

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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Chairperson

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

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Police Department

Stephen Hughes  
Assistant Chief Commanding Officer Patrol Bureau  
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Oleg Chernyavsky  
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Acting Commissioner of the Mayor's Office of  
Immigrant Affairs

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Towaki Komatsu [sp?]



CHAIRPERSON RICHARDS: Alrighty, good afternoon. Good afternoon, everyone, and welcome to the first hearing of the Public Safety Committee in our legislative session. I am Council Member Donovan Richards of the 31<sup>st</sup> District in the best borough, Queens, and I am honored to be your new Public Safety Committee Chair. I'd like to thank the members of the committee who are here today. I want to acknowledge Council Members Vallone, Williams and Brannan and Cohen. I look forward to working with all of you this session. Before we begin, I want to share with you a few thoughts as the new Chair. The work of this committee is very important to me as it is to all of us, and I promise you that I will devote the best of my abilities to the great responsibility of promoting the safety of our city and ensuring that the fair and just enforcement of our laws. I look forward to presiding over many productive conversations with the Administration with the purpose of keeping our city safe and just. The New York City Police Department is one of the most effective and well-respected law enforcement bodies in the country and around the world. There are over 35,000 uniformed officers who put their life on the

line day-in and day-out to keep our families safe and that is a service we should all honor and respect, but the responsibility of promoting safety in our city does not fall on the NYPD and myself alone. Public safety is a shared responsibility. It is vital that any conversation about policing and law enforcement policy includes the voices of the public, of advocates, and of members of the community. No one can speak to your experience of safety and the issues that are affecting New Yorkers on the ground better than you. No policy conversation is complete unless you include those who are most directly affected. As your Chair, I want you to know that I am going to value inclusiveness. I'm going to value representation. I'm going to value transparency, collaboration, and compromise. In these times when the Federal Government can't be counted on for leadership or consistency, it is more important than ever that we make the most of our work here, and that means having conversations where every voice is represented and heard. Together, we will ensure that policies are thoughtful and change is meaningful. I look forward to working with you all on this shared goal. Now, let's get to today's hearing. Today, we

are examining the NYPD's crowd control and protest procedures. The circumstances of large crowds in New York City can vary, from the Times Square New Year's Eve ball drop to the crowds outside JFK protesting Trump's travel ban and everything in between. At any event involving a large crowd, the challenges to public safety are complicated and the NYPD has to be prepared to respond despite chaos or confusion. We rely on the Police Department to keep us safe, and that doesn't change whether we're at a parade or participating in social activism. Due to a variety of factors we've seen crowd control escalate at times and have been left wondering how or why a situation ended the way it did. In early January we had a crowd control incident that escalated beyond where we'd like it to go involving members of this very Council. I understand that the NYPD may not be able to answer all of our questions about that incident today as the investigation is ongoing, but we will continue to ask questions beyond this hearing and make sure that when we see practices that don't meet our expectations, they are addressed and improved. Today, I hope to bring transparency to the process of protecting crowds as more light is shown on the

process surrounding crowd control and protest procedures, we can be more aware of what to expect in the future and have a better understanding of how an individual in a crowd becomes a threat to public safety. Thank you all for being here today. I want to just acknowledge once again who we're joined by, Council Members Vallone, Williams, Brannan, Cohen, Gibson, Deutsch, and Cabrera. And with that, I will ask our Council to administer the oath and we will begin.

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

CHAIRPERSON RICHARDS: Alrighty, you may begin.

CHIEF HARRISON: Good afternoon, Chair Richards and members of the Council. I am Chief Rodney Harrison, Chief of Patrol Service Bureau for New York City Police Department. I'm joined here today by Assistant Chief Stephen Hughes, Commanding Officer Patrol Bureau Manhattan South, Oleg Chernyavsky, the NYPD Director of Legislative Affairs, and Bitta Mostofi, Acting Commissioner of

the Mayor's Office of Immigrant Affairs. On behalf of the Police Commissioner, James P. O'Neill, I wish to thank the City Council for the opportunity to speak with you today about the NYPD's crowd control and protest procedures as well as the work of the Strategic Response Group. The Patrol Service Bureau is the largest and most visible bureau in the NYPD in the most densely populated city in the country with 8.54 million residents and many commuters and tourists that enter our city every day. Patrol Service Bureau is the first line of defense against crime and disorder. The Bureau manages about 17,000 police officers and oversees the Department's 77 precincts which are divided into eight patrol bureaus. Moreover, Patrol Services had been responsible for implementing the cornerstone of the NYPD's Neighborhood Policing, which is a comprehensive crime-fighting strategy built on improved communication and collaboration between local police officers and community residents. As I begin my testimony, allow me to state the obvious. Fundamental to a free society is a right to communicate one's ideas, and the NYPD believes in the importance of the First Amendment and the public's



right to peacefully express themselves, whether demonstrating, counter demonstrating or showing support for a cause, individuals and groups have the right to peacefully gather. Law enforcement, in turn, has a duty to ensure the safety of the general public while protecting the rights of individuals to peacefully assemble. As you know, the Department provides a police presence and crowd control at large-scale events and demonstrations. This role is taken seriously, and it is the policy of the Department that our protocols at these events conform to the guarantees of the Constitution that care be excised to protect constitutional rights and that where enforcement action becomes necessary, that it be supported by a legitimate law enforcement and public safety purpose. On any given day in our city there can be multiple protests and demonstrations taking place. Recent examples include the approximately 200,000 people who took to the streets in last month's Women's March and the almost daily demonstrations that have taken place near Trump Tower since 2016, accumulating with nearly 400,000 people who protested the President's inauguration in 2017. It is critical for the Council and the Public to

understand the role of NYPD at these events. It is here, after all, where the competing goals of maintaining order and protecting the freedom of speech and assembly intersect. The Department must balance a number of conflicting demands when managing events such as protest and demonstrations. These include facilitating the ability of individuals and groups to effectively and peacefully express their First Amendment rights, protecting bystanders, safeguarding municipal and private property, ensuring unimpeded city commerce and traffic, containing unruly protesters with the appropriate type of enforcement, and preventing harm to officers and civilians alike. No matter whether we are dealing with spontaneous or highly-organized events, such events often times require the use of significant resources. Information management is essential component of effectively deploying police resources to such events. In many cases, the Department is provided advanced notice. When the Department is provided advanced notice, it can help plan a route that provides maximum impact to protest with minimal destruction to nonparticipants. Department personnel, whether it is the local precinct, the

patrol borough, or local community affairs officers, will confer with the sponsors of the event and make preliminary determinations of what if any Department resources are required. The Department will also issue the appropriate sound and parade permits for these events if necessary. Depending on the size of the event, we can also arrange for closing of streets and sidewalks, suspension of parking, and the establishment of points of access for the public. When the actual protest or demonstration takes place, Department personnel will help facilitate the movement of demonstrators on city sidewalks or roadways, and will at times use barriers to ensure the safety of those protesting. The Department makes every effort to work with sponsors, advocates, elected officials, and others involved in organizing a demonstration to ensure the proper level of safety and security is provided. The collaboration with the public is key, and it is typified by the hundreds of demonstrators that occur each year with little or no enforcement action taken. As I mentioned earlier, at any protest or demonstration, the goal is to strike the appropriate balance of respecting an individuals' right to protest and the right of others who have not

chosen to engage in the protest. Acts of civil disobedience and violations of the law at times occur at these events, and those that violate the law are subject to summons or arrest. It is important to note that even when enforcement actions become necessary, when possible and consistent with public safety, the Department provides multiple warnings to those violating the law. Ample time is provided to correct the unlawful condition before enforcement actions takes place. At all times, compliance with a directive from the police to individual protestors or a group at-large must occur. I wanted to stress, however, that if the Department has no advanced notice of an event, it will still deploy resources and help facilitate the movement of participants. Understanding that the need to demonstrate may materialize quickly, large protests and demonstrations that occur without providing notice to the Department prevents the NYPD from effectively diverting traffic away from impacted areas and ensuring the safety of all involved. Blocking streets for the purpose of protests without alerting the police creates a significant public safety hazard with cascading effects beyond the area of protest. I

believe it is important for me to highlight one facet that demonstrates the Department's commitment to the peoples' rights to peacefully protest. When policing a protest, demonstration or an event, the Department will regularly deploy an attorney from its legal bureau. The attorney will assist in the Department's preplanning of such event and will also be physically present at the event to provide legal guidance in real-time to our deployed personal. The purpose of the attorney's presence is to provide legal guidance to our personnel while also ensuring that the policies and practices employed by our officers at these events are lawful and fairly applied. Few if any Police Department routinely include an attorney in their protest and demonstration deployments. Many of the advocates that participate in these events will concur that the presence is constructive. Moreover, the Department also recognizes the Demonstration Observer Program which was established in cooperation with the local legal community. This program permits properly-identified observers who are usually attorneys accessed through police lines at the scene of many of these events. Department personnel are directed to extend every courtesy and cooperation to

demonstration observers. They are permitted to observe any police activity subject only to restrictions necessitated for personal safety. I now want to direct my attention to an important component of our management of protest demonstrations and large events. The Strategic Response Group, SRG, was created in 2015, and it is designed to respond to a multitude of events. It consists of nearly 700 officers operating in five individuals SRG units, one in each city's five boroughs. The mission of SRG is three-fold, to deploy to precincts and zones as designated by the Chief of Patrol to supplement patrol resources, respond to citywide mobilizations at major crowd control events, and to support our special operations' division capabilities at critical and hazardous material incidents. Additionally, SRG conducts daily counter-terrorism deployments in conjunction with other department units based upon current intelligence and threat assessments. SRG teams will be deployed to iconic locations in the City to provide a visible presence promoting a sense of security among residents and visitors in the City. It will also respond to shootings, bank robberies, missing persons, and other significant incidents.

SRG's specialized training in crowd control makes it a vital tool in not only protests, but for conducting parades, the running of the New York City marathon and other high-profile events such as the 2015 Papal visit, the United Nations General Assembly, as well as the US Open. In order to be assigned to SRG, candidates must have at least three years of patrol experience. SRG continuously trains its personnel in advanced crowd control, advanced hazardous material training, rapid response, and active shooter response. It is essential to note that SRG does not respond to every protest or demonstration that takes place in our city. In many cases, the response will be the responsibility of Patrol Service Bureau or an assigned detail that was created for a specific event. Because crowds at such events can vary dramatically in their size, composition, intentions, and behaviors, crowd control policies and tactics for when enforcement is needed are essential. They are critical to keeping a demonstration under control and orderly. If mishandled, they can endanger officers, participants, and the public at-large. In this regard, SRG has been a critical asset to the Department. The significant number of protests,

demonstrations, and large-scale events that have taken place in our city over the last several years have necessitated the need for specially trained officers to work with control to execute effective crowd control strategies, facilitate arrest processing where necessary and ensure the safety of participants and the public. In concluding my testimony, there's perhaps nothing more valuable and sacred to democracy than the right of an individual to organize and express themselves in a peaceful manner. The NYPD recognizes this right and actively protects those who wish to exercise it. What it also recognizes, recognized by the NYPD, is that the right of people to march, demonstrate, protest, rally, or perform other First Amendment activities comes with the responsibility not to abuse or violate the rights of others. The responsibility of law enforcement is to protect the lives and property of all people. Balancing a concern for adequate security against the responsibility to ensure the rights of individuals to peacefully assemble and demonstrate is complex and could certainly prove challenging at times. This is why the Department strives to work with those who are organizing such events. The development of such



relationships is a worth-while investment of the Department's time and efforts, because it does not only build trust, but also establishes ground rules and utilizes the expertise of all involved to ensure as safe and effective outcome to the event. Thank you for the opportunity to testify today. My colleagues and I will be happy to answer any questions that you may have for us.

