federal funding or

1
2 only to funding from the Department of Justice and
3 Department of Homeland Security. Additionally, this
4 order states that it may exclude law enforcement.
5 The Law Department is currently reviewing the
6 implications of this Executive Order. Regarding the
7 Mayor's Preliminary Budget and its impact on the
8 Police Department, the Department Fiscal Year 2018
9 City Tax Levy Expense Budget is 4.9 billion. The
10 vast majority of this 92 percent is allocated for
11 personnel services. Highlights in the Preliminary
12 Budget include DHS Shelter Security Management Team
13 funding totaling 3.2 million was provided in Fiscal
14 Year 2018 for additional 22 positions, 18 uniform and
15 four civilian, to staff the NYPD's Department of
16 Homeless Services' Shelter Security Management Team.
17 This funding also provides for the purchase of
18 vehicles to be used by the NYPD Management Team to
19 travel between DHS shelters. NYPD Enhanced Training
20 Program for Department of Homeless Services' Security
21 Officers: The NYPD will now have an Administration
22 25 positions, 24 uniform and one civilian to staff
23 the NYPD's Enhanced Training Program for DHS Security
24 Offices with 2.5 million in additional funds in
25 Fiscal Year 2018. Funding in the amount of-- School

1
2 Crossing Guards: Funding in the amount of 6.3
3 million in Fiscal Year 2018 was also provided for an
4 additional 100 full-time School Crossing Guards Level
5 II Supervisor and 200 part-time School Crossing
6 Guards Level I. This funding also provides for the
7 purchase of vehicles and phones for the School
8 Crossing Guard Supervisors. Community Center at 127
9 Pennsylvania Avenue: Funding in the amount of
10 915,000 in Fiscal Year 2018 was provided for an
11 operating budget to be used for a diverse course of
12 programs and equipment at the 127 Pennsylvania Avenue
13 NYPD Community Center. Vision Zero equipment:
14 Funding in the amount of 550,000 dollars was provided
15 in the Fiscal Year 2018 for various Vision Zero
16 equipment needs including speed detection guns, video
17 message signs, and high definition cameras for in-car
18 video systems. In addition to city funds, New York
19 State Asset Forfeiture funding was provided for
20 ballistic window inserts for vehicles. Funding in
21 the amount of 5.2 million in Fiscal Year 2017 and 5.2
22 million in Fiscal Year 2018 was provided to equip
23 3,813 Department vehicles with ballistic window
24 inserts. On January 24, 2017, the Mayor released the
25 Fiscal Year 2018 Preliminary Capital Budget Committee

1 Plan. The total Capital Plan for the Police
2 Department is 1.736 billion which covers Fiscal Years
3 2016 to 2020. In this plan, the NYPD was able to
4 secure an additional 339 million in city and federal
5 capital funds for Fiscal Year 2017 to 2021 and 117
6 million for Fiscal Years 2022 to 2027, over and above
7 the last Capital Plan. As you know, three years ago
8 this Administration began addressing an important
9 NYPD priority, the major rehabilitations and complete
10 replacement of Department facilities. Funds have
11 already been allocated for the design and
12 construction of a new 40th precinct station and house
13 in the Bronx which was built in 1924. It's in very
14 poor condition and cannot be rehabilitated. I'm
15 pleased to report to you that the design for the new
16 40 precinct station house was recently completed, and
17 we expect the construction contract award later this
18 calendar year. It's important for me to note as well
19 that this will be the first precinct built that
20 incorporates community space where residents and
21 workers from the surrounding neighborhoods can engage
22 with their police. I want to highlight the
23 Administration's fun-- the Administration funded the
24 upgraded firearms training facility at Rodman's Neck.
25

1
2 A total of 275 million has been allocated to
3 reconstruct a state-of-the-art facility which will
4 allow for more tactical training and also include
5 firing ranges with baffled ceilings to help with
6 noise mitigation. This site will also be completely
7 overhauled to improve the underlying infrastructure,
8 things like gas, improved electric and sewer lines.
9 Due to these necessary upgrades, it is estimated to
10 take five to seven years to complete this project.
11 The Department is focused on our ability to continue
12 firearms qualifications, and therefore we're looking
13 to complete the firing ranges early in overall
14 timeframe as possible. The Times Square substation
15 upgrade is another project I want to highlight. The
16 design for an upgraded space with a visitor-centered
17 approach through the use of public amenities and
18 exhibits centers on the role of the NYPD in our
19 community. This effort is part of a citywide
20 initiative to incorporate public spaces into police
21 facilities as evident in our design of the 40
22 precinct. It is estimated that design of the Times
23 Square substation will be complete toward the end of
24 this calendar year with construction starting shortly
25 thereafter. The following is a summary of the

1 Department's civilian and uniform authorized staffing
2 levels. During a January 2018 Financial Plan, the
3 uniformed headcount increased a total of 42 positions
4 starting in Fiscal Year 2017 as follows: 18
5 positions for the NYPD's Department of Homeless
6 Management Team which is tasked with overseeing
7 management of security at homeless shelters and 24
8 positions for the training of DHS Peace Officers.
9 The July 2016 police officers class size was 600
10 recruits. Of these, 539 graduated in December. The
11 October 2016 police officers class size was 712
12 recruits, and in January 2017 was 439 recruits. The
13 April 2017 and the July 2017 projected class sizes
14 are 474 and 600 respectively. The projected
15 attrition in Fiscal Year 2017 is approximately 2,085,
16 and the average uniform headcount is estimated to be
17 36,305. During the January 2018 Financial Plan, 100
18 fulltime School Crossing Guard Supervisors and 200
19 part-time School Crossing Guards were added to our
20 budget as well as seven other civilian positions.
21 However, 150 vacant civilian positions were
22 eliminated as a saving initiative. As a result, the
23 number of funded authorized fulltime civilian
24 position is 16,058 in Fiscal Year 2017 and 15,971
25

1
2 Fiscal Year 2018 and the out years. The reason for
3 the reductions in 2018 and the out years is that a
4 number of grant-funded positions have not yet been
5 accounted for in the Fiscal Year 2018 budget. The
6 part time budget currently funds 3,497 positions in
7 Fiscal Year 2017 and 3,527 in Fiscal Year 2018 which
8 consists mostly of school crossing guards. I am very
9 optimistic about the future of the Police Department
10 and the direction we're heading. As the decrease in
11 crime so far this year shows, we can police the City
12 effectively without intruding unnecessarily or
13 excessively into the lives of residents, businesses
14 and visitors. I believe the same is true of our
15 mission to defend New York City from another
16 terrorist attack. In my experience there's a direct
17 correlation between the level of community support
18 for the police and success in fighting crime and
19 terror. We will continue to work tirelessly to earn
20 the trust and confidence of all New Yorkers and to
21 ensure that there are even better days ahead. We'll
22 do so in a way that optimizing officer safety. This
23 is all part of policing in the 21st century and no
24 Police Department in the nation has been more
25 successful in the past two decades than the NYPD. We

1
2 fully expect this trend to continue, and we're so
3 grateful to be moving ahead together with the
4 critical support of the Mayor and the City Council.
5 The police don't underestimate the change even one
6 person in our great city can affect, neither should
7 the public. Everything we do is geared toward
8 embracing our difference and celebrating all of our
9 common traits. I look forward to working with each
10 of you as we make our way forward. Thank you again
11 for this opportunity to testify. At this point, I'd
12 be happy to take your questions.

13 CHAIRPERSON GIBSON: Thank you very much,
14 Commissioner, for your detailed analysis of the work
15 the NYPD is doing. Obviously, some of the challenges
16 that we continue to face as well as looking at future
17 new needs for this fiscal year. I'd like to
18 acknowledge the presence of Council Member Ydanis
19 Rodriguez and Chaim Deutsch, and we also had Council
20 Member Jumaane Williams. So, before I get to my
21 colleagues asking questions, I just wanted to delve
22 right in. I have a lot to always ask. But obviously
23 in the climate we're working in, the federal funding
24 is of grave concern to us, this City Council and the
25 Mayor. You've stood with us on a number of press

1
2 conferences really affirming our Sanctuary City
3 status and the work we're doing to protect every New
4 Yorker regardless of status. You know, obviously
5 that needs to continue. I think because of the
6 environment we are working and living in, many New
7 Yorkers are very fearful and need to be reassured by
8 everyone, not just the NYPD. I think those potential
9 victims of a crime or domestic violence are less
10 likely to now come forward because of their status or
11 their-- the status of a loved one. So, it's very
12 scary for many New Yorkers and obviously we need to
13 be the protection and we need to be the comfort that
14 is necessary, and also for me, sharing of accurate
15 data and information. I cannot tell you how important
16 that is. I've come across cases where parents are
17 being asked to sign away the rights of their
18 children. They're signing documentation not
19 understanding what it means. So, just so that you
20 obviously understand the work that we're doing and
21 the impact. So could you talk a little bit more
22 about the federal impact and the proposed cuts? And
23 even beyond that, the seven million dollars that we
24 are seeking reimbursement that I understand is not a
25 grant, but I think it's a competitive grant, can you

1
2 explain a little bit of how that works and what are
3 we expecting from this federal government as far as
4 financial support?

5 COMMISSIONER O'NEILL: Commissioner
6 Grippo will speak in detail about both, but I just
7 want you to know that a week ago Monday I went down
8 to Washington, and I spoke to a number of people down
9 there about our concern about the 110 million we
10 might possibly lose in federal grants and also the
11 getting reimbursed for the 24 million from 56t and
12 Fifth from Trump Tower. The talks were very
13 productive. They were receptive to us coming down
14 there, and I look forward to maintaining those
15 grants, but again, it's unclear as to what the
16 outcome is going to be, but I'm very optimistic about
17 the outcome.

18 DEPUTY COMMISSIONER GRIPPO: Vincent
19 Grippo, Deputy Commissioner of Management and Budget.
20 So, for the seven million dollars which is the monies
21 that the Congress has put up that we believe the City
22 would be able to essentially seek reimbursement for--
23 in that grant, and it is a grant, it would be
24 overtime cost only incurred to secure Trump Tower.
25 They have not written the guidelines for the grant.

1
2 So ultimately we haven't started the official
3 application process. We do believe based on reading
4 the way the grant is written that it will be a
5 competitive grant and we know-- we believe New York
6 City areas in New Jersey and areas in Florida would
7 be eligible because of time that the President spent
8 in all three locations between Election Day and the
9 Inauguration Day. They would all be eligible to
10 apply. Certainly our stance having taken the most
11 significant financial hit, we will seek all of those
12 funds and have sufficient overtime records to justify
13 that. We're also, as the Commissioner mentioned,
14 lobbying in Washington with the hope that we will be
15 able to recover the additional monies that have been
16 expended above seven million, the total being 24
17 million. So, those are the-- that's related to
18 reimbursement for the security that was involved in
19 securing Trump Tower exclusively between the election
20 and the inauguration. In addition to that, we have
21 costs now that we're incurring to secure the tower
22 with the President in Washington but his family still
23 residing at Trump Tower, and we're also lobbying to
24 recover those funds as well. That's on Trump Tower.

1
2 Do you want me to speak to the monies that might be
3 at risk as well?

4 CHAIRPERSON GIBSON: Yes, and obviously
5 the uncertainty that we are living with, but are we
6 working on a contingency plan? And you know, I think
7 it's really insulting that we are competing with
8 other localities for expenses that have already been
9 incurred, and certainly we deserve and need that
10 money. I don't think it's fair that we have to
11 compete. Is this typically how it works with the
12 feds where we have to apply for reimbursement?

13 DEPUTY COMMISSIONER GRIPPO: Well, this
14 is no atypical in terms of the way grants are
15 written, and this is a somewhat unique situation.
16 Certainly we've never been in a situation quite like
17 this. I don't know if there's precedent for
18 President-elect spending time in three different
19 localities and it costing those localities as much as
20 you're seeing in these three instances, but-- so, but
21 I would say that the grant itself is written in a way
22 that we're familiar with, and the competitive grant
23 process is one we're familiar with. We think New
24 York City by far will have the strongest case as the
25 impact of having the President-elect in that Midtown

1 location for the time at which he was there.

2 Certainly, we incurred the most significant burden on
3 this.

4
5 CHAIRPERSON GIBSON: Okay. And I'd also
6 like to ask, obviously in the climate we are working
7 in in this city, all of the reports that we hear
8 about the increase of hate crimes across the City,
9 can you tell me the current size of the Department's
10 Hate Crime Taskforce, what it looks like, and are we
11 going to increase resources for the unit to deal with
12 the increased cases that are coming to the Hate
13 Crimes Taskforce?

14 COMMISSIONER O'NEILL: Yeah, Madam Chair,
15 Chief Boyce will speak about hate crimes.

16 CHAIRPERSON GIBSON: Okay. As he gathers
17 his papers, thank you Chief. Just state your name
18 for the record.

19 CHIEF BOYCE: Robert Boyce, Chief of
20 Detectives. Good morning. Good afternoon I should
21 say.

22 CHAIRPERSON GIBSON: Good afternoon.

23 CHIEF BOYCE: Right now we have 27
24 officers assigned to the Hate Crimes Taskforce. That
25 is the most we've ever had. We usually carried

1
2 around 20. So we beefed it up quite substantially
3 because of the increase in hate crimes. Right now
4 they're able to handle that. To date we have 131
5 incidents as of March 26th, versus 65 last year.
6 It's a 102 percent increase. We have a overall Chief
7 of Special Victims Division oversees it. We have a
8 captain and several lieutenants, sergeants and
9 detectives. The biggest increase we see right now is
10 anti-Semitic. We have 67 year-to-date versus 28 for
11 an increase of 39, which gives us a numeric
12 percentage of 139 percent increase. Now, most of the
13 incidents are up across the board. Anti-black is up
14 13 versus five, as evidence this past week of what
15 happened in Midtown South. A quick arrest was made.
16 So we see somewhat across-the-board increases. We're
17 able to meet that challenge. Fortunately, the best
18 thing to come out of this is there's not a lot of
19 violence associated with it outside of that homicide
20 that happened in Midtown South.

21 CHAIRPERSON GIBSON: Okay.

22 CHIEF BOYCE: So we see mostly graffiti,
23 either verbiage or more than likely--

24 CHAIRPERSON GIBSON: [interposing] Right.

25

1
2 CHIEF BOYCE: swastikas in and around the
3 city. Transit has had a tremendous increase in what
4 they've seen as well. Some of the boroughs that are
5 most problematic: Brooklyn South which is what we
6 usually see it in, as well as Manhattan South and
7 Manhattan North.

8 CHAIRPERSON GIBSON: Do you have numbers
9 on hate crimes against Muslim New Yorkers and LGBTQ
10 New Yorkers?

11 CHIEF BOYCE: I have sexual orientation
12 which would fall underneath that. It's at 17 this
13 year versus 15 for a plus two. As far as anti-
14 Muslimism, yes, that's up as well, six versus two
15 which is an increase of four which is a high number.
16 It's 200 percent. As which goes to my-- what I-- my
17 earlier statement that we've seen across the board.

18 CHAIRPERSON GIBSON: Okay. So is there any
19 effort this year, will we see more than 27 officers
20 right now, or?

21 CHIEF BOYCE: We believe now with because
22 of the sensitivity of the case and the cases
23 assigned, that's adequate to do it. I will say also
24 that's the largest Hate Crime Taskforce in the
25 country.

1
2 CHAIRPERSON GIBSON: Okay, thank you. I
3 want to ask about the DHS homeless shelter, the
4 training and management, and where we are with that
5 since it was a fairly recent announcement, and even
6 moving forward with the dedicated staff that you
7 have, the training, some of the security measures,
8 focusing on the Peace Officers, the NYPD Management
9 Team; how is that going and where do you foresee any
10 changes if any that you will experience with the
11 Mayor's recent announcement of dealing with the
12 homelessness crisis, and the creation of brand new
13 shelters that you will ultimately assuming oversee
14 and that will be rolled into this plan as well?

15 COMMISSIONER O'NEILL: The financial
16 aspect, Commissioner Grippo can talk about, but--

17 CHAIRPERSON GIBSON: [interposing] Okay.

18 COMMISSIONER O'NEILL: for the
19 operationals be Chief Thompson.

20 CHAIRPERSON GIBSON: Okay.

21 CHIEF THOMPSON: Good afternoon, Deputy
22 Chief Thompson.

23 CHAIRPERSON GIBSON: What's your first
24 name?

25

1
2 CHIEF THOMPSON: Deputy Chief Edward
3 Thompson.

4 CHAIRPERSON GIBSON: Okay, thank you.

5 CHIEF THOMPSON: Which one would you like
6 to me cover first, the Management Team specific or?

7 CHAIRPERSON GIBSON: That's fine. You can
8 just go in order.

9 CHIEF THOMPSON: So, the Management Team
10 is made up of 22 people. We started out at DHS in
11 May of last year. Thus far, we have oversight
12 responsibility over hiring, promotion, security, all
13 aspects of assessing security at all the shelters
14 throughout the City. That's our current role right
15 now. Deployment, ensuring that we have appropriate
16 coverage in all of the shelter facilities, and that's
17 what we've done thus far. Our initial goal was to
18 ensure we had appropriate coverage at most of the
19 facilities. When we first arrived they operated some
20 of the shelter coverage on a part-time basis. At
21 this point, I think we've been able to increase that
22 to at least two tours of 16 hours, and our primary
23 goal is to ensure that clients are safe within those
24 facilities on a regular basis.

1
2 CHAIRPERSON GIBSON: Have you seen a
3 reduction in crime since you started this in May of
4 last year?

5 CHIEF THOMPSON: I can't give you a
6 specific number regarding that. One of the issues
7 with DHS was they were a paper-based system. What we
8 have been able to do is implement our computer
9 system, digitize all of their forms. Now that we
10 have records that are computerized, we can establish
11 baselines, and then go back and track to see where we
12 are.

13 CHAIRPERSON GIBSON: Okay. And this also
14 applies to the commercial hotels that the Department
15 is phasing out. So you're also overseeing security
16 in those locations as well, right?

17 CHIEF THOMPSON: Yes. Private security
18 operates within the hotel system, and we oversee and
19 manage that private security.

20 CHAIRPERSON GIBSON: Okay. And while
21 we're there, since May, are you looking at any
22 staffing issues that DHS may encounter in making
23 recommendations? So are you looking at this monthly
24 and quarterly determining more Peace Officers are
25 needed, more security cameras? How does that work,

1
2 because I imagine in any of those recommendations or
3 analysis, there would be a cost associated with that.

4 CHIEF THOMPSON: Yes, recommend-- we look
5 at deployment on a daily basis.

6 CHAIRPERSON GIBSON: Okay.

7 CHIEF THOMPSON: So we look at the
8 incidents as we can. We're doing stick [sic] counts
9 obviously because they're not computerized, although
10 we do have some computerized records now, and we make
11 those determination son a daily basis. I meet with
12 Commissioner Banks regularly, and we try to deploy--
13 we don't try, we deploy according to those demands
14 and needs. So as we see incidents increase, we try
15 to drill down to understand exactly why some of those
16 incidents are occurring. Obviously, we're concerned
17 about some of our larger facilities where we have
18 most men like 30th Street which has 851 clients, as
19 well as Bedford Atlantic, but yes, we-- every day we
20 make decisions regarding deployment. We change
21 deployment. We increase deployment. We more
22 recently increased to outside patrolling within the
23 confines of the shelter to address those conditions
24 as best we can, but we look at deployment regularly
25 and on a daily basis.

1
2 CHAIRPERSON GIBSON: Okay, thank you,
3 Chief. I have a question about the NCO Officers and
4 the continuous expansion we're having. Commissioner,
5 you talked a little bit about the effort to do an
6 analysis and an evaluation of the NCO program. Can
7 you expand a little bit on the details of the
8 indicators that we're looking at, the performance
9 measurements? So, obviously, we know the crime data
10 in those particular commands where we have the NCO,
11 but we're looking now to involve community residents,
12 members of faith-based organizations, business
13 leaders, etcetera. How are we going to with this
14 survey assess the success of the NCO program and some
15 of the best practices as we continue to expand?

16 COMMISSIONER O'NEILL: Obviously, as crime
17 is the number one driver here in the Neighborhood
18 Policing Program--

19 CHAIRPERSON GIBSON: [interposing] Right.

20 COMMISSIONER O'NEILL: So much work has
21 been done over the last decades. Chief Monahan will
22 explain what we're doing moving forward with
23 Neighborhood Policing.

24 CHAIRPERSON GIBSON: Okay.

25

1
2 CHIEF MONAHAN: Good afternoon, Chief
3 Terry Monahan, Chief of Patrol. Currently, we have
4 39 commands out of our 77 precinct commands that
5 Neighborhood Policing is up and running in, including
6 all nine of our PSAs. In April we're going to expand
7 to four more, April 24th. We'll be starting in the
8 25 precinct, the 76, the 94, and the 123. In July we
9 will expand to four more precincts. We're going to
10 be going out to the 63, the 83, the 106, and the 115,
11 and we're looking to keep on adding four more
12 commands every quarter as we move forward until we
13 can get the whole city underneath the whole
14 philosophy of Neighborhood Policing.

15 CHAIRPERSON GIBSON: Can you talk a
16 little bit about the community survey?

17 COMMISSIONER O'NEILL: Sure, I think what
18 would be best is if we actually gave you-- we exposed
19 you to the system itself and maybe came over and gave
20 you a demonstration.

21 CHAIRPERSON GIBSON: Okay.

22 COMMISSIONER O'NEILL: I think that would
23 work best.

24 CHAIRPERSON GIBSON: That would be great.
25 We could do that.

1
2 COMMISSIONER O'NEILL: It's based-- and
3 this is not the only survey we'll be doing, but this
4 will be a real-time survey done on an app on people's
5 cell phones, and we'll get the people-- the outside
6 contractors come up and give the Council a
7 demonstration. I think that'd be very informative.

8 CHAIRPERSON GIBSON: Okay, great. We
9 recently made an announcement on Healing NYC, a new
10 effort the administration is embarking on to address
11 opioid use and abuse and overdoses that we
12 continuously have in this city. Can you talk a little
13 bit about the Department's plan to equip and train
14 patrol officers with naloxone? I do know it's a part
15 of crisis intervention training that all the new
16 officers are getting, but can you speak to the
17 existing patrol officers that did not necessarily get
18 some form of CIT training that will now get these
19 naloxone kits?

20 COMMISSIONER O'NEILL: Right now we have
21 13,000 kits out there, 17,000 people trained, and
22 working in conjunction with DOH we're looking to get
23 23,000 out there.

24 CHAIRPERSON GIBSON: Okay. And what does
25 that look like in terms of training? So, do the

1
2 officers go to the academy to get the training itself
3 before they get the kit? How does that work?

4 COMMISSIONER O'NEILL: Susan?

5 DEPUTY COMMISSIONER HERMAN: Deputy
6 Commissioner Susan Herman, Collaborative Policing.
7 We will have an initial distribution of the large
8 number of naloxone kits that we're getting now, and
9 then we'll develop another method of regular checking
10 to make sure that the naloxone kits or the Narcan, if
11 we switch to that, is out of date, how to keep
12 replacing it. But we're looking to collaborate with
13 the Department of Health on a short video that can be
14 used to train officers at roll call, five or 10-
15 minute video so that they can know what they're doing
16 very quickly.

17 CHAIRPERSON GIBSON: Okay, and what's the
18 cycle in which you're going to implement this in
19 terms of time frame?

20 DEPUTY COMMISSIONER GRIPPO: So we
21 actually just placed an order for the first-- it's I
22 think the first batch is about 10,000 of those 23,000
23 kits. Where Department of-- we're doing it through,
24 I'm sorry, Health & Hospitals Corporation.

25 CHAIRPERSON GIBSON: Okay.

1
2 DEPUTY COMMISSIONER GRIPPO: They are
3 going to give-- I think the lead time is about four
4 weeks, and at the point at which those come in, they
5 will be delivered to the new police academy, excuse
6 me, out in College Point for distribution from there
7 to the boroughs.

8 CHAIRPERSON GIBSON: Okay, and to deal
9 with the trafficking of opioids in the city, you also
10 are looking to employ additional civilian staff like
11 investigators and lab personnel. Could you explain
12 that a little?

13 COMMISSIONER O'NEILL: I'll get Chief
14 Boyce to explain our overall plan.

15 CHAIRPERSON GIBSON: Okay.

16 CHIEF BOYCE: Giving it a few minutes, I
17 think I explained what we're up against and the
18 problem what we're seeing right now.

19 CHAIRPERSON GIBSON: Sure.

20 CHIEF BOYCE: In 2017, opioid deaths have
21 risen 29 percent year-to-date, 162 to 126. Total
22 opioids deaths have doubled the murder rate and the
23 vehicle collision deaths in 2016. Roughly 1,200
24 overdose deaths versus 335 murders, plus 244 vision
25 [sic] collision deaths. This continued rise in

1
2 opiate deaths is due to the availability, the
3 increasing purity and the decreasing wholesale price.
4 This means to ingest opioids, you no longer have to
5 do it intravenously, but a simple taking of a pill,
6 cutting a fentanyl patch or snorting a mixture. The
7 market has also evolved from prescription-base to
8 street-level dealing as the demand has grown. This
9 clientele does not discriminate on socioeconomic
10 status and opioids span a variety of neighborhoods
11 throughout the city. To combat this phenomenon, the
12 NYPD has implemented a precision-guided response with
13 the creation of the heroin, opioid and fentanyl
14 investigative teams. We're going to call them HOT
15 teams. This will allow the NYPD effectively, more
16 effectively, investigate, track and identify opioid
17 usage patterns. The teams will work along with the
18 District Attorney's Office, Special Narcotics Court
19 and the federal prosecutors to incarcerate dealers
20 and their associates. These teams will work between
21 0800 hours and 0100 hours. When they are not
22 working, responses to all overdose, either deaths or
23 saves by Narcan will be done by the night watch from
24 01 to 0800 hours. The Criminal Enterprise Division,
25 which is our advanced investigative teams will

1 investigate interdiction. They will provide tracking
2 for all these incidents so we can better manage this.
3 Working as one team, they will task to identify the
4 source of the opioid, the purity, the product, the
5 dealers, and distribution networks throughout the
6 City. They will gather intelligence, identify stamps
7 and utilize full capacities of the forensic
8 investigation team, which we will also be amping
9 [sic] up as well, more criminalists to treat and
10 track these homicides-- I'm sorry, these overdoses.
11 Basically, we want to see how much is mixed with
12 fentanyl as well as heroin. These teams will
13 emphasize interviewing surviving victims as well as
14 the family members of friends and family of those
15 lost to opioids, heroin and fentanyl. The survivors
16 and the families will become partners with us to
17 further assist the investigation to identify the
18 source of the opioid-based products. Through
19 interagency partnerships the investigators will be
20 able to avail rehabilitation facility information,
21 counseling services to individual and the family and
22 friends of the affected. The designated team liaison
23 officer per borough will be charged to work alongside
24 Community Affairs Officers and the Neighborhood
25

1
2 Coordination Offices to disseminate information and
3 provide details to engage the public and obtain
4 intelligence. The outreach by these units will
5 ensure that resources and social programs will be
6 made known to their communities. They will provide
7 information on naloxone, rehab centers and
8 identifying at-risk persons going through crisis.
9 Heroin, opioid and fentanyl teams will be working
10 alongside designated ADAs throughout the City in
11 their respective boroughs as well as federal partners
12 as earlier stated with SNC. The Criminal Enterprise
13 Division will be expanded by 20 officers; 15 will go
14 to the OSED [sic] Teams and five will go to DETF. So
15 those 20 will work specific interdiction on
16 transportation into the City. We have seen an
17 increase in heroin coming out of Mexico into the
18 United States by two of the cartels there. We will
19 work with our federal partners to interdict that.

20 CHAIRPERSON GIBSON: Okay.

21 CHIEF BOYCE: So, it's--

22 CHAIRPERSON GIBSON: [interposing] So--

23 CHIEF BOYCE: [interposing] I'll finish
24 up right now.

25 CHAIRPERSON GIBSON: Okay.

1
2 CHIEF BOYCE: We have a total of 64 going
3 throughout the City to invest-- to narcotic boroughs,
4 and I'll give you that now. Five each will go to
5 Manhattan North and Manhattan South. The Bronx will
6 get 13. Nine will go to Brooklyn North, and nine
7 will go to Brooklyn South. Two to Queens South
8 because we don't see a lot of overdoses in Queens
9 South. Queens North will get eight, and Staten
10 Island will get 13.

11 CHAIRPERSON GIBSON: Okay.

12 CHIEF BOYCE: We will put supervisors,
13 five lieutenants and eight sergeants to manage those
14 officers.

15 CHAIRPERSON GIBSON: Okay. So you
16 already have the staff that you need for these
17 particular units and roll-out teams?

18 CHIEF BOYCE: Well, we're doing that now.

19 CHAIRPERSON GIBSON: Okay.

20 CHIEF BOYCE: We're selecting those
21 officers as we speak.

22 CHAIRPERSON GIBSON: Okay, just trying to
23 ensure that if there is a new need to let us know so
24 that we can work with you on that.

1
2 COMMISSIONER O'NEILL: And Madam Chair,
3 just to let you know, this isn't something we're
4 doing in the future. This is something that we're
5 doing right now.

6 CHAIRPERSON GIBSON: Right.

7 COMMISSIONER O'NEILL: As a matter of
8 fact, yesterday the Brooklyn DA's Office and Chief
9 Boyce did a press conference--

10 CHAIRPERSON GIBSON: [interposing] Yep.

11 COMMISSIONER O'NEILL: announcing the
12 arrest of 36--

13 CHIEF BOYCE: [interposing] Thirty-six
14 individuals.

15 CHAIRPERSON GIBSON: White China.

16 COMMISSIONER O'NEILL: Involving heroin
17 and fentanyl.

18 CHAIRPERSON GIBSON: I heard about it. I
19 wanted to ask a question about civilianization. This
20 is something that this Council has been very
21 passionate about. Previous fiscal years we agreed to
22 200 civilianizable [sic] positions, and then most
23 recently 415. And I know the focus was uniformed
24 members of service, and now obviously that we've
25 fulfilled that 2,000 additional officers on the

1 street, civilianization is extremely important to us
2 and to you. So I wanted to find out if there's a
3 hiring update on those 415 positions. When do you
4 anticipate the hiring process to be complete, and any
5 challenges or barriers that you're facing as we
6 speak? Civilianization?

8 DEPUTY COMMISSIONER GRIPPO: Yes. So,
9 yes, there are in total 615 positions that were
10 funded. Two hundred were two years ago, 415 last
11 year. The most recent update that we have is of the
12 615 we've hired approximately 400, 393. We have 201
13 positions remaining to be filled. The main issue in
14 terms of the timing on filling thee came from
15 recruitment issues with crime analysts. So we
16 ultimately were trying to work within the civil
17 service system to identify people for the crime
18 analyst position. The first round of recruitment we
19 were finding candidates that simply were not
20 qualified. So we appealed to DCAS, worked
21 successfully with them over a number of months to get
22 the salary range for the appropriate civil service
23 title raise which is now allowing us to attract more
24 qualified candidates. So, that issue is just
25 resolved in the last two weeks, and we have now begun

1
2 aggressively recruiting on those positions. So, of
3 the 200 remaining civilianizable-- civilianization
4 vacancies that have not been filled, 96 of those are
5 the crime analysts. The other two positions, the
6 Evidence Property Control Specialist and the Auto
7 Service workers, we were having issues in terms of
8 the time to clear background check requirements. So
9 working with the personnel bureau, we have expedited
10 some of those background checks, and we're seeing a
11 greater success in terms of moving on those
12 positions. So we anticipate that by the end of this
13 fiscal year we will have completed the recruitment
14 for the Evidence Property Control Specialist as well
15 as the Auto Service workers, and we should have all
16 of the Crime Analysts identified in going through the
17 hiring process at that point.