CHAIRPERSON RICHARDS: Thank you, Chief Harrison, and congratulations on your recent promotion as well.

CHIEF HARRISON: Thank you.

CHAIRPERSON RICHARDS: Okay, so our first question is-- so I'm going to dig into the Strategic Response Unit a little bit more. So, how many officers again in the Strategic Response Unit? And if you can just identify who you are when you speak, as well.

ASSISTANT CHIEF STEPHEN: Good afternoon, Chairman Richards. I'm Assistant Chief Stephen Hughes. I'm the Commanding Office of Patrol Borough Manhattan South. SRG is currently composed of 680 uniformed and civilian members of the service. There's approximately 550 police officers.

CHAIRPERSON RICHARDS: And I know you spoke of, Chief Harrison, you mentioned that you have to have at least three years of patrol experience. What other criteria are centered around you being able to join SRG?

ASSISTANT CHIEF HUGHES: Sure. In January 2015 the Department issued a bulletin requesting candidates to join the SRG that was formed in May of 2015. Part of the requirements was three years of patrol, a recommendation by the commanding officer, highly competent yearly evaluations, no chronic sickness, and a positive disciplinary record, and they have to be physically fit.

CHAIRPERSON RICHARDS: Okay. And can you tell me-- so just go into the training a little bit. So, I know that SRG officers are trained in both counter-terrorism tactics and then crowd control, correct?

ASSISTANT CHIEF HUGHES: That's correct.

CHAIRPERSON RICHARDS: And why aren't these two separated at all?

ASSISTANT CHIEF HUGHES: It's the mission statement with the SRG. It's three-fold, as the Chief mentioned. Our normal daily deployment for SRG

1 is in the-- they're in the five geographical boroughs  
2 of the City. They'll patrol the one-- five areas of  
3 the City that are experiencing spikes in crime,  
4 generally shootings and robberies. They respond to  
5 citywide mobilizations and they're also tasked with  
6 supporting the Emergency Service Unit at a terrorist  
7 incident, as we seen last year and a half with the  
8 Chelsea bombing, 42<sup>nd</sup> Street attack in the west side,  
9 bike path attack. SRG had responded to those. So,  
10 that's where the training-- I can get into a little  
11 bit of the training. When an officer is assigned to  
12 SRG, he receives 40 hours of crowd control training,  
13 and that's based on the Department of Homeland  
14 Securities' Field Force Operation course. It's a  
15 national standard for crowd control and crowd  
16 management. We kind of adapted it more toward New  
17 York City, but it is a standard that we used  
18 throughout the United States. They receive the 40  
19 hours of hazardous materials training. Basically, if  
20 there's a chemical, biological, or radiological  
21 attack in the City, each of the officers are equipped  
22 to go into a Level C suit and support our Emergency  
23 Service at an incident. And the last, they receive  
24  
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80 hours of firearms and tactical training to assist at an active shooter type incident.

CHAIRPERSON RICHARDS: And so I'm hearing the training and I'm trying to piece together. You know, is it proper for us to have officers who aren't SRG trained in both counter-terrorism and crowd control? Is there a significant difference between the two is what I'm trying to get at? Do you expect protestors and spectators to pose the same threat to public safety as terrorists as well as people who are attending parades and/or who are protesting?

ASSISTANT CHIEF HUGHES: I think we have to go back to 2014. When Commissioner Bratton came back in the Police Department he had a re-engineering project. One of the areas that we looked at, what was working in the Police Department and what needed improvement. We looked at the-- prior to SRG there were eight borough taskforces, and they were really tasked with responding to demonstrations or events in their local borough, patrol borough. When we looked at that, in 1997 we had 41,000 police officers in the NYPD, and there was roughly 1,500 officers in those eight borough taskforces. In 2014, the Department was at 36,000 police officers and there was less than

1 450 officers in those taskforces. So, you saw the  
2 drop of the 5,000, 1,000 new officers came out of the  
3 borough taskforces. So, when we looked at that we  
4 also looked at what was the Department facing now.  
5 We looked at Paris. There was the multiple attack  
6 around the city. Mumbai India, terrorism was on the  
7 rise. So, at that point a decision was made due to  
8 resources was to form the SRG, give them the three  
9 multiple-- give them a mission, three mission  
10 statements, and that's how we formulated the SRG.

12 CHAIRPERSON RICHARDS: Right, but what  
13 I'm getting at is so SRG is both addressing counter-  
14 terrorism and also individuals who protest. So, do  
15 you think the training is appropriate on both sides,  
16 and do you think that officers, part of this unit,  
17 would interact with the public more aggressive based  
18 on training they're receiving on the counter-  
19 terrorism side? Is there a-- you know, so based on  
20 the training, I'm just trying to hear a little bit  
21 more, do you see similar threats between people who  
22 assemble peacefully at a protest to protest and  
23 terrorists?

24 ASSISTANT CHIEF HUGHES: We looked at the  
25 officer. Generally, most of the officers in SRG have

three to seven years on a job. They were active police officers in their precincts where we took them from. Generally, their main function, 90 percent of it, is crime fighting. They deploy into those areas. That's what their main function is, but the Department needed a reserve of officers that could respond when there was-- during large incident or demonstrations. So, for man power-- it's a specialized field to be able to make mass arrests, and also to respond to an active shooter. So, we're doing this training. We pulled together 700-- the goal is to get to 700 officers that we could train in the Department that have those three capabilities.

CHAIRPERSON RICHARDS: And go through the budget for the SRG a little bit more, and where do those funding sources arrive from? Are you tapping into federal money on this as well, or where are the funding sources for SRG? How much a year are we spending? Anybody's welcome here.

DIRECTOR CHERNYAVSKY: Council Member, we-- I can get back to you on the funding source, but just the officers-- officers themselves assigned to SRG are part of the NYPD's contingent of officers. Whether or not we use any part of whether it be UASI

funds or Byrne funds in connection with any equipment, I'll look into that and see if any of the grant funding is used for that purpose.

CHAIRPERSON RICHARDS: But you don't have a ballpark figure on how much--

DIRECTOR CHERNYAVSKY: [interposing] No,--

CHAIRPERSON RICHARDS: you're spending a year on this unit?

DIRECTOR CHERNYAVSKY: I mean, we have the personnel, we have the personnel numbers. In terms of spending on equipment, I'd have to look into and get back to you on that.

CHAIRPERSON RICHARDS: Do you see challenges-- and this is just getting back to the training again. Do you see challenges in requiring officers to focus jointly on counter-terrorism events and crowd control events?

ASSISTANT CHIEF HUGHES: We have-- the counter-terrorism on a daily basis is done by our Critical Response Command. That's the CRC. SRG-- CRC is basically they do the daily counter-terrorism at like historic sites, the bridges, buildings, the Empire State Building, Trade Center, and they travel around the City. They're the primary unit. Counter-

terrorism is tasked with providing that security. SRG is tasked with supporting an emer-- its primary job is to support the Emergency Service Unit, our SWAT team, at a specialized event like a terror incident.

CHAIRPERSON RICHARDS: Let me ask you, how many arrests have we seen at protests around the City? I mean, if you could run down numbers. Last year.

ASSISTANT CHIEF HUGHES: Last year in Manhattan South there were 109 protests, and we had 322 arrests, total of arrests during that time. Generally, last year was-- out of 109, probably only about 10 percent, 10-15 percent, say 15 incidents resulted in arrest. Generally, the mass arrest people voluntarily sitting down blocking. It was Trump's election year early in January/February of last year there was a significant number of civil disobedience arrests.

CHAIRPERSON RICHARDS: Do you know why? That's a joke. You don't-- you don't have to answer that.

DIRECTOR CHERNYAVSKY: Council Member, just to clarify it, the numbers, since we don't track



patrol based on arrest, based on at the protest or not, the numbers the Chief is giving you is arrest by SRG where SRG was deployed.

CHAIRPERSON RICHARDS: So, SRG, so this is--

DIRECTOR CHERNYAVSKY: [interposing] Yeah, correct. So these--

CHAIRPERSON RICHARDS: [interposing] But there can be other arrests happening at the same time.

DIRECTOR CHERNYAVSKY: There can be others. They're not tracked as related to protest, related to an event or not. They're done by patrol, but these are-- if SRG is deployed, they will employ-- deploy to the 109 incidents. There will be arrests. The arrest number that the Chief gave was the arrest number that was done at the protest. And just to highlight that there could be multiple arrests at one event, and there could be events where SRG is where there were no arrests, and out of that number of arrests, there was a significant number of those that are pre-planned events, meaning that the participants are actually telling the Police Department, "We're going to engage in civil

disobedience, and we want to be arrested for a particular cause." And we will accommodate them for that purpose, but those numbers are putting-- that's part of the overall number.

ASSISTANT CHIEF HUGHES: And Chair, just to clarify a little bit, last year in Manhattan South there were 410 demonstrations. SRG was requested on 109 of those demonstrations.

CHAIRPERSON RICHARDS: And what-- go through the criteria again of when does-- because it seems to be a lot of confusion around here. So, they respond to some protests and then they don't respond to some. What triggers SRG being pulled to a protest? So you just said 410 protests last year, and out of those 410, 109.

ASSISTANT CHIEF HUGHES: SRG was requested-- generally we have two types of protests. They're planned and unplanned.

CHAIRPERSON RICHARDS: Okay.

ASSISTANT CHIEF HUGHES: A planned protest, generally it's developed in a precinct. Usually the community affairs, the NCO, or the Commanding Officer has received a call from a group. They're looking to demonstrate at a location. The

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disorderly conduct. That's blocking vehicle or blocking pedestrian traffic. Another type of civil disobedience is trespass. They'll block an entrance to a building or actually go inside a premise and refuse to leave. So, that's what we consider-- those arrests were-- of the 322, I'd say 99 percent were the civil disobedience.

CHAIRPERSON RICHARDS: And so no terrorist threats--

ASSISTANT CHIEF HUGHES: [interposing] No, no.

CHAIRPERSON RICHARDS: during any of these particular protests.

ASSISTANT CHIEF HUGHES: Right. Generally when we respond to a SRG response, to a demonstration, they come down in advance. It's generally eight officers to a van, and they'll use the vans. We have prisoner transport vehicles. It's a different type of vehicle that we respond to demonstrations with.

CHAIRPERSON RICHARDS: And how do you find out-- so let's go through unplanned protest for a second. Can you speak to how do you find out about unplanned protest?

ASSISTANT CHIEF HUGHES: Sure. That's generally the SRG receives over the Department radio. They operate on a citywide frequency because they're on all five boroughs, and a transmission will come over for a level one mobilization. The Police Department has four levels of mobilization, level one being the smallest. That's generally the-- a precinct sergeant in any of the 77 precincts in transit or housing districts are allowed to call level one. If they get to a scene, say there's a shooting or a bank robbery or there's a search for a missing kid and they need additional resources, they're authorized; they can call a level one. Likewise, if there's a demonstration the sergeant gets there, he'll call a level one on the radio. That triggers a captain from the patrol borough to respond, and it also triggers an SRG captain to respond to that location.

CHAIRPERSON RICHARDS: So, let's go through, and I know you can't necessarily speak to what happened last month, all of the details. So, give me who responded there.

ASSISTANT CHIEF HUGHES: So, that--

CHAIRPERSON RICHARDS: [interposing] Or  
can you just go through the scenario of who--

ASSISTANT CHIEF HUGHES: Yeah, that was a  
captain from the Sixth Precinct that was working for  
Manhattan South. He responded, and it was the SR--  
and we do the local SRG. So, SRG One covers  
Manhattan, so they responded. Generally, a local SRG  
responding will give you about 20 to 30 officers,  
additional officers.

CHAIRPERSON RICHARDS: And what prompted  
them to attend this particular event?

DIRECTOR CHERNYAVSKY: Yeah, so maybe I  
can draw a little bit of a timeline to-- I think  
it'll flow better and give a better picture of the  
event. So, the day started off with two planned  
events, right? So, one of the planned--

CHAIRPERSON RICHARDS: [interposing] Say  
it again. I'm sorry, two?

DIRECTOR CHERNYAVSKY: The day started  
off with two planned events, right.

CHAIRPERSON RICHARDS: Two planned  
events.

DIRECTOR CHERNYAVSKY: In the vicinity of  
26 Federal Plaza. So, one of the events was a

regular event that happened multiple times over the course of a few prior years. It was a monthly event that happened last year I think between April and December where individuals normally between 10 and 12, sometimes upwards of 20, would show up at 26 Federal Plaza. They would walk around the square block and it was a peaceful event. That event was scheduled that day based on the historic peaceful nature of the event. We were aware of it, but did not assign any personnel to that event.

CHAIRPERSON RICHARDS: So, at the event that occurred--

DIRECTOR CHERNYAVSKY: [interposing] Well, no, let me-- so let me-- I'm trying to break it up.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: So, then there was a second event that day which was not the routine event. For that event the organizer had sought both a sound permit, and we believe a Parks Department permit from the Parks Department, because the event was happening in Foley Square which is a City park. So, we were made aware of that event based on the request for permit and the coordination by the event organizer.

CHAIRPERSON RICHARDS: The Foley Square and both Federal Plaza, 26 Federal Plaza.

DIRECTOR CHERNYAVSKY: Yeah, it's right behind 26 Federal Plaza, so both events were happening in the vicinity. So--

CHAIRPERSON RICHARDS: [interposing] And SRG was assigned to both, or no?

DIRECTOR CHERNYAVSKY: Were not. They were not.

CHAIRPERSON RICHARDS: So they were not.

DIRECTOR CHERNYAVSKY: So, nobody was assigned to the regular demonstration. It was-- I believe it was called the "Jericho March" but I could be wrong. That was a regular demonstration that happened over a dozen times over a span of years. Nobody was assigned there just because historically it was-- there was no civil disobedience that happened. It was coordinated through the Fifth Precinct, so there were no issues. The other event, the organizer had told us that there were going to be 100 people there.

CHAIRPERSON RICHARDS: 26 Federal, or?

DIRECTOR CHERNYAVSKY: The one in Foley Square.



CHAIRPERSON RICHARDS: Foley Square, okay.

DIRECTOR CHERNYAVSKY: Right. We were told there were going to be approximately 100 people present. They requested a sound permit. There were no indication that civil disobedience was going to be going on or that it had any relation to necessarily anything in particular going on in the building. It was just mainly an immigration event. Based on that we assigned a Community Affairs Officer and three police officers to the event in the event that--

CHAIRPERSON RICHARDS: [interposing] And that's the Foley Square. That was--

DIRECTOR CHERNYAVSKY: [interposing] That was the Foley Square.

CHAIRPERSON RICHARDS: So, take me to 26 Federal Plaza.

DIRECTOR CHERNYAVSKY: Well, that's all part of it.

CHAIRPERSON RICHARDS: So, that's all part of it.

DIRECTOR CHERNYAVSKY: Right. So what happened was, the event was attended by significantly more than the 100 people that we were told of. There were up, over 300, we believe, individuals. So, the

officers at the scene and the captain from the Sixth Precinct requested additional resources, and that's when--

CHAIRPERSON RICHARDS: [interposing] And this was considered an unplanned or planned? So, as--

DIRECTOR CHERNYAVSKY: [interposing] No, no, this was a planned--

CHAIRPERSON RICHARDS: [interposing] So, even walking up towards here was considered planned.

DIRECTOR CHERNYAVSKY: I think--

CHAIRPERSON RICHARDS: [interposing] Okay.

DIRECTOR CHERNYAVSKY: I just want to-- it was a stationary event. It was a planned event, and although it was planned, we were informed of it, we were not informed the information about how many people were attended, a number that would help us devise the need for resources. That number--

CHAIRPERSON RICHARDS: [interposing] So, you're saying you were given misinformation. You thought it was 100--

DIRECTOR CHERNYAVSKY: [interposing] Well, I'm not saying it was-- I'm not casting blame.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: I'm not saying it was on purpose. I just-- sometimes an event, people are passionate about it and more people attend than were expected, but we based our deployment on the initial request which was 100 individuals. So,--

CHAIRPERSON RICHARDS: [interposing] So, under those conditions you wouldn't have called SRG.

DIRECTOR CHERNYAVSKY: Correct, correct.

CHAIRPERSON RICHARDS: Okay. But SRG eventually did respond to this?

DIRECTOR CHERNYAVSKY: Eventually SRG was called because--

CHAIRPERSON RICHARDS: [interposing] So, just take me through that, how that--

DIRECTOR CHERNYAVSKY: [interposing] Right, so--

CHAIRPERSON RICHARDS: [interposing] So, Captain gets on the scene. We have a planned protest and then--

DIRECTOR CHERNYAVSKY: [interposing] We have a planned protest with significantly more people attending, and I believe it went from a stationary

event to a mobile event and additional resources were called in to better police the event.

CHAIRPERSON RICHARDS: And so let's hop in, right into-- so, let's hop into ICE a little bit, and I'm interested in knowing did they coordinate? Did they call at any point to request SRG or NYPD?

DIRECTOR CHERNYAVSKY: Absolutely not.

CHAIRPERSON RICHARDS: So, absolutely not. Let's go into how often does the NYPD work with ICE, in particular. So, we know that there are 175 different violent or serious felonies that they look at. On average, how many times a year do they coordinate with NYPD?

DIRECTOR CHERNYAVSKY: Before I answer the question directly, I just want to thank you for the question, because this is a really important topic, and we've strived to get the message out as a department, as an administration through the Mayor and the Police Commissioner with respect to interactions with ICE, what the do's and don'ts are and what we as a city and we as a department do. And the reason it's so important, and actually I just don't want to limit it to what the Department does and the Mayor does, but I think what you as City

Council as a body does and the level of importance on our undocumented immigrants that live with us in the City, right? Because the Police Department is tasked with the public safety of all, not individuals that are documented versus undocumented, and the reason why we strive so hard to develop the level of trust with our immigrant communities irrespective of their status is that it is important for victims of crime irrespective of their immigration status to trust their police and to come forward and inform their police, because the end result would be an undocumented victim of domestic violence, of rape, of assault, of property theft not coming forward to the Department because they would be afraid that we would somehow collude with or cooperate with ICE in furtherance of their deportation. Nothing can be further from the truth, and what we strive for is to ensure that an individual irrespective of their status is not re-victimized. We want to solve the crime. We want to bring justice to the victim. We want to capture their perpetrator, and to do that we need to establish these strong ties with all communities including our undocumented communities. So, in furtherance of that, I just want to tick

1 through a few of the things that we do as a  
2 department. Longstanding protocol, we do not ask  
3 victims, witnesses or those seeking assistance from  
4 the Police Department about their immigration status.  
5 It's irrelevant to us. We don't ask these  
6 individuals what their status is. So, if you have--  
7 if you're a victim of a crime or have information  
8 about a crime where someone else is victimized, come  
9 forward and tell us about it, report the crime. When  
10 the President issued the Executive Order early in  
11 January of 2017, the Police Commissioner immediately  
12 issued a department-wide directive that informed  
13 every officer in the Department of the need to build  
14 trust within our communities, irrespective of their  
15 status, and the fact that we do not cooperate with  
16 ICE in any way or assist in ICE operations. Through  
17 our NCO's, through Neighborhood Policing, through our  
18 Community Affairs Officers, through Legal Bureau and  
19 other units we have gone out to all of these  
20 communities. I for one know that I have gone out to  
21 churches to speak to undocumented immigrants to tell  
22 them about what NYPD policies are to assuage to them  
23 of any concerns that we will somehow report their  
24 status if they come to us. We've worked with the  
25

1 City Council on criminal justice reform meaning the  
2 Summons Reform Act which we-- with the passage of  
3 that law, what we have done is devised a policy that  
4 has a civil preference for the most common summons-  
5 able offenses, and we've seen summonses go down  
6 citywide astronomically, and the use of civil  
7 summonses has begun to be used. The effect of that  
8 is individuals undergoing the immigration application  
9 process are benefitted with the-- by having a civil  
10 summons issued if a summons is issued over a criminal  
11 summons, which would be more detrimental in their  
12 application process.