18 CHAIRPERSON GIBSON: Okay, great. And
19 where does those uniform police officers that are
20 deployed back to patrol, where do they go?

21 COMMISSIONER O'NEILL: Back to
22 Neighborhood Policing.

23 CHAIRPERSON GIBSON: Okay, so do they go
24 back to the precinct in which they're currently
25 working in, or?

1
2 COMMISSIONER O'NEILL: Yes. Well,
3 actually we have to take a look and analyze it.

4 CHAIRPERSON GIBSON: Okay.

5 COMMISSIONER O'NEILL: And if that's
6 where they're needed, that's where we'll put them.

7 CHAIRPERSON GIBSON: Okay. Okay. And in
8 our overall savings plan we save 5.1 million for the
9 reduction of the 150 vacant civilian positions. How
10 does that factor into the civilianization that we're
11 working on? So those positions that were vacant, do
12 you know how long they were vacant, and who's doing
13 the work of those positions?

14 DEPUTY COMMISSIONER GRIPPO: So, the
15 answer is they are not impacting civilianization
16 efforts. It's simply looking at the Department's
17 vacancy rate in these civilian non-safety positions,
18 holding in reserve the civilianization positions that
19 the Mayor and the City Council provided in the last
20 two budget cycles. We still had a number of
21 approximately 400 civilian non-safety vacancies, and
22 what the Mayor was looking for from the Police
23 Department was a savings plan. Ultimately, as we've
24 explained many times in front of the City Council and
25 as we explained again in testimony, our budget is

1 structured in a way that taking non-personnel cuts is
2 very difficult because it is such a small percentage
3 of our overall budget. So, ultimately, in order for
4 us to find savings without impacting the uniformed
5 headcount and without impacting an OTPS budget that's
6 already very strained. The only place to go is
7 civilian vacancies, and so ultimately we gave up
8 those positions. It's virtually impossible for me to
9 tell you how long those individual positions have
10 been vacant, because we have attrition rates.

11 They're essentially administrative civilian positions
12 that have been-- that are scattered throughout the
13 Department, but they are not the positions that we
14 had targeted for civilianization efforts.

15 CHAIRPERSON GIBSON: Okay, and that's what
16 I wanted to make sure we clarify, that those
17 positions did not affect civilianization while we're
18 focusing on the civilianized hiring. Okay, great.
19 Let me get to my colleagues who have questions, and I
20 just want to remind all my colleagues, we're going to
21 have a six-minute clock so that we can allow every
22 member to ask questions. We will begin with Council
23 Member Robert Cornegy followed by Council Member Rory
24 Lancman. Thank you, colleagues.
25

1
2 COUNCIL MEMBER CORNEGY: Thank you, Madam
3 Chair. Thank you, Commissioner and staff, for being
4 here today. I have-- there's a joke that usually
5 when a Council Member says he has two questions he
6 usually have 15 subsets of each question. I actually
7 have two questions, one of which I will actually--
8 you so graciously agreed to meet on the hate crimes
9 with the BLAC at another time, so I won't waste this
10 body's time on those questions. I'll reserve those
11 for when we actually set the meeting. But I wanted
12 to talk to you about the body cam program. Now, I'm
13 acutely aware that we share very similar outcomes,
14 goals and outcomes for the body cam program, but the
15 Black, Latino and Asian Caucus which I co-chair has
16 had some misgivings about the vendor chosen and
17 whether or not a field test was done. We found that
18 the vendor that was chosen had faulty equipment and
19 had failed on several occasions in other states, and
20 we're concerned that we wouldn't reach the same
21 outcomes that we both want to reach which is safety
22 and training. We viewed it, and I'm sure you do as
23 well, as a very adequate training mechanism if it's
24 used well, the body cams. I just wanted to know what
25 your thoughts were on that and where we could

1
2 possibly go from here to get to some resolution that
3 produces the correct outcome of that program.

4 COMMISSIONER O'NEILL: So, the vetting
5 process for Body One Cameras was comprehensive. So,
6 can we do two things? We'll have first have Ben
7 Tucker talk about the program overall, and then Jess
8 Tish can talk about the camera specifically.

9 FIRST DEPUTY COMMISSIONER TUCKER: Ben
10 Tucker, First Deputy Commissioner. So, you remember
11 what we were trying to do and this was driven by the
12 Federal Monitor with respect to the Stop and Frisk
13 issues. so we are as pursuant to all the discussions
14 we've had with the Monitor, his people, the
15 plaintiff's counsel, and our internal discussions as
16 well as a whole plethora of outreach that we've done
17 at the beginning of the process, and Jessi can talk
18 more about that as it relates to the vendor side, but
19 on the outreach side for purposes of understanding
20 just what we needed and what we could learn from
21 other Police Departments, from the Justice
22 Department, from Police Executive Research Forum, and
23 a whole host of others that were involved in starting
24 up the use of body cameras before us, so we gathered
25 all that information and we used that to help us

1
2 develop specific policies, again, and that was a very
3 comprehensive process. We also did some outreach as
4 you may know to do a questionnaire, a survey, to not
5 only our police officers but also to the public at
6 large and we received I think 30,000-- between 25 and
7 30,000 responses. We can talk more specifically
8 about those, but we used the information we receive
9 from the 30,000-- the 25,000 responses from the
10 public as well as the 5,000 police officers who
11 responded to the questionnaires that we asked. They
12 were very comprehensive and we used those suggestions
13 and comments that they provided and considered those
14 as part of the overall development of the policy and
15 also our practices in terms a whole host of very
16 specific issues related to when the body cameras are
17 on and off and so forth. So, but now fast forward to
18 where we are right now just to give you a sense of
19 our movement in the direction for implementation.
20 So, beginning in April, April 24th, we are about to
21 commence the roll-out of the Thousand Camera pilot
22 that we are implementing as a result of our
23 conversations with the Federal Monitor. We've
24 selected a whole host of 20 precincts and a research
25 design model that allows us to select 20 precincts

1 that will-- where we deploy the cameras and another
2 20 precincts that won't get the cameras. So we have
3 some capacity to really understand a whole host of--
4 gather a whole host of information with respect to
5 how effective the cameras are, whether our
6 assumptions are good or bad, but we'll-- for a year
7 we'll test this strategy in 20 precincts. We will
8 begin with the 34 precinct in Manhattan Uptown on the
9 24th, and we'll roll out each for the next several
10 months precinct by precinct by precinct in the 20
11 commands, and I can tell you what those are. So, for
12 example, we'll start with the 34, but then we'll go
13 to-- and not necessarily in this order-- the Midtown
14 North, the 13th precinct, the 30, the 25, the 42, the
15 43, 44, 47, 48, 60, 63, 67, 71, 72, 79, 102, 105,
16 115, and 121. So, those are the plans. We'll be
17 deploying the cameras. Those cameras will be deployed
18 to all the officers working, the third platoon in
19 those commands in each of those commands as we go
20 forward. So it'll take a pretty good time to roll it
21 out, but we'll do it precinct by precinct.
22 Ultimately we expect to have just over a thousand
23 cameras, maybe somewhere in the area of 1,200
24 ultimately and so forth. That's phase one of the
25

1
2 roll out. Again, as I said, there'll be this be-- as
3 part of this randomized controlled experiment, we
4 want to evaluate the impact of the cameras once we
5 have them rolled out, and we'll do that throughout
6 the first year. Ultimately, what we want to do in
7 phase two starting in fall of this year, we will roll
8 out cameras separate and apart from the pilot. We
9 want to-- we believe the efficacy of using cameras is
10 such that we don't want to wait until we have just
11 the pilot conducted. We will begin to think about
12 rolling cameras out in precincts that are not part of
13 the experiment also in the PSAs in the transit
14 district also that are not part of the monitor's
15 evaluation.

16 COUNCIL MEMBER CORNEGY: So, I guess my
17 question is, and I don't know if I misheard what
18 you're saying, there's a capacity within the contract
19 during the time of the roll out or right after the
20 roll out to make necessary changes to the provider?
21 So, my concern is this. After the research that we
22 did--

23 FIRST DEPUTY COMMISSIONER TUCKER:
24 [interposing] Yeah.

25

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2 COUNCIL MEMBER CORNEGY: My concern is
3 that, you know, I-- all things considered, I think
4 NYPD is the best and most effective Police Department
5 in the country. My question is why wouldn't we
6 provide them with the best equipment to match their
7 capacity? So, I think in lieu of not having a field
8 test done, how do we know that the equipment is going
9 to provide with the-- give us the best outcomes that
10 we want which is training, which is safety, which is
11 the ability to mitigate any murky circumstances
12 between police and citizen interaction, which is what
13 we all want?

14 COMMISSIONER O'NEILL: Well, I mean, I
15 think we have-- I think we have the best equipment.
16 We believe we do. But let me ask Commissioner Tisch
17 to give you the specifics and the details about the
18 process and also about why my response is that we
19 have the best equipment, why that is.

20 DEPUTY COMMISSIONER TISCH: Thank you.
21 So, our--

22 CHAIRPERSON GIBSON: [interposing] State
23 your name.

24 DEPUTY COMMISSIONER TISCH: Sorry. My
25 name is Jessica Tisch. I'm Deputy Commissioner of

1
2 Information Technology. Just to give you the short
3 version of this contract and how we came to this
4 vendor and how we're moving forward. We don't get to
5 pick, you know, based on the City's procurement
6 rules, I want to do a contract with this vendor. So,
7 we-- there are a number of rules that we follow where
8 we competitively bid the body cameras out, and we had
9 a very large evaluation committee made up of members
10 throughout different bureaus in the Department, and
11 the members evaluation committee had to review 50-
12 plus bids that came in based on two factors, the
13 technical competence, I would say, of the products,
14 and the price. So, at the end of the day it came
15 down to two vendors, Taser and VIEVU, the one we
16 ultimately went with.

17 COUNCIL MEMBER CORNEGY: Let the record
18 show I never mentioned the names of the [inaudible].

19 DEPUTY COMMISSIONER TISCH: I don't think
20 it's a secret. It came down to two vendors, and
21 based on those two factors and based on the
22 procurement rules of the City of New York, we went
23 with VIEVU which got very good technical score from
24 our evaluation committee. That's not to say that we
25 won't continue to re-evaluate. I mean, at the NYPD

1 we agree with you. We believe we need and we should
2 get the best for our officers. So you have our
3 commitment. You have my commitment that I am
4 confident that the body camera program will roll out,
5 but if we have to change course, we will, but I don't
6 expect that based on what I've seen myself firsthand
7 at other law enforcement agencies who have used the
8 same vendor.
9

10 CHAIRPERSON GIBSON: Thank you.

11 COUNCIL MEMBER CORNEGY: So, yeah, my
12 intent was not to nail you to the wall on this. I
13 want to make sure-- or I don't want to make sure I'm
14 not making any mistakes in terms of-- so they're-- as
15 part of the assessment--

16 CHAIRPERSON GIBSON: [interposing] Council
17 Member, sorry, we have to--

18 COUNCIL MEMBER CORNEGY: [interposing]
19 There was not a field-- alright, alright, alright.
20 I'll come back if possible.

21 CHAIRPERSON GIBSON: Okay, thank you.

22 COMMISSIONER O'NEILL: we can talk about
23 that when we meet.
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25

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2 CHAIRPERSON GIBSON: Thank you, Council
3 Member Cornegy. Next we will have Council Member
4 Lancman followed by Council Member Rodriguez.

5 COUNCIL MEMBER LANCMAN: Thank you. Good
6 afternoon. So, I'm going to start the same I started
7 with Ms. Glazer who testified beforehand, and speak
8 frankly. I think there's a little too much patting
9 on the back going on in this Administration when it
10 comes to public safety and the state of criminal
11 justice in the City, and Commissioner, I have to be
12 honest with you. Your reference to, your phrase,
13 "2016 was an absolute banner year for us." Listen,
14 there are many successes that the NYPD can be proud
15 of, but the reality is this, of the seven index
16 crimes that make up our evaluation of whether crime
17 is up or crime is down, murder compared 2016 compared
18 to 2013 was flat; 335 in 2013, 335 in 2016. Rape was
19 up 3.6 percent. In 43 precincts in the City rape was
20 up or stayed the same since 2013. Felony assault,
21 another index crime, was up 5.3 percent. In 40
22 precincts in the City felony assaults were up or
23 stayed the same since 2013. Just to go back to
24 murder which was flat citywide, in 34 precincts
25 murder was actually up in 2016 versus 2013. And

1
2 somehow despite all of that, the officers are still
3 spending a tremendous amount of time handing out
4 criminal summonses for low-level quality of life
5 crimes, offenses, rather than in my view the NYPD
6 putting its time and resources towards these more
7 serious crimes. There were 267,000 criminal
8 summonses issued citywide last year, and if you
9 exclude Central Park, almost 60 percent were issued
10 in majority minority neighborhoods. That is the
11 context that I bring to this oversight and this
12 budget hearing. Let me ask you specifically about
13 something that came up in the last two months,
14 particularly with the election of Donald Trump and
15 his Executive Orders and his focus on immigrants.
16 Deputy Commissioner for Legal Matters Larry Byrne is
17 quoted as saying, "Nobody is getting deported for
18 jumping a turnstile." Now, approximately 30,000
19 people last year were arrested and charged with the
20 penal law misdemeanor of theft of services, jumping a
21 turnstile. Now, you're the Commissioner, you set the
22 policy for the Department. Do you understand that
23 getting convicted for a penal law misdemeanor theft
24 of services can make someone subject to deportation,
25 even a legal immigrant?

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2 COMMISSIONER O'NEILL: There is a
3 threshold for actually getting arrested in lieu of a
4 TAB summons for theft of services for beating the
5 fare. So, if you're getting arrested for theft of
6 services, that means you've done it-- there's a
7 number of circumstances, but one of them is that
8 you've done it numerous times.

9 COUNCIL MEMBER LANCMAN: Right, but do
10 you understand that if you have decided to arrest
11 someone, charge them with the misdemeanor, that doing
12 so potentially subjects someone to deportation.
13 That's a separate question from when should we sent
14 someone to the Transit Adjudication Bureau, and when
15 should we charge them with a misdemeanor, but can we
16 just have a basic understanding that when someone is
17 charged with a misdemeanor, theft of services in
18 particular--

19 COMMISSIONER O'NEILL: [interposing] If
20 they are arrested, yes. They get--

21 COUNCIL MEMBER LANCMAN: [interposing]
22 that that is something that can subject to--

23 COUNCIL MEMBER LANCMAN: [interposing]
24 fingerprinted [sic].

25 COUNCIL MEMBER LANCMAN: deportation.

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COMMISSIONER O'NEILL: Yes.

COUNCIL MEMBER LANCMAN: Okay. In light of that--

COMMISSIONER O'NEILL: [interposing] So, can I just back you up a little bit?

COUNCIL MEMBER LANCMAN: Certainly.

COMMISSIONER O'NEILL: As far as 2016? I've been in this business a long time, almost 34 and a half years, and to come in at 998 shootings is a banner year. I didn't say for the NYPD. I said for New York City.

COUNCIL MEMBER LANCMAN: [interposing] So-

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COMMISSIONER O'NEILL: [interposing] That is-- I think it's 102 less people shot.

COUNCIL MEMBER LANCMAN: As I said, there are many things about which the NYPD should be proud of and our City should be proud of, but the reality is for three of the subject-- three of the most serious index crimes that make up our evaluation of whether or not crime is going down or not doing down, two of them are up and one was flat. But let's-- I want to still focus on immigration in the time that I have. In light of the fact that the Trump

1 Administration is focusing on trying to deport as
2 many immigrants both legal and undocumented as
3 possible, in light of the fact the Police Department
4 has within its authority to determine who should go
5 through the civil process for theft of services and
6 who should be charged with a misdemeanor, and in
7 light of the fact that the Council last year in a
8 compromise with the Administration created a system
9 where for a wide variety of offenses there would be a
10 civil parallel offense if one did not exist or if one
11 did exist there'd be a process for charging people or
12 handing people a civil summons as opposed to running
13 them through the criminal justice system, and the
14 NYPD was given a year until this June to come up with
15 the guidelines--
16

17 COMMISSIONER O'NEILL: [interposing] June
18 13th.

19 COUNCIL MEMBER LANCMAN: June 13th.

20 COMMISSIONER O'NEILL: And we're on
21 schedule.

22 COUNCIL MEMBER LANCMAN: Is there any
23 sense of urgency about changing the Department's
24 policies about who gets the criminal charge and who
25 gets the civil summons when it comes to fare evasion

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2 and about expediting and getting these guidelines out
3 before the June 13th deadline so that we can ensure
4 that nobody is put through the criminal justice
5 system who shouldn't be, and we can keep them out of
6 Trump's ICE hands?

7 COMMISSIONER O'NEILL: So, I also had
8 the-- I was fortunate to be a Transit Police Officer
9 before all three Police Departments merged in 1995,
10 and as a result of fare evasion enforcement in the
11 early 90's, we see where crime is in the subway
12 today, because usually six [inaudible] six index
13 crimes day, six million riders a day. So I don't
14 know if you're suggesting we don't do fare evasion
15 enforcement, I don't know if that would work.

16 CHAIRPERSON GIBSON: Okay.

17 COUNCIL MEMBER LANCMAN: Well, my time is
18 expired, but I'm certainly not suggesting that people
19 not be held accountable for evading a fare, the
20 question is whether or not they're going to go
21 through the existing civil process and keep them as
22 far away from ICE as possible.

23 COMMISSIONER O'NEILL: We are constantly
24 looking at what defines a recidivist.

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2 COUNCIL MEMBER LANCMAN: Thank you very
3 much.

4 CHAIRPERSON GIBSON: Okay, thank you very
5 much, Council Member Lancman. Now we'll have Council
6 Member Rodriguez followed by Council Member Williams.

7 COUNCIL MEMBER RODRIGUEZ: Thank you,
8 Chair. Commissioner, first of all, I hope that you
9 had a great time in DR [sic]. I know that you were
10 there for like two days.

11 COMMISSIONER O'NEILL: It was a very
12 productive two days.

13 COUNCIL MEMBER RODRIGUEZ: Great. And
14 also, I'd like to say thank you to the First Deputy
15 Commissioner Benjamin Tucker for being also with us.
16 Northern Manhattan a good effort to continue
17 improving the relationship between, you know, the men
18 and women that keep us safe. I got to say, confess,
19 now that I have two daughters my approach on how I
20 see, you know, those of you responsible to keep us
21 safe is completely different, because now it's only--
22 my interest is not only myself as elected official,
23 it's about when my daughters walk the street or go to
24 a park or take the train, how safe they are. And I
25 know that you're doing a great job, and I

1
2 congratulate all of you. Also I would like to
3 congratulate the men and women of the NYPD, that
4 having going through a process of being trained and
5 retrained in the last couple of years under the
6 leadership of-- your leadership and Mayor de Blasio.
7 I know that it's not a easy thing for individual, we
8 as a human being, to leave the comfort area and to
9 deal with a new policy that we as a city from the
10 City Council to the Mayor and the leadership have
11 been able to produce important reforms in our city.
12 But for me, I'm very happy to see how crimes have
13 been going down. I'm happy to see how last night I
14 had a town hall meeting on public safety in my
15 district, and difference from the 80's when all the
16 concern would be that they were shooting going on and
17 that they were-- we have more than 104 homicide in
18 the 80's and the 90's. last night town hall meeting
19 was about quality of life issues, issues that we
20 still have to continue addressing, but it was not
21 about there was a shooting in this block, there was
22 shooting on other blocks. It was more about noise.
23 It was about how can we continue addressing those
24 issues again that they are important but are
25 different. And I also saw last night as someone that

1
2 had a bad experience interact with NYPD in their
3 years in the 80's, being stopped and arrested at
4 181st [sic] because I was exercising my first
5 amendment, to now being conducting a town hall
6 meeting and also seeing a town hall meeting is that
7 is not based on accusation or many cases or excessive
8 use of forces, and people going after the NYPD or the
9 NYPD no different approach to the community. I
10 believe that we are in a new time where no doubt that
11 especially the leadership of the Mayor, because
12 everything has started from the top, and you guys,
13 you know, from your role, I think that you are really
14 doing a great job when it comes to going down and
15 connecting with the community that we serve, earning
16 their respect. I never send a student to the
17 principal office in the 13 years that I taught in the
18 classroom. I can tell you that I was walking around
19 and one of the Transit Police Officers, Alexandra
20 Nunez [sp?], who was walking about here is one of
21 those thousand student that because of the respect
22 that I gave to them, I know that I have earned that
23 respect back, and that's what I have seen today in
24 our streets. I got to see-- I have seen a higher
25 level of communication and interaction between all of

1 us together and while make our city safer. I have one
2 area what I believe this area where we have work to
3 do, and that's about diversity in the leadership of
4 the NYPD. I think that in the 1900 census the
5 population of this city was completely different from
6 the population of 2017, and when we look at today's
7 population and see that, you know, [inaudible]
8 Dominicans, 747,473; Puerto Ricans, 719,444; African-
9 American closer to million. It's the black, Asian
10 and Latino make more than 50 percent of the New York
11 City population. I know that-- I know you're
12 committed, and I know that the Mayor is working to
13 create the pipeline, but when I look at the hierarchy
14 of the NYPD there's no diversity there. That's you,
15 but those numbers there in the high leadership, they
16 don't represent. You know, when President Bush won
17 the election, he stole the election from Al Gore, I
18 went to 26 Federal [sic] Plaza. I said, "Republican
19 stole election." But I had different experience later
20 on, and I said this isn't about one party stealing
21 election from the other. This is a struggle for
22 power. When I go out and say Donald Trump has
23 created cabinet like mainly male and white, then I go
24 back to our city, I say, "What's going on in the top
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1
2 positions?" I know that the desire and commitment is
3 there, but I hope that we can leave us a legacy, a
4 NYPD that should be more diverse when it come to the
5 top leadership that we have in the institution.

6 COMMISSIONER O'NEILL: Commissioner
7 Tucker is going to speak about the levels of
8 diversity within the Department, but as you know in
9 many conversations that we've had, my commitment to
10 this is truly one that this is I know where we need
11 to go. We need to have not only a Police Department
12 that reflects the diversity of the City. We also
13 need leadership that reflects the diversity of the
14 City, and if you can look up at your own district,
15 you know who the precinct commanders are, DI Mundo
16 [sp?], who is-- and then DI Ramblas [sp?] who is
17 going to be promoted to Full Inspector tomorrow. So,
18 I'll let-- I'm fully committed to this, but
19 Commissioner Tucker will talk about the levels of
20 diversity within the Department right now.

21 FIRST DEPUTY COMMISSIONER TUCKER: So,
22 let me just talk generally in terms of what the
23 demographics of the Department look like between 2002
24 through January 2017. The department at that point
25 was 49.8 percent white, that's male and female, 15.6

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2 percent black, 28.4 percent Hispanic, 8.3 percent
3 Asian, and 0.1 percent or 0.5 percent of other. The
4 chart that I have that are more current in terms of
5 uniform breakdown, 77.4 percent white, 8.3 percent
6 black, 10.9 percent Hispanic, 3.3 percent Asian.

7 What I want to show you as well is where we are with
8 respect to the ranks, what they look like in terms of
9 the promotions, discretionary promotions in
10 particular, but let me also preface that by saying
11 that the Department overall is majority minority when
12 you look at it. That is a very different picture
13 today, than--

14 COUNCIL MEMBER RODRIGUEZ: [interposing]

15 This is about leadership.

16 FIRST DEPUTY COMMISSIONER TUCKER: Well,
17 I'll get to the leadership piece as well, because I
18 want to walk you through what that looks like as of
19 just in comparing promotional path, for example. You
20 and I have talked about that with respect to
21 discretionary ranks. With respect to the people who
22 take the exam, those who take the entry-level exam to
23 come in as police officers and then go up through the
24 ranks through Sergeant, Lieutenant and Captain. I
25 think we've said, and I've said when I appeared

1 before the committee to talk about recruitment a
2 month or so ago, I spent a fair amount of time
3 talking about our recruitment efforts, the new re-
4 arrangement around our Candidate Assessment Division,
5 and the fact that our outreach was pretty broad with
6 the new campaign both, you know, in terms of media,
7 but also specifically in terms of face-to-face
8 recruitment by our Recruitment Division. So, we
9 continue to focus on the need for recognizing the
10 importance of diversity. So we're moving in that
11 direction. But let me just shift a moment to
12 promotional path. So, as we go up, I'll start with
13 detectives because I think that's come up before.
14 So, when we talk about detective, in 2014, for
15 example, there were 700-- and just looking at just
16 blacks, Hispanics and Asian on occasion, 700 in 2014,
17 757 black detectives. This is 579 were male, 178
18 were females. We move over to 2014. That number
19 jumped to 784, and then if you look at it in 2016 we
20 were at 789. If you look at the same group for
21 Hispanics it was 1,246 male and female in 2015, 1,312
22 and then for 2016 we ended at 1,331. If we look at
23 deputy inspectors, you know, we see some increase
24 there. Blacks, eight males, three females in 2014;

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2 Hispanics, 21 males and one female. Moving to 2015
3 blacks were seven males and four females. So it's an
4 increase. And then the Hispanics were 18 and then
5 two-- 18 males, two females. And by 2016 the numbers
6 started to in some cases remain the same as it
7 relates to male blacks, but as it relates to females
8 it was an increase up to five, and in terms of
9 Hispanic males, 19 and a net gain of two females to
10 make it four. And then we had no-- if we look at
11 2014, no assistant chiefs at all in either in the
12 black column and two in the Hispanic column, two
13 males. That went up to at least one in each
14 category, male and female in 2015, and doubled in
15 2016. Of course all of that is as the higher you go
16 up the numbers get thinner and leaner, but I think it
17 all is-- the bottom line is what the diversity looks
18 like starts at the bottom, and in order for our
19 people to increase the ranks of minorities at the
20 highest levels, we are encouraging folks they have to
21 being somewhere. They have to take the sergeant's
22 exam. So, our goal is to encourage people to come
23 into the Department through our recruitment pipeline
24 that involves explorers, cadets and so forth and
25 takes us into police officer in hopes that those

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2 individuals, and we encourage everyone to take the
3 promotional exams, would move up through the ranks.
4 So, I, you know, we hear you. I hear what you're
5 saying, and the numbers are not perfect, but they do
6 seem based on some of the data I just provided to
7 suggest that there are some increases taking place,
8 but we definitely do pay attention to diversity and,
9 you know, there's no magic number but we do follow
10 that closely and try to ensure that where we can
11 promote people, not just on merit but also where we
12 can to make sure that we're aware of the issue around
13 increases in minorities.

14 COMMISSIONER O'NEILL: And just as a
15 final thought, every time before we have promotions,
16 Commissioner Tucker and Chief Gomez sit down, we all
17 sit down at length and discuss this very issue.

18 COUNCIL MEMBER RODRIGUEZ: Thank you.

19 CHAIRPERSON GIBSON: Thank you very much,
20 Council Member Rodriguez. Next we have Council
21 Member Williams followed by Council Member Deutsch.

22 COUNCIL MEMBER WILLIAMS: Thank you,
23 Madam Chair. Council Member Lancman, I have to look
24 but I thought it was a Barron that was asking those
25 questions. I have to look up really quick. Thank

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2 you, Commissioner and everyone on the panel, for your
3 time here. I do want to say just at the outset I
4 honestly believe this Administration and under your
5 leadership, we are in a different place absolutely
6 than we were even a few years ago. I think there's a
7 lot of progress. I think there's a lot going on the
8 Department isn't getting credit for even that is good
9 and positive. Sometimes it makes me feel
10 uncomfortable saying that, because it sort of
11 justifies the sort of history that we have to had to
12 have move forward in the first place, and I don't
13 want to give that any justification at all, but I do
14 want to acknowledge that there is changes happened.
15 The two areas that I think have not changed is
16 transparency where we've gone completely backwards
17 and accountability where there's been no change at
18 all, and I think when we can fix some of those, then
19 some of the credit that's not being given will be
20 given. So hopefully those are areas we can do a lot.
21 With the NCO programs, I think they're great. It's
22 not community policing. It's not true community
23 policing, but it is good programs. What we're doing
24 with the Crisis Management system I think is great.
25 I think one of the things we've done is begin to

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2 change the conversation about what public safety is
3 and what it isn't, and that public safety doesn't
4 have to just lie in the domain of the Police
5 Department, and the police can have additional tool
6 besides arrests and summonses, although we have to
7 work on that. Really quickly, I know on page three
8 you mentioned Queensbridge as part of the success. I
9 do want to shout out Council Member Van Bramer and my
10 brother from another, Kay Bane [sic] who actually
11 runs the 696 [sic] program. Then you went on to say
12 we know that our successes don't happen by accident.
13 They're all a direct result of the dedication of our
14 cops, the skill, which is all true. I want to make
15 sure they get the credit, but that one in particular
16 I want to make sure we give the credit also to the
17 Crisis Management System because there's a direct
18 link to when the 696 program came and the zero
19 shootings. So I will just assume it was an
20 oversight, but I do want to make sure we point out
21 that the other message that we're using are having a
22 direct effect particularly on shootings across this
23 city.

24 COMMISSIONER O'NEILL: I apologize for
25 that oversight. I know how important they are.

1
2 COUNCIL MEMBER WILLIAMS: Thank you.
3 Appreciate it. I do have a few questions I want to
4 try to get through in the time that I have. With
5 Timothy Kaufman, I know we're going to have a meeting
6 soon, but I was a little dismayed at the reaction not
7 just NYPD, also NYPD, the Administration, the
8 newspapers. The response to that I think was not
9 respectful of the community of the man that was
10 killed. Generally, when I see something like this
11 there's a press conference that comes out that tries
12 to sway the community of what's going on and what's
13 happening. So, I had a question as why that didn't
14 happen when Timothy Kaufman was killed. I appreciate
15 the work that went into arrest the man and the work
16 that's being done to try him, but it seems like there
17 wasn't a response saying this happened and this is
18 what we're doing to prevent it from happening again.
19 The community was left to try to figure out for
20 itself, and I just want to know what happened there.

21 COMMISSIONER O'NEILL: There's a
22 tremendous amount of work being done on that case
23 from the instant it happened. It wasn't a day or two
24 later. Chief Boyce's people in Manhattan South and
25 Chief Bill Aubury [sp?] took that case as seriously

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2 as they take any other homicide in New York City. So
3 there was a tremendous amount of work, and as far as
4 an overall threat, this is something that we do every
5 day. We take a look at the threat stream as it comes
6 in, and we're still in the process of doing
7 backgrounds on the person that committed that brutal,
8 brutal murder.

9 COUNCIL MEMBER WILLIAMS: I appreciate
10 that. I would say I believe there was a lot work
11 done. It doesn't answer the question of why that
12 wasn't relayed to the public, why that wasn't relayed
13 to the black community after someone came up from
14 Maryland with the express purpose of killing a black
15 man and wanted to incite something further. So that
16 was my-- and it was seen from the entire
17 Administration for days there just wasn't a comment
18 on that, and so I just want to point that out, and
19 I'm hoping to hear what's being done. I didn't hear
20 anything black churches, black institutions, or even
21 to say we know that this person had connection to
22 white supremacist terrorist groups, we don't feel
23 that there's going to be anything else. Nothing like
24 that. There was no kind of I think comment to make
25 people feel better.