14 CHAIRPERSON RICHARDS: Okay, Oleg, I'm  
15 going to cut you off.

16 DIRECTOR CHERNYAVSKY: I just want to--  
17 one other--

18 CHAIRPERSON RICHARDS: [interposing]  
19 Okay, okay.

20 DIRECTOR CHERNYAVSKY: A couple of very  
21 important points I want to add.

22 CHAIRPERSON RICHARDS: Because I'm still  
23 waiting for the answer to the question.

24 DIRECTOR CHERNYAVSKY: Yeah, I absolutely  
25 will get there.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: We have changed our policies as a department to accept IDNYC which is a municipal ID designed by the Mayor that doesn't look to your immigration status when you're applying for that ID. We accept that as a valid form of ID that will allow individuals to get a summons if they're stopped for a summons, and that prevents them from going through the system and getting arrested. We devised the U-- we voluntarily participate in the U and T Visa Program which allows victims of crimes to come forward, and we certify their cooperation with law enforcement. We not only made rules through a public hearing, but we create-- we're one of the only if not the only law enforcement agency that devised an appeals process for individuals that feel they were improperly denied. And finally, I'll end with this, that based on the local law passed by the Council in 2014 that outlines the 170 most serious and violent offenses where the NYPD can cooperate with ICE, we have received 1,526 detainer requests in calendar year 2017 compared to 2016 where we received 80 requests. Out of the 1,500--



CHAIRPERSON RICHARDS: [interposing] Go back to that again. So,--

DIRECTOR CHERNYAVSKY: [interposing] In 2016, under the prior Administration, we received 80 requests, and under the local law that you all passed, we cooperated with two because they matched the criteria. In calendar year 2017 we received 1,526 detainer requests, and we have cooperated with zero, and that is an important number to get out, because I think that speaks volumes to our intent as a city and as a Department to cooperate on immigration enforcement. With that said, can you repeat your question?

[laughter]

CHAIRPERSON RICHARDS: And whoever is writing your talking points did a good job.

UNIDENTIFIED: Ask him to repeat those numbers, those last numbers?

CHAIRPERSON RICHARDS: So, can you repeat those numbers one time? So, I have them. So, in 2016 you received 80 detainer request?

DIRECTOR CHERNYAVSKY: In 2016, the way the reporting works, it's October 1<sup>st</sup>--

CHAIRPERSON RICHARDS: [interposing] So, and who exactly requests them, can you go through that?

DIRECTOR CHERNYAVSKY: Right. It's ICE--

CHAIRPERSON RICHARDS: [interposing] ICE directly requests.

DIRECTOR CHERNYAVSKY: that sends a request for an individual to be held and turned over, and your local law, I believe it's 14154 of the Ad [sic] Code dictates under what circumstances the NYPD can cooperate with ICE on those requests.

CHAIRPERSON RICHARDS: And could you share with us the two that were?

DIRECTOR CHERNYAVSKY: It's-- so, in 2016 there were 80 requests, and when I say 2016 I talk about the reporting period which is October 1<sup>st</sup> of 2015 through September 30<sup>th</sup>, 2016, okay. During that period there were 80 requests. The two that were reported as cooperation, the reality is federal warrants, arrest warrants, were presented on those two cases. So, I'm not sure-- we counted them as two cooperation's, because we honored the federal arrest warrant. It was not an administrative immigration

warrant; it was an actual federal arrest warrant, the kind envisioned in the Local Law.

CHAIRPERSON RICHARDS: And you can't go into the particular crime--

DIRECTOR CHERNYAVSKY: [interposing] No, I can't go into particular crimes. So, then in calendar year--

CHAIRPERSON RICHARDS: [interposing] And then 2017, 1,526.

DIRECTOR CHERNYAVSKY: And we cooperated with zero.

CHAIRPERSON RICHARDS: And you cooperated with zero. So, just getting back to the question, on average, how many times a year does NYPD hear from ICE?

DIRECTOR CHERNYAVSKY: So, yeah--

CHAIRPERSON RICHARDS: [interposing] And did they hear from ICE on this particular day? So you're saying no.

DIRECTOR CHERNYAVSKY: No, the answer is no on the particular day. With respect to how many times a year, I can't give you that number because that's not a number that we tracked. With that said, under--

CHAIRPERSON RICHARDS: [interposing] Why not?

DIRECTOR CHERNYAVSKY: Under Local Law 228, you called for that number to be tracked. What we basically did was denied the request. We didn't count them. So, where in the past--

CHAIRPERSON RICHARDS: [interposing] But we requested them to be counted, and you didn't count you're saying.

DIRECTOR CHERNYAVSKY: No, no, that's not correct. So, in the past it's been our longstanding policy to not cooperate on immigration enforcement. So, when we would receive these requests, we would deny these requests. We didn't keep a tally of how many we received and how many we denied.

CHAIRPERSON RICHARDS: So, that is something we're very interested--

DIRECTOR CHERNYAVSKY: [interposing] something that you passed.

CHAIRPERSON RICHARDS: in knowing.

DIRECTOR CHERNYAVSKY: Correct, something you passed in Local Law 228 at the end of last year was you asked for these numbers to be tallied and to be reported, and as of January 30<sup>th</sup> of this year, we-

1 - just a couple of weeks ago or a week ago, we put  
2 out a Department-wide procedure that not only  
3 requires that these numbers be tracked and tallied,  
4 but it also requires that if a request were to come  
5 in for assistance from ICE around immigration  
6 enforcement that a protocol now got instituted where  
7 the Duty Chief who is the rankest, the highest  
8 ranking uniformed officer at the time in the City, he  
9 would be or she would be alerted. The Duty Chief  
10 would coordinate with the Legal Bureau with an  
11 attorney and make a decision on whether this was  
12 purely immigration enforcement or whether there is a  
13 public safety need that would require some level of  
14 action by the Police Department or some level-- or  
15 mere presence by the Police Department.

17 CHAIRPERSON RICHARDS: And what prompted  
18 that?

19 DIRECTOR CHERNYAVSKY: Your local law.

20 CHAIRPERSON RICHARDS: No, no, so all of  
21 a sudden there was an incident that happened in  
22 January, and then all of a sudden as we got closer to  
23 the hearing we heard of this--  
24  
25

DIRECTOR CHERNYAVSKY: [interposing] No, I don't think that's-- that's not an all of a sudden. So, what--

CHAIRPERSON RICHARDS: [interposing] So, what made us reinvigorate and re-introduce this to--

DIRECTOR CHERNYAVSKY: [interposing] Your Local Law. The effective date of your Local Law was January 30<sup>th</sup> of 2018.

CHAIRPERSON RICHARDS: Alright, okay.

DIRECTOR CHERNYAVSKY: You had passed the Local Law--

CHAIRPERSON RICHARDS: [interposing] Okay, okay, right, right.

DIRECTOR CHERNYAVSKY: in November of 2017. So, it gave 60 days to implement for us to design the procedure. Although we had this procedure in place for years, what we did was instituted a tracking mechanism.

CHAIRPERSON RICHARDS: So, the incident that happened didn't make you all of a sudden.

DIRECTOR CHERNYAVSKY: It's a coincidence.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: It was a coincidence.

CHAIRPERSON RICHARDS: Really a coincidence.

COMMISSIONER MOSTOFI: I'd like to add to that. I'm the Acting Commissioner at the Mayor's Office of Immigrant Affairs, Bitta Mostofi. I'd like to add that since the passage of that law, we, our office has been working closely not only with NYPD, but with First Deputy Mayor's Office and our city agencies at implementation, right? And so on the same day, on the 30<sup>th</sup>, that the law went into effect and we were completing the Patrol Guide updates, we were also completing guidance to all city agencies simultaneously that went out from the First Deputy Mayor that indicates and outlines what the Local Law provides and the next steps toward implementation. So, you can imagine doing all of that takes a lot of time, and something that we began as soon as the passage of that law.

CHAIRPERSON RICHARDS: Okay. Can you go through DHS and any other federal agencies? Are they so outside of-- go through Department of Homeland Security, is anyone else in touch with you as well?

DIRECTOR CHERNYAVSKY: I mean, with respect to immigration enforcement?

CHAIRPERSON RICHARDS: Yes. Well, not just there, but any-- is there any other coordinating with any other federal agencies that we--

DIRECTOR CHERNYAVSKY: [interposing] I mean, of course.

CHAIRPERSON RICHARDS: So can you go through those a little bit?

DIRECTOR CHERNYAVSKY: Of course. Those are very public coordination that we engage in. We're part of the Joint Terrorism Taskforce where we coordinate with our state and federal partners to identify possible terrorist threats to the City. We are the number one terrorist target in the world, and it behooves us to be part of as many groups, working groups possible so we can have the most up-to-date intelligence to better protect the city, its infrastructure, and its citizens. We're part of taskforces dealing with human trafficking. We're part of taskforces dealing with bank robberies, with fraud, with the opioid crisis through the DEA. We collaborate--



CHAIRPERSON RICHARDS: [interposing] None of those lead back to ICE.

DIRECTOR CHERNYAVSKY: None-- I mean, we don't dictate who participates--

CHAIRPERSON RICHARDS: [interposing] Okay.

DIRECTOR CHERNYAVSKY: on the taskforces. They're not run by the NYPD, but I can assure you that we are not part of any immigration enforcement taskforces, nor is immigration enforcement the primary mission of any of the taskforces I mentioned or that we're a part of.

CHAIRPERSON RICHARDS: SO, let's go back. So, what is the status of the investigation regarding the incidents that happened in January?

DIRECTOR CHERNYAVSKY: I mean, it's being investigated. I mean, they're-- it's under investigation. I mean, there are--

CHAIRPERSON RICHARDS: [interposing] And how long do we anticipate this will--

DIRECTOR CHERNYAVSKY: [interposing] Well, there-- I can't put a timeline on it. There is obviously people that need to be interviewed, witness interviews, complainant interviews, people at the scene, and there are open criminal cases that are

going on with respect to the individuals arrested that day, so that's why we can't comment on those--

CHAIRPERSON RICHARDS: [interposing] so, I want to start getting to my colleagues for questions. One thing I do want to speak on is perception, and perception doesn't always have to be reality, but based on the reports not only from Speaker Cory Johnson being there that day, I know Council Member Menchaca, Council Member Williams, Council Member Rodriguez, and there may have been others there. It seems to have appeared that there was some coordination with ICE. So, can you speak to what role did the NYPD play on that day? Can you go into that a little bit more?

DIRECTOR CHERNYAVSKY: Well, I mean, with-- there certainly was absolutely no coordination with ICE.

CHAIRPERSON RICHARDS: So, there was no coordination with ICE?

DIRECTOR CHERNYAVSKY: Well, ICE did not request us to be present at the scene. They did not alert us to the happening of a protest. After the protest was over, we had to learn ourselves the location where the individual was being transported.

That was not done through any type of communication.

So, there was no--

CHAIRPERSON RICHARDS: [interposing] So, how did you find out where he was being transported to, and-- because it appears to be that NYPD and ICE were transporting collectively. I'm not saying it's true, but it certainly is perception.

DIRECTOR CHERNYAVSKY: It's actually-- it is absolutely false, and the reality of it is that we reported to the wrong hospital. That just kind of really accentuates the fact that there was no cooperation with ICE. We reported to-- when the individual left the scene in an ambulance we reported to the nearest hospital, and it turned out that the individuals was not there, and it wasn't until we called our partners at EMS to find out where the ambulance went that we learned where to go.

CHAIRPERSON RICHARDS: Let's go through the behavior of some officers who responded to this scene. They are under investigation. I don't know if there's been talk of one officer being moved from the unit. Can you speak to why this individual--

DIRECTOR CHERNYAVSKY: [interposing] No, I--

CHAIRPERSON RICHARDS: was removed?