1
2 COMMISSIONER O'NEILL: Yeah, we brought
3 this out immediately.

4 COUNCIL MEMBER WILLIAMS: Sure.

5 COMMISSIONER O'NEILL: Once we figured
6 out what the motivation was, we let that be known.

7 COUNCIL MEMBER WILLIAMS: Okay.

8 COMMISSIONER O'NEILL: And his
9 background.

10 COUNCIL MEMBER WILLIAMS: I just hope you
11 hear the point that I'm making.

12 COMMISSIONER O'NEILL: Right, no, I
13 understand your point.

14 COUNCIL MEMBER WILLIAMS: Sure. And I'm
15 going-- I don't have too much time. I'm going to run
16 through just a couple of question. You mentioned the
17 take-downs on page three. My issue-- some people
18 have issues with the take-downs in general. My issue
19 is generally that I believe still these type of
20 policing is sometimes is needed. My general question
21 is what happens after the take-down, because are we
22 coordinating with other agencies to fill the void to
23 change the conditions of whatever happened to have to
24 have that take-down, because if we're not then
25 usually we'd be back two, three, four years to do the

1 same thing. That's oen question. I'm really trying
2 to understand what happens after take-down, what
3 other kind of coordination's. I would like to know,
4 there's an issue with mental health. I had a very
5 good community officer, Michael Smith, committed
6 suicide in the 70th precinct. Always-- every
7 interaction was filled with CPR. So, I was very sad.
8 My understanding is one of the problems is if they
9 seek attention, psychiatric attention, there's no
10 confidentiality. It has to be reported to the
11 police, and that might be preventing people from
12 moving forward. I wanted to see if there was
13 something we could work on when it comes to that. My
14 last question has to do with foundations. I wanted
15 to know how much money the foundation was given to
16 Police Department for various duties.

18 COMMISSIONER O'NEILL: I'm sorry, the last
19 question?

20 COUNCIL MEMBER WILLIAMS: The
21 foundations, I know there's a big pot of funding that
22 is given to the NYPD from foundations and private
23 sources. I wanted to know if we can get a handle on
24 how much that is. Right before you answer that, I do
25 want to make two points because my time is going to

1
2 be up. With the low-level offenses, when it comes to
3 Broken Windows and what have you, it's a lot of
4 school of thought. I think it's being misapplied. I
5 just want to associate myself with many things
6 Lancman was saying, and we have to be honest.
7 Although here they might not be deported, if they go
8 out of New York City and they have those records for
9 things that were arrested here, even though we're not
10 doing it, they can still get deported and we have to
11 be honest with them when we're saying that. And
12 lastly, with the diversity, I just want to make
13 clear, the last time we had a conversation with
14 diversity, even within the Department diversity
15 doesn't reflect going up, and hopefully we're
16 figuring out why people aren't taking the test or
17 failing the test. But those last two are just
18 comments, and the other questions hopefully--

19 CHAIRPERSON GIBSON: [interposing] Okay.

20 COMMISSIONER O'NEILL: Alright, just to
21 respond to one of your comments, I speak to all the
22 fraternal organizations and I talk about advancing
23 through the Department. That's one of the main
24 issues when I go down and speak to them. So, this is
25 something that we're working on, and it's important

1 that they-- that everybody within the NYPD takes the
2 test. Just post take-down, we have the post take-
3 down debriefing that we do after to tell the
4 community exactly what transpired and why we did what
5 we did, and then with the 67 is a neighborhood
6 policing command, and I think that's where the NCO's
7 play a very vital role in letting the-- in making
8 sure we work with other agencies to see that other
9 people don't step up and fill the void. I think we're
10 in a good place on that. And mental health within
11 the Department, we do have an extensive program
12 called Are You Okay? None of that has to be done
13 within the Department. I've been a police officers
14 for a long time. Unfortunately, I've seen many
15 people that I know have committed suicide, so this is
16 something again that I'm truly committed to. Police
17 Foundation, we could talk about that. We do get
18 money from them to fill the gaps. I think it's
19 important that organization exists. They pay for our
20 liaison program, our foreign liaison program. I was
21 just down in Santa Domingo visiting our foreign
22 liaison, and we signed a Memorandum of Understanding
23 with the Dominican National Police. These posts play
24 a very vital role in continuing to keep this great
25

1
2 city safe, not only from traditional crime, from
3 terrorism. That's a large part of what they do, and
4 with the-- they gave us seed money for the pilot
5 project, for the Body One pilot project. They also
6 gave us some seed money for the sentiment [sic] meter
7 that we're going to give you a presentation on. So
8 the money's well spent.

9 CHAIRPERSON GIBSON: Okay.

10 COUNCIL MEMBER WILLIAMS: Thank you, Madam
11 Chair.

12 COMMISSIONER O'NEILL: And I would just--

13 COUNCIL MEMBER WILLIAMS: [interposing] I
14 would like a follow-up on the take-downs because I
15 think--

16 CHAIRPERSON GIBSON: [interposing] I got
17 it.

18 COUNCIL MEMBER WILLIAMS: there should be
19 better coordination with the agencies.

20 CHAIRPERSON GIBSON: I got it. So, with
21 that in mind, with the take-downs that I've
22 experienced in the Bronx, Edna Wells Handy [sic] and
23 her unit have gone in and not just done a briefing,
24 but for many of us we understand the impact on
25 families, loved ones, siblings, and friends, and the

1
2 likelihood that there could be a potential hierarchy
3 of individuals that will rise up now with the large
4 and mass take-downs. But job fairs and career fairs,
5 and we've done that in the Bronx, because we
6 recognize that with major arrests and individuals
7 that are charged with serious crimes, the fact that
8 we have to go in and invest in resources, and there's
9 nothing better than a resource like a job. And so I
10 know that Edna's unit is doing that. I've met with
11 her several times about it, and I think it's a good
12 approach, and certainly even beyond the briefing,
13 looking at some of those factors and root causes in
14 those communities of why young people are engaging in
15 violence, but not just answering with arrest, but
16 saying that we're going to put jobs and community
17 centers and PALs and other social services where we
18 can address the needs of those children and families
19 in those areas. Just wanted to say that. Next
20 we'll have Council Member Deutsch followed by Council
21 Member Barron.

22 COUNCIL MEMBER DEUTSCH: Thank you, Madam
23 Chair. Good afternoon, Commissioner. First of all, I
24 just want to extend my condolences to the Smith
25 family and to the entire NYPD family. I've known

1
2 Officer Smith since when he first became a cop. So,
3 it's a shame that that happened, how it happened, and
4 I agree with Jumaane Williams that a little more
5 mental health for the NYPD officers. That's one of
6 the things we do agree on sometimes. But anyway,
7 there's not much I can complain about because I do--
8 I still enjoy one of the highest reductions in crime
9 in the entire city, in the three precincts in my
10 jurisdiction which is the 60, the 61 and the 70 under
11 Deputy Inspector Polumbo [sp?] and the 61 under
12 Deputy Inspector Faison, and the 60 under Deputy
13 Inspector Taylor. And I also want to thank you,
14 Commissioner, for being very responsive and
15 accessible. I don't have to tell you what you did a
16 few weeks ago, but I just want to know everyone knows
17 that you did come out to my Muslim community in my
18 district and Jewish community and you really had a
19 great impact on the entire district, and my district
20 does represent what New York City is all about, and
21 we all are one family district, and I want to thank
22 you for coming out and addressing the community.
23 Just one question that I have about training. I am
24 involved with the children of autism, and I just want
25 to know how the NYPD is trained when they-- when

1
2 someone calls 911 about a autistic child or adult or
3 if 911 responds to a home that has someone who has
4 autism in the house, what kind of training the
5 officers have to identify and to deal with when they
6 walk inside. That was the first question.

7 COMMISSIONER O'NEILL: Deputy
8 Commissioner Keesee, Deputy Commissioner of Training
9 is going to speak about that.

10 COUNCIL MEMBER DEUTSCH: Okay.

11 DEPUTY COMMISSIONER KEESEE: Good
12 afternoon, Tracie Keesee, Deputy Commissioner of
13 Training. Our officers start with autism awareness
14 when they are recruits in the Academy, and we also do
15 ongoing follow up. When we-- we have NYPDU, so we
16 are doing a lot blended learning through our
17 technology. So we have the ability to send out
18 updates and reminders about what we should be-- how
19 we should be engaging kids and how we should be
20 engaging parents. So we take that, you know, pretty
21 seriously. Plus, we do have within the Academy
22 parents of autistic children who also do seminars for
23 us as well.

24 COUNCIL MEMBER DEUTSCH: If an officer
25 respond to a house where there's autistic child, what

1
2 is the officer-- what is the procedure? I mean, how
3 does the officer identify that the person has autism,
4 or if an autistic child locks him or herself into a
5 bathroom, what kind of training does the officer have
6 to actually try to convince?

7 DEPUTY COMMISSIONER KEESEE: Well,
8 through the training, and part of that is also
9 through our CIT training as well, they will talk to
10 the parents and they will talk with the children. So
11 they will go through a procedure of trying to
12 identify what issues are happening, and then they
13 will ask for the additional resources that they need
14 to make sure that they can provide the services to
15 the family.

16 COUNCIL MEMBER DEUTSCH: Okay,
17 [inaudible]. Okay, second question I have is the
18 increase in the swastikas and in particular in the
19 trains, and I did receive a phone call not too long
20 ago that a swastika was observed and an MTA workers
21 was cleaning off the swastikas. So what kind of--
22 what is-- what happens like within the MTA, within
23 the Police Department that they would tell others
24 that if you see a swastika it should be reported
25 that's going to be cleaned off?

1
2 COMMISSIONER O'NEILL: Well, working-- I
3 don't know if Chief Fox can come up here and speak
4 about it specifically, but any time there's any hate
5 graffiti, we advise people not to remove it and give
6 us a chance to come out and investigate. Joe?

7 CHIEF FOX: Sir. Chief Joseph Fox, Chief
8 of Transit. As the Commissioner said, it's a top
9 priority, and as I said at the MTA board meeting the
10 other day, whether a swastika is one inch or 10 feet,
11 it evokes the same pain that it was intended for many
12 years ago, and our response is accordingly. The--
13 we've actually seen an increase of swastikas found
14 have doubled. We credit the people who have told us
15 about these in some cases before they were cleaned
16 off. Council Member, I think you gave me one of them
17 that you reported to us, and our best tools are an
18 informed public and people watching out and
19 contacting us and telling us when they see these
20 things.

21 COUNCIL MEMBER DEUTSCH: What kind of
22 like education campaign do you do to alert the
23 ridership that when you do something like that what
24 kind of impact it could have on an individual and
25 entire community?

1
2 CHIEF FOX: Actually, I think the best
3 education is the media reporting it and us reporting
4 it and talking about it, because the same-- that
5 should evoke a sense of outrage and as we see people
6 who are reporting this when they see it on a subway,
7 I think that's reflective of that, and we do have--
8 we engage people. We've done crime prevention
9 outreach, engagement initiatives where last year in
10 2016 we've engaged about 350,000 people where we
11 greet them in the stations, on the trains, on the
12 platforms, and we give them a myriad of pieces of
13 information. And your comments, I'm going to
14 consider. That's actually a good idea to include
15 some package in general on why hate crimes are as
16 horrible as they are in these areas.

17 COUNCIL MEMBER DEUTSCH: Yes, I'd like to
18 see if we could do more work with the Council like
19 maybe billboards and just do some educational
20 outreach of the things, you know, basically all
21 colleges to let people know that any type of hate
22 crime bias that you do on a train what impact this
23 would have on others. And finally, I just want to
24 say, Commissioner, thank you. Thank you, Chief, and
25 I want to thank your leadership and Chief Boyce and

1
2 so many others I see over here, Chief of Patrol, and
3 you all do a phenomenal job and you have my full
4 support as always, and I want to thank every single,
5 the members of the NYPD, the men and women, for
6 always being out there protecting us and [inaudible]
7 conditions. Thank you so much, anyway [sic].

8 CHAIRPERSON GIBSON: Thank you very much,
9 Council Member Deutsch. Next we'll have Council
10 Member Barron followed by Council Member Levin.

11 COUNCIL MEMBER BARRON: Thank you, Madam
12 Chair, and thank you to the panel for being here
13 today. I want to fully associate myself with the
14 comments of my colleague, colleague Lancman and what
15 he has said, and I think that a part of the reason
16 we're in this predicament is because my colleagues
17 capitulated to the NYPD and said that we would allow
18 you to go ahead and establish what would be the
19 thresholds, and I think that we should have codified
20 into law what it is that we wanted to see done and
21 that might have prevented us from being in this
22 situation trying to now react to what's going on in
23 Washington, D.C., and I would urge my colleagues to
24 vote out the Right to Know bills that we are
25 considering. I have several comments, so I think what

1 I'll do is put them in and then ask you to respond.
2 Regarding the Broken Windows policy which was
3 embedded in the Stop and Frisk program which was
4 carried out by Bratton and which was declared to be
5 unconstitutional, and which is in fact I think a
6 mainstay of the mass incarceration that we see which
7 came about as a result of the policies of President
8 Bill Clinton. I would like to know for the record
9 how you justify continuing that policy if in fact
10 that is your position. And then in 2017 we continue
11 to see a manifestation of the institutionalized
12 system of racism on which this country was built.
13 People don't like to talk about it. Let's get over
14 it. We're back in 2017. We've had a black
15 president, so there's that denial. However, this
16 country was in fact founded on racist chattel
17 slavery. It's embedded in the founding document that
18 blacks are considered three-fifths of a person. It's
19 never been adjusted or amended in the Constitution,
20 so that still stands. So it has created a culture
21 where black lives are undervalued and where black
22 lives are taken unjustly. The consequences that are
23 metered out for that don't rise to the same level as
24 other persons who are killed. So, we know that in
25

1
2 1973, I believe, it was Clifford Glover who was 10
3 years old, five feet tall, less than 100 pounds who
4 was shot in the back by a police officer. He went to
5 indictment, but there was no-- jury did not find
6 guilt, and we know that we've seen the Eric Garner
7 video. There was not even an indictment, and we know
8 that there was no indictment when Ramarley Graham was
9 murdered in his own home. So we know that there is a
10 pattern. We're waiting to see what the special
11 prosecutor is going to do with Delrawn Small case
12 that's at that level and we're glad that that's
13 there, because there is a relationship that exists
14 between the District Attorneys and the Police
15 Department where they rely on each other to be
16 successful in what it is they're doing. So I think
17 that that's inherent with creating a policy of
18 perhaps not being as vigorous in pursuing cases
19 related to police officers who kill unarmed black and
20 Latino people. Recently it was reported that now
21 Inspector Chell of the 75 precinct killed an unarmed
22 person, shot him in the back. The civil suit that
23 was brought by the family when they heard the
24 ballistics said no, it couldn't possibly have been
25 under the circumstances that the Inspector relayed.

1 He was then a lieutenant, but he was able to rise and
2 move up and increase his salary and his rank and his
3 status and positions after he killed Ortanzso Bovell.
4 But the Police Department did not conduct an
5 investigation of any sort at the time, nor did the
6 District Attorney at the time, Charles Hynes, launch
7 an investigation. I have asked the Acting DA to look
8 into this situation based on ballistics evidence
9 which apparently was not presented to the Police
10 Department or to the DA to see in fact how we can
11 proceed. I've been told that the NYPD says there's
12 nothing further that they intend to do. The District
13 Attorney has said to me what has been reported to
14 report-- to have said that they would look into the
15 matter as new evidence is presented to them, and I'm
16 also looking to examine whether or not we can't get
17 the Special Prosecutor to look into this case even
18 though it happened in 2008 because nothing was done,
19 and Chell is now an inspector. And as relates to
20 disclosure of the records, the public disclosure of
21 disciplinary records, I've been told that someone has
22 leaked the information that yes, Inspector Chell also
23 had previous instances where he fired his gun, and we
24 know that Pantaleo had a litany of charges against
25

1
2 him. So unfortunately, we're still having to pursue
3 getting that type of information released. But
4 certainly these are people who have in their history
5 a pattern of abuse, of disrespect, and perhaps of
6 killing others who continue to rise and to go up in
7 the Department. I've introduced legislation which
8 calls for a moratorium for all officers under
9 investigation so that they can go and take these
10 exams, but that they not benefit during the time that
11 they're under investigation for crimes that they may
12 have committed. And I don't think it's about
13 training. Chief Gomez, about two or three years ago,
14 talked about how training had changed after Timothy
15 Stansbury was killed by the Police Department, but
16 yet still it was subsequent to that that Akai Gurley
17 was killed. So, I would like for you to respond to
18 that.

19 CHAIRPERSON GIBSON: Thank you, Council
20 Member.

21 COMMISSIONER O'NEILL: As far as Broken
22 Windows, we continue to do quality of life
23 enforcement. I was a precinct commander for six and
24 a half years. If I did not conduct quality of life
25 enforcement, I wouldn't be a precinct commander very

1 long. Most of that is driven by 311 complaints and
2 community complaints. If you look, summonses are
3 trending down and arrests are trending down also, as
4 are 250's, which is Stop and Frisk. In 2011 I think
5 the number was 600,000. I have to check it to be
6 accurate. Last year we had 13,000. I am committed
7 to building trust between the community and the
8 Police Department. That is-- neighborhood policing
9 is what I'm-- I'm not a big believer in legacy, but
10 if I do have one, this is what I'm looking to do.
11 I'm looking to make sure we do not have a repeat of
12 November 2014 and December 2014, and that's my goal
13 as Police Commissioner.

14
15 CHAIRPERSON GIBSON: Thank you very much.
16 Thank you, Council Member Barron. I know there's a
17 lot of follow-up that we'll have to do at another
18 time.

19 COUNCIL MEMBER BARRON: Madam Chair, if I
20 might?

21 CHAIRPERSON GIBSON: Thank you. I have to
22 get to another colleague.

23 COUNCIL MEMBER BARRON: I would like a
24 response to whether or not the Police Department
25 intends to take any action in light of the fact that

1
2 the civil suit awarded 2.5 million dollars based on
3 ballistics information. I would like a response. Do
4 they intend to have any departmental hearings?

5 CHAIRPERSON GIBSON: Okay.

6 COUNCIL MEMBER BARRON: Against Inspector
7 Chell.

8 CHAIRPERSON GIBSON: Yeah, I know. I
9 remember. Okay.

10 COMMISSIONER O'NEILL: Madam Chair, we'd
11 have to get back to you on that.

12 CHAIRPERSON GIBSON: Okay. Thank you,
13 Council Member Levin?

14 COUNCIL MEMBER LEVIN: Thank you, Madam
15 Chair. Commissioner, thank you for your testimony.
16 I want to ask you, in your testimony you referenced
17 the President's Executive Order, and you said that in
18 your testimony that it is too early to tell the
19 potential impact based on language in the Executive
20 Order that says that they may exempt funding that is
21 necessary for law enforcement. I just want to read
22 you the quote from Attorney General Sessions' press
23 conference on Monday in which he said, "We are going
24 to continue to ensure-- this is quote-- that monies
25 that go for law enforcement only go to cities that

1
2 are participating in effective collegial, cooperative
3 way with the Federal Government. That that would
4 send a message that we simply have got to end this
5 policy." That's pretty unambiguous language. I
6 realize language in the Executive Order may be a
7 little more ambiguous. He's sending-- he said in his
8 own words he wants to send a message against
9 "sanctuary city policies." Can you say how much
10 federal funding does the Police Department get
11 annually, or this-- in FY 17, this past fiscal year
12 or this current fiscal year, in Department of Justice
13 grants? And Department of Justice and Department of
14 Homeland Security grants?

15 DEPUTY COMMISSIONER GRIPPO: So, for
16 Department of Justice it's approximately 10 million.
17 As you've said, in different fiscal years the number
18 varies because of asset forfeiture funds that come in
19 through the Department of Justice. Last year it was
20 9.1 million. As far as Homeland Security grants
21 that's a much larger pot of money. It's the
22 counterterrorism funds that we receive. We get 95
23 million for the Homeland Security Grant Program and
24 another 15 million that come in through other
25 Homeland Security grants, the port grant and the

1
2 transit grant, bringing the total to 110 million
3 dollars.

4 COUNCIL MEMBER LEVIN: Plus the 10
5 million in DOJ.

6 DEPUTY COMMISSIONER GRIPPO: And that
7 does not include monies that come in from the
8 Department of State, to be clear. State Department
9 provides 25 million dollar reimbursement for security
10 that we provide to the UN when it's in session.

11 COUNCIL MEMBER LEVIN: Okay. So if you
12 were to take Attorney General Sessions at his word
13 that he clearly intends to coerce City of New York
14 into complying or cooperating with ICE and according
15 to their definition or their standard, if you were to
16 take him at his word, what would then be the impact
17 worst case scenario to the NYPD for the loss of those
18 federal funds? What would you envision if all those
19 funds were to go away in your FY 18 budget?

20 COMMISSIONER O'NEILL: It's 110 million
21 dollars. So, if you did the math there and took a
22 look that's two percent of our annual budget which
23 would represents hundreds and hundreds of police
24 officers in real terms. I'm not sure how the
25

1
2 Attorney General would coerce us into cooperating,
3 but Larry?

4 COUNCIL MEMBER LEVIN: Coercion by
5 withholding funds. I mean, that's--

6 DEPUTY COMMISSIONER BYRNE: You're
7 actually talking about three parallel trains on
8 parallel tracks. The first part, the President
9 signed an Executive Order directing the Department of
10 Homeland Security to withhold Homeland Security
11 money, which is the largest part of money we get if
12 Sanctuary Cities don't cooperate. It doesn't define
13 what a Sanctuary City is. In that Executive Order,
14 however, there's a carve-out that funds can still be
15 dispersed for law enforcement purposes. So that's
16 one issue. What--

17 COUNCIL MEMBER LEVIN: [interposing] Yes,
18 but only at the discretion of the Attorney General.

19 DEPUTY COMMISSIONER BYRNE: No, no, at
20 the discretion of the Secretary of Homeland Security.

21 COUNCIL MEMBER LEVIN: Okay.

22 DEPUTY COMMISSIONER BYRNE: So we're
23 talking about the Executive Order for the Department
24 of Homeland Security which is where we get most of
25 our money from. The second comment was by AG

1
2 Sessions, and what he said was for Sanctuary City,
3 and again he did not define that, was not compliant
4 with certain federal immigration laws, they would not
5 get Department of Justice grants, and the issue is
6 the City not the agency. So, when we apply in the
7 future according to what Sessions said for DOJ grant
8 money as opposed to DHS grant money, we will have to
9 sign a certification that we are compliant with the
10 federal statute, and if we are not under his program,
11 we will be disabled from getting DOJ money. The
12 third overlay which has nothing to do with either is
13 that in the President's Preliminary Budget there are
14 cuts across the board that potentially affect this
15 funding even if the Executive Order or the Attorney
16 General's proclamation is never entered, DHS is still
17 having funds cut that would come to us. So we're
18 facing the risk of loss of funds on multiple fronts.

19 COUNCIL MEMBER LEVIN: I mean, the fact
20 of the matter is they're all playing on the same
21 team. If the rule applies to DOJ funds, presumably
22 that would still-- that would apply to DHS funds, and
23 I just want to make it clear, in this open session
24 here that the potential impact to New York City could
25 be very, very devastating when it comes to

1
2 counterterrorism funds. It would make New Yorkers
3 less safe. It would make Americans less safe. We
4 attract people from all over the world to this city.
5 It would make everybody less safe for the Federal
6 Government and the Trump Administration whether it's
7 at DHS or DOJ to without federal funds that are
8 specifically designed to ensure the safety of, you
9 know, the country's largest and most diverse city,
10 and this is grant monies that NYPD over the last
11 number of years has used very effectively to counter
12 the significant overall terrorist threat that faces
13 our city. Would you agree with that?

14 COMMISSIONER O'NEILL: I agree with your
15 comment.

16 COUNCIL MEMBER LEVIN: Thank you.

17 CHAIRPERSON GIBSON: Thank you, Council
18 Member Levin. I know we have the public behind you,
19 so I want to make sure that I am respectful of
20 everyone's time. So we're going to follow up around
21 Shot Spotter expansion, school crossing guards. Just
22 want to make sure that the new guards we're hiring
23 will be covering any brand new schools that are
24 opening in September, and I also wanted to further
25 follow up on the evaluation of NCO officers as it

1
2 relates to what you talked about with the new domain
3 system versus radio run time of NCO officers versus
4 non-radio run time. We wanted to understand that a
5 little bit more.

6 COMMISSIONER O'NEILL: We have all those
7 stats. We can get them.

8 CHAIRPERSON GIBSON: Okay. Okay, thank
9 you very much for coming. We appreciate your work
10 and certainly look forward to working with you.
11 Thank you, Commissioner, to you--

12 COMMISSIONER O'NEILL: [interposing] Thank
13 you.

14 CHAIRPERSON GIBSON: and the entire team.

15 [break]

16 CHAIRPERSON GIBSON: Good afternoon,
17 ladies and gentleman, and welcome back to our Public
18 Safety Budget Hearing on the Mayor's Preliminary
19 Budget for FY 2018. We have heard from the New York
20 City Prosecutors, the Special Narcotics Prosecutor,
21 the Civilian Complaint Review Board, the Mayor's
22 Criminal Justice Director, MOCJ, and the NYPD. Now
23 we will have members of the public who remain with us
24 to bring testimony before us before this committee.
25 I want to thank you all for your patience and for

1
2 waiting with me through the long day. I'm grateful
3 that you're still here. We want to call up Viviana
4 Gordon from the Center for Court Innovation, Justine
5 Luongo from Legal Aid Society, Clayton Brooks from
6 Covenant House; we have testimony written from Rob
7 DeLeon representing the Alternatives to Incarceration
8 and Reentry Coalition, CASES. We have that for the
9 record. We have Michael Polenberg from Safe Horizon,
10 and I believe he's left. Vincent Riggins [sp?], I
11 think he may have left. Okay, thank you all. And if
12 there's anyone else here that still wants to sign up,
13 please do so at the Sergeant at Arms. Thank you.
14 Thank you. So you are my last panel of three. Thank
15 you so much for staying, and anyone can begin.
16 That's fine. Whoever chooses?

17 VIVIANA GORDON: Hi.

18 CHAIRPERSON GIBSON: Hi.

19 VIVIANA GORDON: Good afternoon, Chair
20 Gibson and members of the Committee on Public Safety.
21 My name is Viviana Gordon, and I'm the Deputy
22 Director at the Red Hook Community Justice Center,
23 which is a project of the Center for Court
24 Innovation. Thank you for giving me the opportunity
25 to speak today. The Center for Court Innovation

1 supports the Council's efforts to improve public
2 safety and bring more justice to communities
3 throughout the City. For more than 20 years, the
4 Center has been engaged in the same effort, working
5 to create a more effective and humane justice system
6 in New York City. Beginning with the Midtown
7 Community Court, the Center has created 28
8 neighborhood-based projects in all five boroughs,
9 bringing together community members and criminal
10 justice stakeholders to respond to local problems,
11 decreased violence, improve public safety, aid
12 victims, reduce the use of jail, and transform
13 neighborhoods. Through projects such as Bronx
14 Community Solutions, the Red Hook Community Justice
15 Center and the Crown Heights Community Mediation
16 Center we've worked to improve the lives of New
17 Yorkers in need including immigrants, the poor, young
18 people, women, the LGBTQ community and communities of
19 color. I'm here to urge the Council to support
20 continued funding for the Center for Court Innovation
21 and its efforts to improve public safety, promote and
22 expand the use of community-based alternatives to
23 incarceration and increase equal access to justice
24 for vulnerable New Yorkers. The Center for Court
25

1
2 Innovation seeks \$700,000 in City Council support.
3 This includes a continuation of \$500,000 to support
4 ongoing core operations in communities across the
5 City and an enhancement of 200,000 dollars to expand
6 alternatives to incarceration in several key
7 neighborhoods. The Center is committed to improving
8 outcomes for young people impacted by the justice
9 system and offering them pathways towards academic,
10 social and vocational success. Through both court
11 and community-based programs such as Project Reset,
12 our adolescent and young adult diversion courts in
13 Manhattan and Brooklyn and youth justice centers in
14 Queens and Staten Island we provide judges,
15 prosecutors and police with meaningful alternatives
16 to business as usual. Our program serves more than
17 6,000 youth each year providing them with
18 opportunities to avoid Rikers Island and in many
19 cases court. In addition to diverting New Yorkers
20 out of the justice system, we're helping people
21 transition back to community life after spending time
22 in jail or in detention. In collaboration with the
23 New York City Administration for Children's Services
24 and its contracted aftercare providers, the Center
25 provides structured strength-based services for youth

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2 returning from residential placement. These young
3 people and their families are offered skill building
4 and leadership development, educational support, case
5 management, cognitive behavioral services, art and
6 cultural programming, and pro-social activities.
7 Youth are also referred to additional community-based
8 services to help them overcome challenges, manage
9 family transitions and sustain positive growth. The
10 City Council's support has been invaluable in the
11 success of the Center for Court Innovation, helping
12 us maintain core operations and expand our
13 demonstration projects throughout New York City. The
14 Center for Court Innovation looks forward to continue
15 to work with the City Council to improve public
16 safety and create new alternatives to incarceration
17 that result in a fairer more accessible justice
18 system for all New Yorkers. Thank you again for the
19 opportunity to speak, and I'd be happy to answer any
20 questions you may have.