DIRECTOR CHERNYAVSKY: We respectfully  
can't speak to the incident. There are open, as I  
said, there are open criminal cases.

CHAIRPERSON RICHARDS: But there was one  
officer removed for particular behavior which I  
think--

DIRECTOR CHERNYAVSKY: [interposing]  
We're not going to attribute any personnel moves to  
any particular incident. The incident is under  
investigation because there were allegations made by  
individuals present against officers. Those  
allegations are being investigated. There are  
criminal prosecutions going on with respect to  
individuals arrested that day, and we don't want to  
contaminate those criminal--

CHAIRPERSON RICHARDS: [interposing] And  
there was video footage from that day, a lot of  
different video footage, so I'm assuming you're  
reviewing that as well.

DIRECTOR CHERNYAVSKY: Correct.

CHAIRPERSON RICHARDS: I'm going to go to  
Council Member Williams, but I just want to put out  
there that, you know, it is my hope, especially as a

Sanctuary City, that we are doing everything in our power to make sure that we're not giving off particular perception that our Police Department, who we wholeheartedly value, is coordinating in any way with ICE, because it does have ripple effects on communities in particular where people are undocumented. I know you spoke with domestic violence and other things, and we want to ensure that the public is entrusting us to carry out protecting them in a just fashion and ensuring that public safety is for everyone, but I think, you know, if the perception is given off as it was that day-- I'm not saying I'm speaking for everyone, but it could have ripple effects on our communities, and we just want to ensure as we move forward and these new policies are put in place that we're not giving off that perception. You know, we have to be a Sanctuary City not in words but in deeds, and it's going to be important that as we move forward this is a learning experience that I think we look forward to working with you to ensure it never happens again, and I will just leave it at that. I will come back with more questions.

COMMISSIONER MOSTOFI: Can I briefly respond to that, Council Member?

CHAIRPERSON RICHARDS: And I respect the work that your agency is doing, and I want you in any way to take offense to it, and I-- we obviously respect the work the NYPD does, but there quite frankly were some things that were apparent to our eye that just seemed unacceptable, and I'm hoping it's a learning lesson for all of us as we move forward. So, not to cut or interject into what you're saying. I know you spoke of there's a new process that has now taken place. I'll just-- before we go to Council Member Williams, who's a Duty Chief? So, it depends on who's-- is it by the day or do we have the name of a person who will be held accountable on these calls as well. So, I'll let you go, and then we'll hear from Chief Harrison and then go to Council Member Williams.

COMMISSIONER MOSTOFI: I want to thank you for the statement that you made, and also, honestly for the opportunity to provide clarity on the question that's raised. I agree with you that it's a challenge, and frankly it's a challenge that's not created by New York City residents, law

enforcement, or government, but by the Immigration and Customs Enforcement, right? The decision to act in particular on that day was made by ICE, and a decision that nobody in this city, not the Administration, not the Council, not the folks before you agree with, to take into custody Ravi Rugbir and so you know, I think the reality is that we are in a new moment, that we are faced with unprecedented actions by ICE and our community's increased enforcement, etcetera, that we each have our roles to play including the protection of public safety of everyone, ensuring that people have education, doubling down on resources for immigrants to have, legal advice as the Mayor and the Council have done tremendously, being honestly national leaders on the front of what we're doing as a city in response to this moment, but recognizing that certainly spontaneous reactions are what will transpire in these moments are going to be challenging, but that the commitment and the trust that the Administration has shown toward immigrants communities and not to cooperate with ICE is constant and clear, right? Where there are questions, that we walk through those things together, where there are things that aren't

working that could be better, we work on that together I think should be sort of central to this, and I appreciate the opportunity that you all present in asking the questions for us to get there.

CHAIRPERSON RICHARDS: Thank you, and thank you for the work that you're doing every day. Chief Harrison, you wanted to respond on the Duty Chief role?

CHIEF HARRISON: Just real quickly if you don't mind. The one thing that I will say is the NYPD, we're taking pride in being transparent. With the Neighborhood Policing and making sure the word is getting out regarding making sure we don't do any type of enforcement when it comes to immigration is paramount, because our new philosophy is building relationship. We really value that message. So, if there happens to be an incident that is not planned or protocols in place, I'm very happy with. You know, making sure it goes up to the head person that's covering the City, which is the Duty Chief, and making sure he has the resources to speak to somebody in legal I think is a very--

CHAIRPERSON RICHARDS: [interposing] Give me a name on who that person would be.



CHIEF HARRISON: On that day?

CHAIRPERSON RICHARDS: Yeah.

CHIEF HARRISON: If you don't mind--

CHAIRPERSON RICHARDS: [interposing] It depends, it varies?

CHIEF HARRISON: It varies every single day.

CHAIRPERSON RICHARDS: Okay, but how many people, how many Duty Chiefs are there?

CHIEF HARRISON: There--

CHAIRPERSON RICHARDS: [interposing] Forgive my ignorance. I'm reading your whole Patrol Guide.

CHIEF HARRISON: No, so--

CHAIRPERSON RICHARDS: [interposing] Still in the midst of finishing up all 548 pages.

CHIEF HARRISON: You'll be able to take the Sergeant's test momentarily.

CHAIRPERSON RICHARDS: I think it's 38, actually.

CHIEF HARRISON: So each tour, there's a midnight tour, a day tour, and a 4-12 tour, and each one of those tours there'll be one Duty Chief that covers all the eight patrol boroughs, and he'll be

1  
2 advised of anything that comes up of mass importance  
3 that needs to-- may be a conferral to legal or even a  
4 notification to me regarding how he or she should  
5 handle this situation. So, that's the--

6 CHAIRPERSON RICHARDS: [interposing] So,  
7 they've already been communicated to as well.

8 CHIEF HARRISON: Yes.

9 CHAIRPERSON RICHARDS: Alright, I'm going  
10 to go to Council Member Williams for questions.  
11 We've also been joined by Council Members Powers,  
12 Lander, Menchaca, Rodriguez, and Miller.

13 COUNCIL MEMBER WILLIAMS: Thank you, Mr.  
14 Chair. Excuse me. Thank you, NYPD and Chief  
15 Harrison, congratulations on your-- excuse me.

16 CHIEF HARRISON: Thank you.

17 COUNCIL MEMBER WILLIAMS: So, for one, I  
18 just want to say, I mean, surprise to everyone I've  
19 been involved in a few arrests in my time here, some  
20 of them planned and some of them not, two in  
21 particular that were not planned. One many people  
22 know about on Labor Day and that was in 2011, I  
23 believe, and this one. Just, I will say, the last  
24 one happened under an Administration that I did not  
25 particularly see as allies. After it happened I

1 immediately got an apology from then Commissioner  
2 Kelly, and I was reached out to by Mayor Bloomberg.  
3 This happened, I've yet to hear from the  
4 Commissioner, and I have yet to hear from the Mayor  
5 about this incident which is a surprise to me. I  
6 think the-- I believe the Mayor just put something  
7 out saying that he wants Ravi Ragbir to stay. I  
8 think we all agree in this city how important it is  
9 for Ravi to stay in that it shows that what happened  
10 that day, particularly myself and Council Member  
11 Rodriguez, not only was it important, it was probably  
12 necessary in order to raise a profile. So, in that,  
13 I think it would be respectful if someone reached out  
14 to us to at least say whatever happened should not  
15 have happened, some form of apology. I just want to  
16 put that out there. I was hoping the Commissioner  
17 would be here so I at least could have a face to face  
18 conversation. So, I just wanted to make sure I put  
19 that on the record. I'm surprised that this  
20 Administration that I consider an ally on a whole  
21 host of issues, we still haven't yet to discuss what  
22 actually happened. I have penned a letter myself,  
23 Council Member Rodriguez and the Black/Latino/Asian  
24 Caucus with very specific questions. Do you have any  
25

idea of when we'll get a response to the questions that we laid out?

DIRECTOR CHERNYAVSKY: We're working on them, and we're going to get back to you shortly.

CHAIRPERSON RICHARDS: Speak a little bit more into the mic, please.

DIRECTOR CHERNYAVSKY: Yeah, we received the letter, and we will get back to you shortly.

COUNCIL MEMBER WILLIAMS: Thank you. And I do want to say, and honestly I believe this city and department actually are leaps and bounds above other cities' Police Departments when it comes to creating a Sanctuary City. That doesn't mean there's areas that are very real that we have to focus on because they're real and they have real impact. So, the separate things as what happened in the crowd control. We have heard from many protestors of the force used of SRG in the past, and then about the immigration policy as a whole. So, first, just for clarity, because I know we were talking about a law that went into effect on the 30<sup>th</sup>, but there were new guidelines that were put forth on January 31<sup>st</sup>. That did seem to be in response to what happened on

January 11<sup>th</sup>. Are you saying that the new guidelines were not in response to January 11<sup>th</sup>?

ASSISTANT CHIEF HUGHES: That's correct.

COUNCIL MEMBER WILLIAMS: Okay, so--

DIRECTOR CHERNYAVSKY: The law, I mean, so let me take a step back. What the law basically required is a-- that a reporting-- not that a reporting mechanism be created, but that we report on the number of requests we receive from non-local law enforcement in furtherance of immigration enforcement. So, in order to-- we're a very large department. We have 77 precincts. A request can come into any particular precinct. So what we needed to do because now we were counting these request whereas before we simply would deny an immigration-based request, now we're counting them. So, we needed to create a process by which--

COUNCIL MEMBER WILLIAMS: [interposing]  
Just for clarity because the Daily News report it wasn't about reporting, it was about coordination with ICE, you know, basically clarifying you're not allowed [sic].

DIRECTOR CHERNYAVSKY: Well, if I can get to that. So, the law had a couple of prongs, one of

1 which was reporting, the second of which-- the second  
2 piece was about use of resources, right? So, I'm  
3 tackling the reporting first. With respect to  
4 reporting, we needed to create a centralized process  
5 in order to count requests coming in. So, if a  
6 request comes into the Fifth Precinct or the 75<sup>th</sup>  
7 Precinct there is a protocol that's followed that the  
8 desk officer would notify the Operations Unit, which  
9 is a citywide unit open 24-hours a day. They would  
10 relay the agency making the request. They would  
11 relay what the request was and what the purpose of  
12 that request was for counting purposes. The  
13 Operations Unit would then reach out to the Duty  
14 Chief, and the Duty Chief would then consult with the  
15 Legal Bureau and make a decision on the request.  
16 Then, that decision is then funneled back through  
17 Operations which will record both the requests and  
18 the response to the request, and then direction is  
19 given to the origin of the request, meaning the  
20 precinct that originally--

21  
22 COUNCIL MEMBER WILLIAMS: [interposing]

23 So, you're saying there's no policy changes besides  
24 that?

DIRECTOR CHERNYAVSKY: No, I'm getting to the second piece.

COUNCIL MEMBER WILLIAMS: And I'm just going to say because I think the Chair is being a little lenient with my time, which I appreciate, but I don't want to abuse it. So, if we can shorten--

DIRECTOR CHERNYAVSKY: [interposing] Well, I mean, I'm trying to be responsive to your questions.

COUNCIL MEMBER WILLIAMS: I got you.

DIRECTOR CHERNYAVSKY: So, what I don't want to conflate is the fact that we were complaint with the law as being reactionary to any particular event. So, the law required that we institute some sort of-- it didn't require we institute a policy, but in effect it required that we institute a policy, because that was the only way to comply with the law. The second part of the law was a prohibition on the use of City resources, including time spent by employees for the purpose of immigration enforcement or assisting immigration enforcement. We needed to get that out, and what we-- we needed-- as you know, in a department this size, we operate by procedures, and the best way to do that is to put that into the

Patrol Guide. What we did in addition to that, in this case, we're a little bit ahead of the due date, because it wouldn't have been very efficient to keep updating the same-- the Patrol Guide on a similar topic. What we did was with the expectation that the City property bill was going to take effect in a couple of months, we also instituted that process as well indicating that non-local law enforcement should not be allowed to access non-public areas of city property without certain criteria being met. So, we did all of these things in the Patrol Guide by the due date which was set out in the law.

COUNCIL MEMBER WILLIAMS: I would say it seems a heck of a co-ink-i-dink [sic] that this seems like a beefed up response. I'll take your word for it, but from the reports and Commissioner response, it didn't seem like it was only that law, but I'll leave that there. I have a few questions. one, I did want to understand what the Department's position is on civil disobedience versus constitutional rights and freedom of speech, because you mentioned a few times the importance of the constitution and freedom of speech. Then you mentioned the need to ensure unimpeded city commerce and traffic and containing



DIRECTOR CHERNYAVSKY: The simplest way to answer that and to be concise based on your request is to say that an individuals' constitutional right to protest does not equate to an individuals' right to violate state and local laws.

DIRECTOR CHERNYAVSKY: I understand that there are individuals that in furtherance of exercising their freedom of speech, expressing themselves pursuant to the First Amendment would like to engage in civil disobedience, and as you've said yourself, you've done so numerous times. Certain times you have coordinated with the Police Department and we facilitate those types of events.

COUNCIL MEMBER WILLIAMS: Alright, I just want to-- some folks take one part aside, and so I firmly believe without civil disobedience, actions, things don't get done. Just asking for them or just having the rally, it's great, and you have to need

it, but without a disruption of the status quo which is what most of us when we celebrate our heroes whether it's Doctor King, Frederick Douglas, anyone like that, it is disruption of the status quo. I believe in doing that nonviolently, very much I practice and support keeping it nonviolent. But it does mean that the status quo has to be disruptive sometimes. There's traffic sometimes. There's sidewalk. And it should be done responsibly. I don't think you need to do it all the time, but I want to know what happens when this is occurring when the SRG is responsive if it is a nonviolent civil disobedient act, and so I want to see if the response is going to be on same par as that. So, on 11<sup>th</sup> it seemed that that wasn't the case, and so there was also information about the SRG will give directions and give people time to comply. I've been a part of a lot of times when it's been planned. This one wasn't. I don't think what I received was unbalanced in terms of what was occurring. So, can you just walk me through when a decision is made to make an arrest and what is the protocol that should be happening if the decision is decided that this is a protest and an act of civil disobedience.

ASSISTANT CHIEF HUGHES: Councilman, generally with civil disobedience when SRG is notified, they respond, their job when they get to the scene is to report to the Incident Commander. That's generally the Precinct CO or the Borough CO, depending on the size of the event. They make the decision to arrest or not, and the idea behind that is that CO knows the conditions in that local precinct, probably knows the groups that are individual, has a history with them. So, he would be in the best situation to make that determination to do civil enforcement. SRG shows up at a situation, people are lying in the roadway, they're not going to get out of the car and make those arrests. They're going to report to the Incident Commander and wait direction at that point. On the same token, if SRG arrives at the location and they see a criminal action taking place related to violence or public safety, that individual officer can take action. For example, if they observe someone pick a bottle up and throw it into a crowd, reckless engagement, serious misdemeanor. Likewise, throw that same bottle, injury somebody, assault. That officer retains that authority to make the arrest immediately.

COUNCIL MEMBER WILLIAMS: So, if there's a civil disobedience occurring, usually there will be-- you mentioned that there will be instruction given and then the arrest will be made. Is that correct? Does that always happen, or is that--

ASSISTANT CHIEF HUGHES: We look at it, there's four types of events we go to. You have planned and unplanned events, and you have compliant and noncompliant crowds. So, if you have a planned event with a compliant crowd, generally no arrests are usually made at that. The problem that SRG runs into and the Incident Commander is an unplanned event, noncompliant crowd. So, at a planned event normally we have cut-offs in place where people can go from one location, march to another location. Generally happens with the Trump. They went from Union Square Park up to Trump. When they tell us about it, we can put diversions on Fifth Avenue and facilitate that. The problem arises, always the problem with the policing, is getting enough officers there on an unplanned event with a noncompliant crowd. Generally, they use social media now. It's very easy for crowds to change direction and for us to catch up.

COUNCIL MEMBER WILLIAMS: So, on the 11<sup>th</sup>, was it-- would you consider that unplanned, noncompliant?

ASSISTANT CHIEF HUGHES: That's what I would say at that incident.

COUNCIL MEMBER WILLIAMS: So when it's unplanned, noncompliant, do you still, in order for it to be noncompliant, someone has to have given an instruction. Is that correct, or do you assume noncompliance?

ASSISTANT CHIEF HUGHES: We're looking at civil disobedience. There was criminal action that event also.

COUNCIL MEMBER WILLIAMS: Sure. So, what I'm saying, was there-- do you have to give an instruction to stop the civil diso-- to stop whatever it is? Was it blocking a vehicle or blocking a road?

ASSISTANT CHIEF HUGHES: Normally, on a planned event, we have a communication device that's been very effective the last few years. We broadcast what the legal duties of a pedestrian is and when they could be subject to arrest. So, normally, that was in route to that location at the time, but like I said, they weren't-- by the time Level One ws

brought, our Disorder Control Unit brings a van, a tack van, with that equipment to make those announcements, but at the time it hadn't arrived at the scene.

COUNCIL MEMBER WILLIAMS: Okay, thank you. Now, also, there was DHS and NYPD there, and you said there was no coordination. So, I just want to make sure all the answers you gave about ICE also are the same for DHS and other federal law enforcement agencies, and if there was no coordination, what was the communication between the two agencies in dealing with the crowd on that day?

ASSISTANT CHIEF HUGHES: Well, there-- I can speak about any type of centralized communication. I mean, if a federal agent was there and screamed something out to officers, I wasn't there and can't speak to it, but that's not what we're talking about when we talk about immigration enforcement or assisting or receiving a request. What I can tell you is that we did not receive prior notice of the event from any federal authorities. The notice we got was from the organizers of these events, and that's how we knew they were there. We dispatched resources after we realized the crowd size

was significantly larger than what we originally thought it was going to be based on the permit applications. We were not told where the ambulance was going to go. That actually--

COUNCIL MEMBER WILLIAMS: [interposing]

Excuse me. What information is-- okay, on that day and in general, what information was given to NYPD and the Strategic Response Group when they got there. Exactly what information was given to them in comportment of their duties at that time on the 11<sup>th</sup>? What was told to them?

ASSISTANT CHIEF HUGHES: You mean PD to PD?

COUNCIL MEMBER WILLIAMS: Yes, when whatever was there when they had to act, when they had to move in, what instructions were given?

CHAIRPERSON RICHARDS: And who gave those instructions?

ASSISTANT CHIEF HUGHES: It was a captain, the Duty Captain at the time was Captain O'Hare from the Sixth Precinct. His request to SRG was to escort the bus and get it freed to get down to the hospital. At Broadway it was lights and sirens on the bus. The bus wasn't able to move. The

direction to SRG was to help facilitate moving that bus to get to the hospital.

COUNCIL MEMBER WILLIAMS: You said there were lights and sirens on the bus, the ambulance? Bus means ambulance, right?

DIRECTOR CHERNYAVSKY: Council Member, let's not-- let's get away from the specifics of that particular--

COUNCIL MEMBER WILLIAMS: [interposing] I didn't bring it up. It just was said.

DIRECTOR CHERNYAVSKY: I understand, and what the Chief means by bus is ambulance.

COUNCIL MEMBER WILLIAMS: Yes.

DIRECTOR CHERNYAVSKY: So, that's what he saw.

COUNCIL MEMBER WILLIAMS: Yeah, I'm just saying, but he also said there were lights and sirens on the bus on Broadway. That was what-- that will be on the record when we repeat it.

DIRECTOR CHERNYAVSKY: Okay.

COUNCIL MEMBER WILLIAMS: My question was, was there any notification that when they came out of 26<sup>th</sup> Plaza for a good three or four minutes,



there were no lights and sirens on the bus? Was that information given to you as well?

ASSISTANT CHIEF HUGHES: Yes, that's correct.

COUNCIL MEMBER WILLIAMS: So, during that time period there was-- it would not be an emergency vehicle. So, I just want to make sure all of that information was given to NYPD.

DIRECTOR CHERNYAVSKY: I mean, Council Member, I think the determination that cuts right to the criminal case that's pending of whether it was or wasn't an emergency vehicle, and we're going to leave that determination to the judge overseeing the cases from that day. So, we would prefer not to comment on--

COUNCIL MEMBER WILLIAMS: Sure. I'm responding to what was brought up. So, I'm going to ask a question. If you can answer, you can. If you can't, you can't. Also, during that information, was there information given that the bus was responding to a federal agency transporting someone who might be deported?

DIRECTOR CHERNYAVSKY: Was-- can you repeat that question.

COUNCIL MEMBER WILLIAMS: Was any information given to the NYPD or the SRG that in the ambulance was someone who was under the-- was detained--

DIRECTOR CHERNYAVSKY: [interposing] No.

COUNCIL MEMBER WILLIAMS: No. the only information you were given was there was an ambulance that needed to get to a hospital.

DIRECTOR CHERNYAVSKY: Correct.

COUNCIL MEMBER WILLIAMS: Who would need to have that information, because this is the crux of the problem for me. Like, they were human beings responding. So, if there is a human being who actually believes that there's an emergency vehicle there, they're going to respond a certain way. Now, we can put that to a side of whether or not that's true or not, but given that-- say it is true, then whose responsibility would it be to find out that there is a person who had been detained by ICE and possible deemed deported? I think that information is important for the SRG or NYPD to know so then they can realize that the response is a different response. So whose responsibility would it be to get that information?

DIRECTOR CHERNYAVSKY: Well, I think-- I think under the new protocols it would go up to the Duty Chief to make that decision. I mean, generally speaking we would turn down these types of requests right when they come in. if you're telling-- if you're talking about observing inherently illegal behavior or behavior that violates state or local laws, then that is behavior that the Police Department is tasked to take enforcement actions.