21 CHAIRPERSON GIBSON: Great. Thank you so
22 much. Welcome.

23 JUSTINE LUONGO: Good afternoon. Thank
24 you very much, Chairperson Gibson, for the
25 opportunity to speak, but also sort of the endurance

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2 that you and your colleagues demonstrated in today's
3 very long hearing. As I reflect on what has been
4 said today from all of the stakeholders, the theme I
5 believe is times have changed, and sometimes our view
6 could be that times have changed for the better. It
7 is true that there are statistics that demonstrate
8 that we are doing better by reducing the number of
9 people that have been arrested. It is true that
10 through the Cure Violence Initiative young people are
11 becoming engaged proactively to hopefully stem the
12 stream of sort of youth-on-youth unfortunate violence
13 and gang involvement. It is true that we are having
14 conversations, deep ones, sometimes difficult ones,
15 even painful ones about how we should be coming
16 together as a City. But equally true, as I sat here
17 and listened today, there's also a disconnect a bit
18 with some of the agencies under this Administration
19 that believe that it's okay to simply continue the
20 rhetoric without making the change. And so, an
21 example of that for instance is listening to
22 Commissioner O'Neill's response to Council Member
23 Lancman and several other Council Members about
24 Broken Windows, particularly about fare evasion
25 arrests, and the disconnect from what people in this

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2 city, particularly our clients as this City's primary
3 public defender, feel about being arrested for
4 jumping a turnstile and getting a conviction for
5 jumping the turnstile, and perhaps being deported or
6 removed for jumping a turnstile, and the answer
7 Police Commissioner gave this Council in terms of
8 talking about recidivism and repeat offenders, which
9 was the term he used. Let's be clear about what--
10 who he's talking about. He's talking about poor
11 people. He's talking about people who \$2.75 is
12 actually a meal, not pocket change. He's talking
13 about homeless people who would love the opportunity
14 to pay a fare, but simply cannot afford that, and so
15 the choice for them is to either jump a turnstile,
16 ask somebody for a swipe and get arrested because
17 that happens in this city, too, or miss your shelter
18 bed deadline. That disconnect of using "repeat
19 offender" when we're talking about fare and fare
20 evasion is actually what creates mistrust between
21 police and our communities, particularly mostly our
22 black and brown communities. The other thing is the
23 lack of transparency and accountability. We can talk
24 about neighborhood policing all we want. We can roll
25 out body cameras and pilot projects, but unless we

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2 have a police force that is willing to go on record
3 to say that there are some bad apples that violate
4 the policies, abuse people, kill people, and then
5 take the action to terminate them or discipline them,
6 and then let the public know that that is the action
7 that they take, we can roll out every pilot program
8 in the planet and we're still not going to have
9 communities of color feel safer. And finally,
10 there's Broken Windows, and unless we start
11 recognizing that there is a history of a police
12 practice that has created now scores and scores of
13 people with criminal records that can't get jobs or
14 getting deported or removed, again, we are never,
15 never going to build the trust that is really needed.
16 And I thank this Council for always pushing back
17 against that. What I do want to say is, there are
18 positive things happening, and we are really proud as
19 the City's primary public defender, and I speak on
20 behalf of Legal Aid Society, but I know if my
21 colleague's from all the defender organizations were
22 here, we'd say the same thing. We are proud to be
23 engaged in fighting for the rights of our immigrant
24 clients, our homeless clients, our clients that are
25 struggling with mental illness and substance abuse,

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2 our clients who day in and day out get brought to the
3 criminal justice system, and as the DA's have asked
4 for more money, we too ask for more money and
5 resources. As the DA's ask for more salaries, we
6 should note that our budgets have remained flat for
7 five years, and my attorneys at the Legal Aid Society
8 which is a unionized workforce actually don't have
9 parity with the DAs, and while our-- we testify in
10 front of courts and legal services we want this
11 committee to know that, because as you know, there is
12 a system where we are both in the courtroom with the
13 DAs, and so while they come here and ask for money
14 from this committee, we want you to know that we need
15 the resources as much as anybody else to be able to
16 be on the frontlines of protecting the people of the
17 city day in and day out. Two programs I want to
18 actually talk about specific to Legal Aid Society
19 because I think they matter to this committee and
20 actually it was you and this committee and some of
21 your members that actually made this happen, and that
22 is our Prisoner's Rights Project and the funding that
23 the Council has provided in the past to allow us to
24 have a unit at Legal Aid Society that not only helps
25 our clients, but helps anybody whose held at Rikers

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2 in their many, many needs and obstacles that are
3 created for them as being incarcerated. We are
4 asking that for our funding to be restored but asking
5 for a 250,000 dollar enhancement because we think
6 that there is a crucial need not only to address the
7 needs of those New York City residents that are
8 incarcerated at Rikers, but to also start to look and
9 help those New York City residents that have been
10 sent up state that will return to this city as our
11 returning citizens and looking at ways to assist them
12 more and to create in-roads back home to ensure that
13 they have a fabric and a community to return to. And
14 so we are asking for that. But the success of that
15 has been enormous. We are far over the number of
16 clients we have ever thought that we'd be able to
17 reach, and that's because this City Council has paid
18 attention to those we have locked away. The other is
19 our Community Justice Unit, and there was much talk
20 earlier on about the importance of Cure Violence. We
21 are part of that, and we call it our Community
22 Justice Unit, but it is part of the Cure Violence
23 Unit, and we partner with many of our organizations
24 in 18 communities. But one of the things I want to
25 point out, and it's so true about all of the legal

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2 services and all of the social service agencies of
3 this city, we go above and beyond. And so when the
4 Executive Orders of President Trump rolled out and
5 the raids began to happen and the fear became sort of
6 palpable in communities in New York City and people
7 were scared for their lives, we utilized the
8 Community Justice's 24-hour hotline also as an
9 immigration hotline that 24 hours, seven days a week,
10 and we go that up and running within 12 hours of the
11 first raid, and we were able to do that because the
12 City Council again has provided funding for us to go
13 beyond our sort of court rooms and into communities
14 to connect with communities to hear what it is they
15 need. That hotline received close to 200 calls a day
16 and still does from not only New York City residents,
17 but our hotline has reached California and other
18 places, and people are now calling to say, "If I
19 travel to New York, will I be safe?" So, I raise the
20 sort of these two positive aspects to say with
21 ingenuity and resources, New York can do anything.
22 We could actually build real trust in our communities
23 between our communities and the police, but you have
24 to have the real mission and the goal, and I thank

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2 this council for continuing to push for real
3 conversations and real reform.

4 CHAIRPERSON GIBSON: Thank you very much.
5 Close us out?

6 MICHAEL POLENBERG: Thank you, Council
7 Member. Michael Polenberg, I'm Vice President of
8 Government Affairs for Safe Horizon, the nation's
9 leading victim service organization and New York's
10 leading provider of services to victims of violence
11 and abuse. I'm not going to read the testimony. I'm
12 just going to touch briefly on the Child Advocacy
13 Center initiative which the Council has funded and
14 the Dove Initiative. This with support from the City
15 Council, Safe Horizon responded to 64, just over
16 6,400 child victims and nearly 4,000 attending
17 caregivers last year between all five of our Child
18 Advocacy centers. As you know, the child comes into
19 the Child Advocacy Center at Safe Horizon, and the
20 prosecutors and Special Victims Unit detectives and
21 ACS and the medical provider are all there to respond
22 to the child at one time. So, volume at our Child
23 Advocacy Centers has always been high. It increased
24 dramatically anytime there's been a high profile
25 death of a child, but since the death last year, the

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2 tragic death last year of Zymere Perkins and Jaden
3 Jordan and other children, the volume has really
4 dramatically increased. You'll have the chart in
5 front of you. It's about a 52 percent increase
6 across all five of our Child Advocacy Centers, and in
7 the Bronx, Council Member, it's almost 71 percent
8 increase. This is largely driven by cases that
9 people might not have thought were that serious in
10 the past, but because of Zymere Perkins, because of
11 Jaden Jordan and some other cases, people are acting
12 out of caution and referring the cases to the Child
13 Advocacy Centers which we're happy about. These
14 cases should have been seen in our centers all along.
15 The, you know, my question to my colleagues initially
16 had been, okay, so we've seen an increase, but how
17 many of those cases are, for lack of a better word,
18 real or founded cases? And it turns out a good
19 healthy portion of them are. So we're relieved in a
20 sense that these cases are now coming to the Child
21 Advocacy Centers, cases where there may have been
22 allegations of neglect, but not abuse. Now those
23 cases are coming to us, again, out of an abundance of
24 caution. So we're asking the Council to restore the
25 funding, the \$748,000 that we've received over the

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2 past few years, to really make sure that the core
3 funding for our Child Advocacy Centers is in place as
4 we deal with these new high numbers across all five
5 counties. Quickly, on the Dove initiative, the Dove
6 initiative continues to be a success. We're now up
7 to about 70 subcontractors across the City doing a
8 whole range of work from legal services to case
9 management and crisis intervention. This year it's
10 real exciting. We're doing something. We're
11 partnering with leading researches in domestic
12 violence around the country to do what we're calling
13 a Building Partnerships Colloquium. The idea is to
14 help providers who don't already have the ability or
15 haven't tried to explore, evaluating their work and
16 showing real tangible outcomes either because they
17 were nervous about it, afraid about it, didn't know
18 the best steps to go, and the idea is to really help
19 especially the smaller organizations build a capacity
20 to do this work, which ultimately will help them be
21 more successful when they apply for grants or RFPs
22 from the City or from the State or from anybody else.
23 So that's going to start in May. We're doing two
24 trainings, one in May, one in June, again, with some
25 of the leading researchers across the country. We're

1 what we truly believe is the right course of action.
2 So when we did the Criminal Justice Reform Act and it
3 took us almost a year of just conversations and
4 negotiations to make sure that you really understand
5 why we're doing this, why we want young men and women
6 of color to be given a fair chance. I always used to
7 say given a second chance, but no, they deserve a
8 first chance. We shouldn't even talk about a second
9 chance because they deserve a first chance, and you
10 know, not just because I represent a community that
11 has a high demand when you look at crime, when you
12 look at alternatives. I mean, I have it all, right?
13 The precincts I work with volumes of cases, and I get
14 it, and we're trying our very best, and we're not
15 just talking about it, but we're really investing in
16 the programs. So I recognize with this year and some
17 of the different challenges we face, right, because
18 some of the challenges we've already faced around
19 staffing, around salary parity and making sure that
20 there's equity in keeping and retaining our staff. I
21 recognize that those are challenges that we faced,
22 and we will work to address them. But for me, the
23 largest challenge that I think we're facing is with
24 this Administration, because they are setting forth
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1 on reversing every good measure, everything that
2 we've done to try to make a dent in the system,
3 right? Because that's really what it is, it's making
4 a dent. It's not a transformation just yet, but
5 we're making strides and steps of progress, and we're
6 trying to keep moving forward and they're trying to
7 take us backwards. So, the work that you're doing
8 has an even greater impact now, and my concern is
9 moving forward how do we continue to draw down on
10 those residents, those parents that are very fearful
11 because of ICE, because of their children going to
12 public schools, because they may be a victim of
13 domestic violence, they may be a victim of a crime.
14 How do we reassure them that the work we're doing is
15 going to make an impact and we need them to come out?
16 Like, so I don't necessarily in the housing world, I
17 don't want to get them when they go to Housing Court,
18 right, or when they go to Criminal Court. We have to
19 get them before they get to court, because many of
20 them don't want to go to court. They don't want to
21 go through metal detectors and face, you know, the
22 public scrutiny and the public criticism that many of
23 them feel they will deal with. We were with the
24 Mayor and the school's Chancellor about two weeks ago
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2 at TWEED and we announced a new effort working with
3 school safety to focus on prohibiting ICE agents from
4 coming into our schools, which I think is great, but
5 then I thought about something the Chancellor said
6 which is very interesting, because as much as we can
7 protect our children while they're on school grounds,
8 what happens when they leave and they go home and
9 realize that mom or dad is gone? And so I know that
10 eventually we will start to see a need to get to the
11 courts, because I know that's very important even
12 now, right, courts and every public space we have in
13 this city to try to provide some measure of comfort.
14 So, I just wanted your thoughts on that. You know,
15 obviously your budget request, we have some of the
16 challenges you're facing. I certainly will do my
17 part in making sure that all of this is prioritized
18 in our budget response and we work to get it in the
19 Exec., but just in that regard like what are you
20 finding and what are you hearing from your clients,
21 and how do you think we can help address a lot of
22 those issues of anxiety and fear?

23 JUSTINE LUONGO: So, all of the public
24 defenders have raised with the Mayor's Office of
25 Criminal Justice and the Office of Court

1 Administration that we have a growing, daily growing
2 concern, that ICE has been in our courthouses, have
3 removed people from our Criminal Court Houses. There
4 was a ICE agent that picked up a client in Brooklyn,
5 a parent in Brooklyn Family Court last week. The
6 court officers union issued a memo that was disclosed
7 to the media that indicated that told the President
8 of that union told its members to 100 percent comply
9 with ICE's requests. We are saddened as public
10 defenders that neither the City Administration or the
11 Office of Court Administration has issued a policy.
12 We raised with the great stride that the Mayor took
13 with the Board of education. I understand, and the
14 Speaker announced in her State of the City that
15 hopefully all of the city agency buildings would be
16 protected, and we raised with MOCJ that we believe
17 that the City owns the buildings in which the courts
18 reside, and so similarly DCAS could bar ICE. And
19 then we're told that it's an issue for OCA, and we
20 have continued to report to OCA every single ICE
21 sighting, but people are afraid. People are-- this
22 will sort of increase the warrants in Criminal Court,
23 and people will absolutely see what's happening in
24 Criminal Court and not-- if they're a victim of a
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2 crime, for instance, not go to the DA which is next
3 to the court. Or they will start not going to answer
4 their perhaps eviction notices in Housing Court, and
5 they are already afraid to go to Family Court, and
6 again, I think the point you just raised about
7 protecting children in school, but what happens if
8 their parent goes to Family Court and ICE is there?
9 We must be a true Sanctuary City and State, and
10 that's not just talking about it. That's about
11 saying to Trump and that Administration, "Sorry, but
12 New York City and New York State are not-- we are not
13 going to help you." And unfortunately, last week,
14 one of our attorneys was forced with a client who was
15 released on his own recognizance and had come willing
16 and voluntarily to court, we found out that ICE was
17 there, and after we conferred with an immigration
18 attorney and spoke to that client and that's client's
19 family, the lawyer had to ask for bail be set. I
20 want to reflect on that, that a public defender, our
21 job is to keep our clients in the community-- was
22 safer for that client so we can afford that client
23 due process to talk to an immigration attorney to
24 make sure that client was able to be seen by their
25 family before ICE took them away, and ask you know,

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2 ICE could place them in Jersey tomorrow and Texas the
3 next day. In order to do that, we had to ask our
4 client consent to ask for bail, and that client was
5 so afraid that they said yes. And so it was this
6 City Council's DOC policy that then the Mayor signed
7 that actually protected that client more because DOC
8 wouldn't release that client unless there was a
9 judicial warrant, and to-date ICE has not come to DOC
10 with a judicial warrant, to-date. Had he-- had we
11 not taken that drastic step, that client would have
12 walked from inside the well, outside the court house
13 and been taken, and again, ICE did not have a
14 judicial warrant. All they had was an administrative
15 warrant signed by an ICE official. No judge had
16 reviewed the findings. That is what we mean about
17 being a real sanctuary courthouse, and so we ask this
18 City Council to continue to push both the Mayor and
19 the Chief Judge of New York State to implement
20 policies to protect people so that they can come to
21 court.

22 CHAIRPERSON GIBSON: So, this client that
23 you're talking about was safer in jail?

24 JUSTINE LUONGO: Let's reflect on that,
25 but the answer to that is yes, because we have a law

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2 that protects people who are in custody from ICE
3 custody, and we have nothing for people who are in
4 the community coming voluntarily to court.

5 CHAIRPERSON GIBSON: Right.

6 JUSTINE LUONGO: And so that gentleman
7 did what he was supposed to do.

8 CHAIRPERSON GIBSON: Right.

9 JUSTINE LUONGO: He was told by a judge
10 to come back on his court day, and he did, but ICE
11 was waiting and the only way to protect him was to
12 ask for bail.

13 CHAIRPERSON GIBSON: Okay. Very scary. I
14 wanted to-- did you have something to add to the
15 same, Michael?

16 MICHAEL POLENBERG: It's absolutely
17 terrifying. You know, we had a meeting I think it
18 was last week to talk about so what happens when ICE
19 shows up to our eight domestic-- any of our eight
20 domestic violence shelters or our shelter for
21 homeless youth. You know we have a more-- some kind
22 of an understanding, not a formal understanding, with
23 the NYPD. If they show up and they have a warrant,
24 they're looking for somebody, they understand it's a
25 shelter, it's a nonprofit. We're going to take a

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2 copy of the warrant and fax it to our General
3 Counsel's office. If they have to get the person,
4 they're going to get the person, but there's an
5 understanding we have with the PD. We don't know
6 that we're going to have any kind of understanding
7 with ICE who shows up to our shelters. We want to
8 make sure that our staff, someone who's answering the
9 door at 10 or 11:00 at night in the shelter has the
10 wherewithal and the fortitude to be able to stand up
11 to five or six or how many ICE officers there are
12 waving a warrant saying we need to come in and x
13 person and then of course, once they're in the
14 building they can talk to and probably will talk to
15 more people. So we haven't figured this out. We
16 actually saw a memo from Seymour James recently that
17 we're going to look at and see if there's any
18 guidance we can take from there, but it's absolutely
19 terrifying to think of what it's going to mean. And
20 you mentioned, or I think you mentioned what happens
21 if the kids come home from school and mom isn't
22 there? What happens if ICE comes to our shelter and
23 takes mom when the kids are at school, and when they
24 come from school that day that's the reality that
25 they're going to face? If we're lucky, none of this

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2 will come to pass, but we're certainly not assuming
3 that's going to be the case, and we're starting to
4 develop and really try to solidify a policy in place
5 to make sure that our staff are equipped to be able
6 to respond to when ICE shows up and what guidance and
7 safety planning can we offer our clients who may be
8 undocumented so that they can have a plan in place
9 for themselves, for their children and for other
10 people. So I just want to echo what Tina said, it's
11 just terrifying.