COUNCIL MEMBER WILLIAMS: You mentioned, so under the new protocols now, you're saying there's going to be somebody finding this information out?

DIRECTOR CHERNYAVSKY: No, I'm saying that under the new protocol if there is a request by nonlocal law enforcement authorities for any agency, in this case the NYPD, to assist in immigration enforcement, then that would need to follow the protocol which would go up to the Duty Chief who will consult with an attorney at Legal and come up with a decision.

COUNCIL MEMBER WILLIAMS: So, if this had happened under the new protocols, the NYPD and SRG would not have assisted in getting that bus to a hospital?

DIRECTOR CHERNYAVSKY: see, I think what we're conflating here is unlawful behavior with a request to assist immigration operations, right?

COUNCIL MEMBER WILLIAMS: What I'm--

DIRECTOR CHERNYAVSKY: [interposing] So, what--

COUNCIL MEMBER WILLIAMS: What I'm not--

DIRECTOR CHERNYAVSKY: [interposing] The NYPD--

COUNCIL MEMBER WILLIAMS: [interposing] Hold on, I want to clarify, because I don't want to conflate. What I want to make sure I'm not conflating the moral obligation to prevent an immoral deportation. That's what happened on Broadway [sic]. Everybody's clear now that Ravi should stay in the City. The response, and I get it because civil disobedience is sometimes blocking, and I understand that. The response that NYPD gave to me and my colleague, two Council Members by the way, and I think-- I want to make sure I put that out because we didn't receive a response from the NYPD or the Mayor, but also another 16 people. The response was if we were blocking someone perhaps from getting medical attention or perhaps doing something that is causing

1 harm to the City. And so I want to clarify why that  
2 response happened. So, what I'm saying to you-- and  
3 you're saying there was illegal act-- so you're  
4 saying if that illegal activity was happening, the  
5 response was appropriate, and so I don't want that to  
6 be--

7  
8 DIRECTOR CHERNYAVSKY: [interposing] No,  
9 so that's-- I mean, that's not what I said.

10 COUNCIL MEMBER WILLIAMS: Okay.

11 DIRECTOR CHERNYAVSKY: So, let's-- so  
12 what I said was that we did not coordinate with ICE  
13 on their activity that day. We were there based on  
14 the size of the crowd, based on activities that were  
15 unique and happening at the moment. We took  
16 enforcement action based on violation not of the  
17 immigration law, but violations of laws of the State  
18 of New York and local laws.

19 COUNCIL MEMBER WILLIAMS: Did NYPD or SRG  
20 know that it was a civil disobedience that was  
21 happening, an act of civil disobedience that was  
22 occurring?

23 DIRECTOR CHERNYAVSKY: Council Member,  
24 again, I'm not going to go into specifics. What I  
25 can tell you is that the officers at the scene took

enforcement action based on probable cause to arrest for violations of the law that they witnessed.

COUNCIL MEMBER WILLIAMS: Alright, I got that, and that's part of civil disobedience. The response was overwhelming force.

DIRECTOR CHERNYAVSKY: And that's under investigation.

COUNCIL MEMBER WILLIAMS: Okay, and that's what-- and I want to understand to make sure this doesn't happen again. So I'm trying to find out what instructions were given, and what instructions are generally given so that this doesn't happen again? And you did help coordinate whether you wanted to or not, right? And that's what I'm trying to figure out. Why was that coordination made? Particularly, as we mentioned, there was no lights and sirens on, and somebody made the call, and so prior to this-- okay, even now, let's pretend this happened right now. Who would be responsible to tell the Police Department and SRG that there is a detained ICE individual on the bus?

DIRECTOR CHERNYAVSKY: Frankly, I think I've said this a number of times, so I'm going to say it again, I think it's irresponsible to allege that

we coordinated on immigration enforcement for all of the reasons I listed in response to Chair Richards' question.

COUNCIL MEMBER WILLIAMS: I don't know if you did it purposely--

DIRECTOR CHERNYAVSKY: [interposing]  
[inaudible]

COUNCIL MEMBER WILLIAMS: [interposing]  
Let me say-- wait, wait, wait.

DIRECTOR CHERNYAVSKY: Right, but--

COUNCIL MEMBER WILLIAMS: [interposing]  
There's a difference-- but, wait, hold on. There's a difference in saying you intentionally did something. You may have unintentionally did something. What happened on that day was some sort of coordination, period.

DIRECTOR CHERNYAVSKY: What happened--

COUNCIL MEMBER WILLIAMS: [interposing] I was there.

DIRECTOR CHERNYAVSKY: What happened on that day was the enforcement of Local Law.

COUNCIL MEMBER WILLIAMS: Can you pull that picture really quick that was just tweeted out? You can say there was no coordination, no

1 coordination on immigration, whatever you want to  
2 call it. There was some sort of coordination because  
3 right here where-- this is Council Member Ydanis  
4 Rodriguez, Council Member Carlos Menchaca. This is a  
5 DHS Police Officer on Broadway, and this is a NYPD  
6 Police Officer. So, there was something happening  
7 there. You can pretend that it didn't happen, but I  
8 believe, and I'm hoping that what happened was not  
9 intentional, and I want to prevent it from happening  
10 again.  
11

12 DIRECTOR CHERNYAVSKY: I think the fact  
13 that we were physically present standing next to a  
14 federal officer who was outside of I would assume his  
15 or her place of employment was an unintentional  
16 consequence.

17 COUNCIL MEMBER WILLIAMS: Yeah, this is  
18 by City Hall. There were NYPD officers as soon as  
19 the bus was turning before it got onto Broadway, just  
20 so we're clear. I-- I thought we were going to have  
21 disagreement on other parts, but there were clearly  
22 NYPD officers and DHS officers working in some kind  
23 of--

24 DIRECTOR CHERNYAVSKY: [interposing]  
25 Council Member, you know, I think what's happening is



that, you know, we're probably having a  
miscommunication--

COUNCIL MEMBER WILLIAMS: [interposing]  
Okay.

DIRECTOR CHERNYAVSKY: whereas I'm being  
very clear about what our role was. I did not deny we  
were present at a protest. We were present at a  
protest. If federal agents were apparently present  
for whatever reason they were present for at that  
protest, and the fact that two entities are present  
at a protest doesn't mean that the NYPD is  
coordinating on immigration enforcement.

CHAIRPERSON RICHARDS: Look, not to jump  
in here, but you're telling me so NYPD is on scene,  
and you didn't have one-- no one had a conversation  
with ICE on the scene--

DIRECTOR CHERNYAVSKY: [interposing] I  
answered that.

CHAIRPERSON RICHARDS: not one person--

DIRECTOR CHERNYAVSKY: [interposing] I  
answered that.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: I cannot speak to  
if a federal agent standing on the scene had

something to a police officer, I can't speak to that. There was not a level of coordination between ICE and the NYPD with respect to that incident.

COUNCIL MEMBER WILLIAMS: If today this happened and NYPD and SRG got information that there was a detained ICE individual in an ambulance, would the response have been the same?

DIRECTOR CHERNYAVSKY: I don't think that's the relevant piece of the equation. I think the relevant piece of the equation is our laws, local laws, state laws, and local laws being violated, laws that we're tasked to preserve and uphold and enforce. We're not--

COUNCIL MEMBER WILLIAMS: [interposing] It might--

DIRECTOR CHERNYAVSKY: [interposing] What we're not tasked to enforce are federal immigration laws, and I think that cuts right to--

COUNCIL MEMBER WILLIAMS: [interposing] No, it doesn't because--

DIRECTOR CHERNYAVSKY: [interposing] what--  
- I think that--

COUNCIL MEMBER WILLIAMS: [interposing] because if those--

DIRECTOR CHERNYAVSKY: [interposing] Could I finish? Could I please finish?

COUNCIL MEMBER WILLIAMS: No, because you--

DIRECTOR CHERNYAVSKY: [interposing] Well, I think that's important. You asked the question--

COUNCIL MEMBER WILLIAMS: [interposing] Yes.

DIRECTOR CHERNYAVSKY: [interposing] so I'd like to be able to finish. What your law, Local Law 228, cuts to is that we cannot as an agency or city agencies participate in 287G agreements--

COUNCIL MEMBER WILLIAMS: [interposing] I got you.

DIRECTOR CHERNYAVSKY: which are police officers being deputized as federal agents for the purpose of enforcing immigration laws.

COUNCIL MEMBER WILLIAMS: But if in pursuant--

DIRECTOR CHERNYAVSKY: [interposing] We have never been part of those agreements--

COUNCIL MEMBER WILLIAMS: [interposing] If you're in pursuant of enforcing--

DIRECTOR CHERNYAVSKY: [interposing] and we are not going to be part of those agreements--

COUNCIL MEMBER WILLIAMS: [interposing] If you're in pursuant--

DIRECTOR CHERNYAVSKY: moving forward.

COUNCIL MEMBER WILLIAMS: of enforcing a Local Law that will help someone get deported, you're trying to get away from that, and I'm not going to let you get away from that, and that's what I'm trying to state. You are enforcing the local laws, and I get it, but that was helping someone get deported, period. You can acknowledge that or not acknowledge it.

DIRECTOR CHERNYAVSKY: Well, Council Member--

COUNCIL MEMBER WILLIAMS: [interposing] Now saying-- hold on. I'm not finished. Now saying that there were people on the scene from different agencies that were not coordinating is even scarier to me. Why would there be different law enforcement agencies on the scene and no one's coordinating with them? And people don't even have the proper information. Do you know how dangerous that is? If somebody thought-- if my family was in there and

1 someone God forbid needed emergency medical and you  
2 believed that, and you see this hectic stuff going  
3 on, someone can actually get hurt, and that's why I'm  
4 trying to find out the flow of information. I'm not  
5 even necessarily-- I mean, if individual officers  
6 need to be held responsible, fine, but you know, I  
7 don't know what information they were given. I don't  
8 want them to be a scapegoat. This could be a  
9 systemic thing, and I want to make sure that there's  
10 a flow of information down so that doesn't happen  
11 again. But you want to pretend that in pursuant to  
12 the local laws that you were trying to arrest on was  
13 not helping someone to be deported, and pretend that  
14 there weren't two different agencies on. Then one of  
15 them, which was DHS, which was trying to help someone  
16 get deported.

18 DIRECTOR CHERNYAVSKY: I am not  
19 pretending that two different agencies were there.  
20 I'm not-- I'm merely stating a fact.

21 COUNCIL MEMBER WILLIAMS: Okay, I have to  
22 wrap up.

23 DIRECTOR CHERNYAVSKY: The NYPD does not  
24 participate in immigration enforcement, and I think  
25 insinuating that is quite dangerous.

COUNCIL MEMBER WILLIAMS: Sure. Just a couple of more questions to see if I can get to the heart of it. So, did the NYPD-- was the NYPD at the hospital when Ravi Ragbir was there? What was the purpose that they served?