12 CHAIRPERSON GIBSON: Okay, and I agree,
13 and I appreciate your insight and your guidance as we
14 move along because your partnership is very critical
15 to this. To hear those cases are extremely
16 disturbing. I had a meeting recently with HRA and
17 DHS as it relates to some of the LINC programs, and
18 you know, many of them have eligibility requirements
19 that clients may begin to be eligible, but through
20 the process they get employment and they're no longer
21 eligible. And we had a case in the Bronx of a DV
22 client who decided to return to her abuser, and you
23 know, it was heartbreaking because she was no longer
24 eligible for the LINC voucher. So, it's the same
25 message. We cannot have these stringent rules where

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2 we turn around and, you know, the end result is
3 exactly what we don't want to happen. And I'm pretty
4 sure immigration had a role in that, but it was very,
5 very disturbing to hear of this case, and I know
6 there are many others. I wanted to ask quickly,
7 Michael, since you have a contract to administer the
8 victim's services in the police precincts, how we're
9 doing with that and rolling out, and are you finding
10 any challenges with that, and how are your staff
11 doing at the various precincts?

12 MICHAEL POLENBERG: So we're in 26
13 precincts this year.

14 CHAIRPERSON GIBSON: Okay.

15 MICHAEL POLENBERG: And I don't have the
16 list with me, Council Member, but I'm happy to send
17 it to you.

18 CHAIRPERSON GIBSON: That's fine.

19 MICHAEL POLENBERG: We'll be in 29
20 precincts in the coming year, so another 29.

21 CHAIRPERSON GIBSON: Okay.

22 MICHAEL POLENBERG: And so how is it
23 going? I think it's going pretty well. I think
24 there were a few bumps, you know, and I think there's
25 some variants between precincts, but I think overall

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2 it's running pretty well. I think it's a huge
3 service for victims of crime to know that there's
4 somebody in the precinct that they can go to for
5 questions, for guidance, for advocacy that isn't a
6 police officer. Not to say that the police officer
7 might not want to help. The police officer may be
8 too busy or may be called into a different direction.
9 So to have somebody in the precinct who's not a
10 police officer, but is there 100 percent to focus on
11 the need of the crime victim I think is a wonderful
12 thing. It's also worth noting that we're going to
13 work with that victim whether the victim decides they
14 want to cooperate with investigation or prosecution
15 or not. Some victims will make the initial report to
16 the police and then decide for any number reasons
17 that they don't actually want to cooperate with the
18 police any longer or don't want to cooperate.

19 CHAIRPERSON GIBSON: Okay.

20 MICHAEL POLENBERG: We're going to
21 continue to work with that victim if he or she wants
22 us to work with them. So that's another nice feature
23 that we offer. You know, we're working closely with
24 the PD, but we're our own organization, and we're
25 going to offer the services just as we do in the

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2 Criminal Court programs where we'll work with the
3 crime victim even if they ultimately choose not to go
4 forward with the prosecution.

5 CHAIRPERSON GIBSON: Okay.

6 MICHAEL POLENBERG: So, the big picture
7 answer is things are going well, and I'd be happy to
8 get you the list again of the precincts who are
9 already in currently and the precincts that we're set
10 to be in in the coming year.

11 CHAIRPERSON GIBSON: Okay. I think it's
12 also important to note that we're talking about
13 victims of all crimes and not just DV, because
14 initially that's what we always assume, and you know,
15 recently in the news I mean we've seen an eruption of
16 crimes against seniors which to me is the worst type
17 of crime when you rob seniors, and they've been
18 violent robberies that have all been caught on
19 camera. Your client that your staff get, so some of
20 my concern has always been the clients that have to
21 physically come into the precinct to see your staff.
22 The DV officers in particular as an example do home
23 visits. Do your staff go with them, and then do you
24 do your own visits to a client as compared to having
25 them come into the precinct to visit you? If they're

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2 a senior, you know, many of them don't even talk on
3 camera about-- you know, there was one that was
4 robbed the other day in the Bronx, and she didn't
5 talk on camera. Her face wasn't shown, but she was
6 visibly shaken up, and she was robbed by a female as
7 well, and so that particular victim may not come
8 forward, but how do your staff work with them to make
9 sure that they feel assured that their case is going
10 to get full attention?

11 MICHAEL POLENBERG: It's a great
12 question. So you're right, we work with victims-- we
13 have two advocates in every precinct with the
14 exception of some of the very low volume precincts,
15 the one in Central Park and handful of others, but
16 for almost all of the precincts we're going to have a
17 domestic violence advocate and a crime victim
18 advocate to respond to a multitude of crimes that
19 take place. We get in touch. We call. Our
20 advocates call every crime victim who makes a police
21 report the next day or the day after to say, "This is
22 Safe Horizon. This is the role we play. We're
23 different from the PD. We have this to offer. Can
24 we help you?" If the person wants to come to the
25 precinct we'll work with them in the precinct. If

1
2 they say I do actually want you to help, but I don't
3 want to walk into the precinct or I'm afraid or I
4 can't because of age or any other reason, we'll still
5 continue to work with that person. I'll try to get
6 like numbers if I can about how many home visits
7 we've done so far.

8 CHAIRPERSON GIBSON: Okay.

9 MICHAEL POLENBERG: I don't have that
10 with me, unfortunately.

11 CHAIRPERSON GIBSON: That's fine. No
12 problem.

13 MICHAEL POLENBERG: But I'd be happy to
14 get that information to you.

15 CHAIRPERSON GIBSON: Okay.

16 MICHAEL POLENBERG: But our goal, our
17 whole purpose of doing this is to be as responsive as
18 possible to the people who may need our help.

19 CHAIRPERSON GIBSON: Okay. And Viviana, I
20 just wanted to quickly ask about Community Courts.
21 So I have not had an opportunity to visit the one in
22 Red Hook, but I'm anxious to get there. We want to
23 model something like that, of course, in the Bronx.
24 I know there's an effort with Brownsville. DA
25 McMahan has talked about a Community court in Staten

1
2 Island. So the concept and the reason why we have a
3 community court is very important to me, and I think
4 it's in line. You know, obviously I would love to
5 avoid anyone appearing in court in the first place,
6 but I recognize that if they have to I want it to be
7 much more community oriented, right? So I think
8 that's what the goal has always been of Community
9 Courts. So can you give me a understanding of how it
10 works so that I can share that with my folks in the
11 Bronx and my DA to see if-- you know, well the issue
12 we deal with in the Bronx is we don't have space.
13 That's a major issue. But the concept, and you know,
14 what BSC does is great but they're like physically in
15 the courthouse, so ultimately we would need to have
16 our own physical location of a Community Court.

17 VIVIANA GORDON: Absolutely, and we would
18 love to host you in Red Hook whenever you're able to
19 come out.

20 CHAIRPERSON GIBSON: Sure.

21 VIVIANA GORDON: I did want to say to
22 your point earlier about what we're all dealing with
23 right now under the new Administration and
24 immigration. As you know, CCI's project span
25 everything from BSC which is based in the man Bronx

1 Courthouse to standalone courts like Red Hook to more
2 community-based programs like SOS, the Cure Violence
3 model, but across the board one of the big missions
4 is, you know, bridging the gap between whether it's a
5 justice system or the police in the community and
6 building trust and being more responsive to community
7 needs, and as we are any of our court-based projects
8 are still subject to the same policy or lack thereof
9 of OCA around this issue, but it is I think more
10 important now than ever to expand pre-arrest
11 diversion options or options for the DAs to decline
12 to prosecute and pursue other programs that prevent
13 people from getting caught up in the system and
14 getting a criminal record. Community Courts have
15 been really effective in-- I mean, in Red Hook
16 certainly, and Brownsville the planning has been well
17 underway since 2010. Hopefully we'll be opening
18 soon. Myself and my colleague Charese Crouther both
19 worked in Brownsville for a few years in the planning
20 efforts there, and I think that's a community that
21 could really, really benefit when it does open its
22 doors. I think if you were to consider a Community
23 Court in the Bronx, the communities I think really
24 can benefit are especially communities for whom the
25

1 relationship with the justice system has been really
2 broken, and there's been really high levels of
3 contact and very little accountability of the judges,
4 the prosecutors, the police whose mission really
5 should be to keep the community safe, to build public
6 trust and to really enhance the quality of life.

7 When you have a community court which is really a
8 neighborhood-based geographically centered court
9 within the community, the community gets a lot more
10 access and it really is designed and customized to
11 meet that community's needs. When Red Hook was
12 planned in the 1990s, some of the biggest issues at
13 the time was the use and sale of heroin and crack
14 cocaine, and so treating addiction and mental health
15 and trauma and the underlying reasons people were
16 getting arrested was very effective as a problem-
17 solving tool. In Brownsville a lot of the issues are
18 turf-related gang issues, and you know, crews and
19 sets, but the underlying issue is really that youth
20 really don't have many opportunities or much of a
21 positive outlook for themselves or their future. So,
22 to design a Community Court in the Bronx, pick a
23 community and start a planning process in which the
24 community has a lot of input over what services would
25

1
2 need to be collocated and housed there to give that
3 immediate connection, and it has been shown to reduce
4 crime and recidivism while reducing the use of jail.

5 So--

6 CHAIRPERSON GIBSON: [interposing] Okay.

7 VIVIANA GORDON: It's very effective.

8 CHAIRPERSON GIBSON: Okay, great. And
9 then I just have one final question for you, Tina.
10 The Prisoner Rights Project, you know, I've always
11 been a fan of it. Incredibly work that you do. I
12 wanted to ask, you know, because Rikers Island is
13 Darcel's biggest challenge, so to speak. I say that
14 mildly. I recognize the climate and the conversation
15 we're having around closing Rikers, but I also
16 recognize the immediate needs that we have to fulfill
17 every single day, and there was recently an article
18 that talked about the clinical civilian staff feeling
19 public safety concerns around administering medical
20 services for the staff there. Darcel talked about a
21 case of an individual who is a part of repetitive
22 violence on Rikers Island, again, one person out of
23 many. SO I wanted to find out with the clients that
24 you work with, and obviously you deal a lot with
25 families' access to medical care, children issues,

1
2 employment issues, making sure that many of these
3 clients still have stability when they leave the
4 island, right? How has your program found some of
5 these challenges that we hear so much about, the
6 violence, the prosecution unit that Darcel has, like
7 what, you know, main function does the Prisoner
8 Rights Project have, and what challenges have you
9 seen within the program as it relates to some of the
10 other issues I've described?

11 JUSTINE LUONGO: Sure. The issues that
12 the Prisoner's Rights Project address for people held
13 at Rikers, their medical needs, their mental health
14 needs--

15 CHAIRPERSON GIBSON: [interposing] Right.

16 JUSTINE LUONGO: their--

17 CHAIRPERSON GIBSON: [interposing] Legal
18 as well, right?

19 JUSTINE LUONGO: their legal needs, the
20 sort of level of discipline, the solitary confinement
21 sentences and sort of the ability to challenge those
22 and adjudicate those for people who have been put in
23 confinement. Looking at the ways in which the staff
24 interact with the people who they are sort of-- who
25 are housed there and kept at Rikers. The idea that

1
2 you-- if you are somebody that's held at Rikers,
3 you're torn out of your community, you're torn away
4 from your family, you're thrown out on an island.
5 What you need is a connection to the outside, to a
6 lawyer, to a paralegal who is going to help you
7 facilitate the things you need. That connection plus
8 visitation with your family is the driving force to
9 actually data that shows that if you meet those
10 needs, those core human needs of contact, health,
11 mental health services, that actually violence gets
12 reduced. And the Prisoner's Rights Projects, every
13 single-- we have a hotline. So, Monday through
14 Friday from 9:00 a.m. to 5:00 p.m. we have a hotline
15 funded by the funding that was provided by City
16 Council, that we have a trained paralegal who does
17 intake for every single call and then connects that
18 client to a lawyer or another paralegal that actually
19 is trained to go out and investigate. And what I
20 have seen in terms of the support that that hotline
21 has given the people that are held at Rikers is been
22 for many of them the creation of a lifeline. So,
23 while we're still going to see the issues of either
24 CO to "inmate"-- I hate that word, but I'll use that
25 in the context of this-- CO to inmate or what is

1 called "inmate-on-inmate violence" we still have to
2 address that, and that is about I believe
3 restructuring our jails to be sort of places of
4 rehabilitation and actually not places that are
5 actually more punitive that then feed into a violent
6 cycle. But the Prisoner's Rights Project sort of has
7 addressed all of those legal issues, and I am very
8 proud to say that that hotline has calls coming in
9 every single day and we have staff out there turning
10 around to investigate a claim within the very next
11 morning, and so we look forward to continuing to do
12 that, and now looking at ways to actually provide
13 that same level of service with New York City
14 residents that are held in state prisons who face the
15 same thing. But we want to sort of ensure that if
16 they're returning as they will to their home in New
17 York City as our returning citizens, that we
18 understand those issues that they're bringing home
19 with them so that we can look at reentry mechanisms
20 that'll create safety nets. So, we're very proud
21 that the Prisoner's Rights Project thanks to the
22 funding here has been able to at the root level deal
23 with the human needs of those that are held at
24 Rikers. While we still have to push for reforms and
25

1
2 continue to push for reforms, for instance a winter
3 coat issue. That was our Prisoner's Rights sort of
4 pushing and pushing and our lawyers pushing to say,
5 "Hey, it's the coldest winter ever," and two days
6 before Christmas, we pushed them to get 900 winter
7 coats so that people were not freezing when they were
8 brought to court or released with no winter coat. So
9 it's that type of basic human-driven kindness to sort
10 of say while you are there we didn't forget you and
11 we're here to protect and get you the things you
12 need.

13 CHAIRPERSON GIBSON: Thank you, and it's
14 humane. It's the right thing to do. I'm grateful for
15 that. I remember the stories and also, you know, the
16 Speaker was pushing to ensure that detainees that are
17 coming to court from Rikers Island also are, you
18 know, they're dressed in suits and not necessarily a
19 prison uniform, right? So, just lastly, I just want
20 to thank you for your incredible partnership swath
21 the New York Crisis Management System, with the Anti-
22 Gun Violence organizations that are doing tremendous
23 work. Thank you. Thank you. Thank you. They are
24 finally getting the recognition that they rightfully
25 deserved from the NYPD, from the Mayor and from

1
2 everyone. And this year, we are investing almost
3 five million dollars in additional funds for these
4 community groups, and I experienced, you know, like I
5 mentioned earlier, a homicide in my district this
6 week, and SOS from Brooklyn was right there with me
7 in the Bronx. Life Camp came from Queens. So the
8 love that families are feeling is incredible. I just
9 am sad that, you know, these types of things keep
10 happening to our children. It's such a violent way
11 they're losing their lives and the families that are
12 left behind. So, I want to thank you for your work.
13 Thank you for your partnership, and certainly during
14 this budget process we look forward to working with
15 you to ensure that you get the support you need to do
16 the great work in this climate to make sure we
17 protect every New Yorker regardless of their status.
18 Thank you so much for coming today and thank you for
19 staying. Alright, and with that, our hearing is
20 adjourned. I want to thank my team. Thank you Beth
21 and thank you Steve, and thank you Casey in the back.
22 Thank you to the Sergeant at Arms for just always
23 making sure that we have a great, smooth hearing. We
24 are adjourned and we will be back during the
25 Executive Budget Hearing. This hearing is adjourned.

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COMMITTEE ON PUBLIC SAFETY

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COMMITTEE ON PUBLIC SAFETY

C E R T I F I C A T E

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



Date April 30, 2017