DIRECTOR CHERNYAVSKY: So, the NYPD, as I mentioned, did respond to the hospital. Initially, we responded to the wrong hospital, just to bolster the point that we were not coordinating with ICE on that day. We weren't told which hospital the individual was being taken to. We reported to the closest hospital. Turned out the individual wasn't taken--

COUNCIL MEMBER WILLIAMS: [interposing]  
Why, what was the purpose?

DIRECTOR CHERNYAVSKY: Because of the incident that happened just minutes before, including violations of the law, we needed to be present for the purpose of keeping the peace and to ensure that there was not going to be a public safety risk in the same vein that just transpired.

COUNCIL MEMBER WILLIAMS: So, NYPD was present at the hospital where Ravi was solely to keep the peace is what you're saying?

DIRECTOR CHERNYAVSKY: That is correct.

COUNCIL MEMBER WILLIAMS: Did NYPD assist in getting Ravi to New Jersey, traveling through the Holland Tunnel?

DIRECTOR CHERNYAVSKY: The NYPD did not assist in transporting the individual. The--

COUNCIL MEMBER WILLIAMS: [interposing]  
Was the NYPD present?

DIRECTOR CHERNYAVSKY: The NYPD was present at the transport for the same reason we were present at the hospital. We were not present in the hospital room. We were present on scene to ensure that there was not going to be further blockage of traffic, further violations of law, and we needed to ensure that in the interest of public safety based on the acts taken by individuals downtown.

COUNCIL MEMBER WILLIAMS: Just for clarity, I just want to-- as I wrap up, NYPD was present with DHS on Broadway and on Federal Plaza when they came out. NYPD was president-- present, sorry, at the hospital where Ravi was taken, even though he didn't need medical attention. NYPD was present as they brought Ravi through the Holland

Tunnel to get over to New Jersey, but NYPD did not assist anyone in any of those areas.

DIRECTOR CHERNYAVSKY: NYPD was present at a protest that was-- we were told about by organizers of that protest, as we attend protests on the myriad of topics throughout the City all year long. NYPD would not have been present anywhere else but for the actions of individuals at the protest site that necessitated NYPD presence moving forward to ensure public safety.

CHAIRPERSON RICHARDS: Alright, I'm going to come back for a second round.

COUNCIL MEMBER WILLIAMS: I'm finished. I hope as we go forward this doesn't happen again. This seems to be some CYA happening here, which is frustrating, because I want to just acknowledge what happened so that we can move on. I hate that we have to focus on this. It was clear what happened, and I think NYPD generally does a good job of being a Sanctuary City except for some places, but we really have to figure out what happened here so it doesn't happen again, and the CYA answers don't really help with that. Thank you.



CHAIRPERSON RICHARDS: Thank you. We've been joined by Council Member Lancman. I'm going to go to Council Member Rodriguez followed by Vallone and then Lander.

COUNCIL MEMBER RODRIGUEZ: We definitely thank the work of the men and women of the NYPD for keeping us safe. I know that Council Member Williams and myself, we are not just bringing questions thinking about just only having the moment when we were arrested, because if that happened to us and we are Council Members, just imagine what's going on with many New Yorkers that they are not in the attention of the media. I do believe that we need to learn from what happened that day. I do believe that it is important to really follow a new protocol, and I believe that this particular Strategy Response Group should be reorganized, and I think that this should be a group of men and women that is trained to respond to terrorist attack, and there should be another group of that unit that responds to civil disobedience and any other action that happen in the city that they are peaceful. I think that it will help us to bring more clarity for those men and women that have been assigned to the job to keep our city

safe in both scenario, to responding to a terrorist attack for them to the job, because we rely on them, but also the type of training I see for those men and women that respond to peaceful demonstration should be different. One of my question is, when the men and women of the Strategic Response Group are dispatched to an area, do they get the information of what's going on in the place?

ASSISTANT CHIEF HUGHES: Yes, sir, Councilman, they are debriefed if when they arrive at the location of the circumstances of what's going on. They're reinstructed on the responsibility about civil disobedience and arrest, and about taking action if there's criminal action taking place.

COUNCIL MEMBER RODRIGUEZ: Okay. And that's, you know, one of those areas that I hope that we learn, because I can tell you that many of the men and women they were asking us what was going on. They didn't know that they were dispatched in the area because there was someone sought [sic] to be deported. They didn't know that there was a peaceful demonstration that yes, traffic was blocked. We are not saying that traffic was not blocked in the area, but for me, one of my concern is about those police

officers asking what was going on, why were you protesting. So, I think that be sure and the Mayor recognize that there was confusion that day, and we hope that we learn from this. It shouldn't have happened in another peaceful organized or not organized demonstration where police officers are dispatched in the area without not knowing the context of why people are in the street. How many vehicles were used that day when Ravi was transported from the hospital to Jersey?

DIRECTOR CHERNYAVSKY: You're talking about--

COUNCIL MEMBER RODRIGUEZ: [interposing]  
Cars, vehicles.

DIRECTOR CHERNYAVSKY: The federal vehicles?

COUNCIL MEMBER RODRIGUEZ: I don't know if it was federal, NYPD, like--

DIRECTOR CHERNYAVSKY: [interposing] I'm not-- do we know?

CHIEF HARRISON: I apologize. I'm not sure how many cars--

COUNCIL MEMBER RODRIGUEZ: [interposing]  
Cars, yeah.

CHIEF HARRISON: I don't have that answer for you. I apologize. We have a couple of sector cars that responded, a couple cars from our Strategic Response Group were there. I don't have the exact number, but I can get back to you.

COUNCIL MEMBER RODRIGUEZ: Okay. I think it's important because based on Ravi directly he has said that the way of how he was transported it was like someone who is a criminal. It was about a number more than 10 or 15 cars, vehicles used. And I think that, again, if you don't have the information, great, but I think also we should learn from. I think that, you know, one of the first officers and as someone that-- I have been involving many peaceful civil disobedience, and when I made a decision, I know that the police officers they're doing their job as also I exercise my constitutional right. My problem is the way of how things were mishandled. And I know that-- again, I don't want to get into the specifics, but this isn't about just one person being removed from that unit, putting back on patrol. I think they should continue being a deeper investigation on what's going on. We-- those 20 individuals that were arrested wasn't only Council

Members, but they were also faith leaders. They were also hardworking individuals. They were trying to exercise their constitutional rights. The judge [sic] made a decision who has a right to, you know, who was right or wrong. We leave it to the judge who made a decision. But I think that we need to learn because especially when we are saying that we are a Sanctuary City we need to lead by the action, and we need to be sure that everything is in place to avoid what happened at any level of confusion there. Have you-- how many-- I think based on the information that I-- I see that there's like 800 members of the Strategy Response Group. Is that the accurate number or there's more than that?

ASSISTANT CHIEF HUGHES: It's 680.

COUNCIL MEMBER RODRIGUEZ: Has that been the same number, or the number has been increased or decreased?

ASSISTANT CHIEF HUGHES: The goal of the unit was to be 700. It probably reached 700, but due to transfers and retirements, it's at 680 right now.

COUNCIL MEMBER RODRIGUEZ: What is the diversity of leadership of that unit?

1                    ASSISTANT CHIEF HUGHES: Presently it's  
2                    under the Chief of Special Operations. That's the  
3                    unit that also have Chief Harry Weed [sic] in. It's  
4                    Harbor, Aviation, ESU, Mounted. It's part of that  
5                    group. There's an inspector, one inspector that's in  
6                    charge. They have three Deputy Inspectors, roughly  
7                    six Captains, and then 30, roughly 34 Lieutenants,  
8                    100 Sergeants, and 550 police officers.

9                    COUNCIL MEMBER RODRIGUEZ: Have the NYPD  
10                    at any moment have started any conversation or any  
11                    initiative to create any particular unit to  
12                    collaborate with ICE?

13                    ASSISTANT CHIEF HUGHES: No.

14                    DIRECTOR CHERNYAVSKY: You're asking if we  
15                    have--

16                    COUNCIL MEMBER RODRIGUEZ: [interposing]  
17                    Yeah, question.

18                    DIRECTOR CHERNYAVSKY: created a unit--

19                    COUNCIL MEMBER RODRIGUEZ: [interposing]  
20                    Have the NYPD in any particular moment, especially  
21                    after the election of Donald Trump, have had any  
22                    conversation of putting together any plan or  
23                    initiated any work of creating any special unit to  
24                    collaborate with ICE?  
25

DIRECTOR CHERNYAVSKY: I mean, the answer is no, because I know what you're referring to is immigration enforcement collaboration, but I want to be clear about something, that we interact with our federal partners which would include ICE on taskforces, but the taskforce are not immigration taskforces. So, the Joint Terrorism Taskforce are the FBI, the DEA, the State Police, New Jersey Police. There may be an ICE agent on the taskforce, but the goal of the Joint Terrorism Taskforce is to prevent terrorism. It is not immigration enforcement, right? So, human trafficking taskforces, their aim is to prevent human trafficking. If there is an ICE agent or a Homeland Security agent on, we as the NYPD, we're a participant. We don't run the taskforce, but the taskforce's goal is not immigration enforcement, but what I can tell you is we are not part of any taskforces whose goal is immigration enforcement, nor do we-- we never have been and nor do we ever intend to be part of those.

COUNCIL MEMBER RODRIGUEZ: I would like to end thanking the Chairman of this committee and the Speaker for putting this conversation together.

1 I hope that we learn from what happened, and I hope  
2 again that seeing this coming Saturday, you know,  
3 that's the day when Ravi's supposed to be deported.  
4 So, he's now scheduled to check in that Saturday at  
5 10:00 a.m. He is supposed to be deported that day.  
6 So, I hope also that there's some learning from what  
7 happened, and again, I can say overall we've been in  
8 many peaceful disobedience. We have some level of  
9 coordination with most of them. I hope again that  
10 the NYPD also look at any probably mass peaceful  
11 protest that day in front of 26 Federal Plaza.

13 CHIEF HARRISON: If I could just state  
14 real quickly, one of the things that we have in place  
15 in our way of handling any incident is we always  
16 evaluate how we handle the situation, and if there's  
17 certain things that we can learn and certain things  
18 we could do better, or you know, whatever the case  
19 may be, but we always bring everybody back in that  
20 was involved with an incident, be it the Thanksgiving  
21 Day Parade, the New Year's Eve detail, and we  
22 evaluate the process of what we did and see if we  
23 could correct our actions to make ourselves a better  
24 agency.



COUNCIL MEMBER RODRIGUEZ: I-- look again, I am holding myself on not bringing [inaudible] that day. I just hope-- I trust in the process. I know that you guys are doing your job. I know that the Chairman of this Committee, he will keep putting pressure to find out on what happened in the specific, but again, like, what happened that day is more than confusion, and I just hope that we put everything in place to correct so that in the future we don't repeat what happened that day.

CHAIRPERSON RICHARDS: Thank you, Council Member Rodriguez. We're going to go to Council Member Vallone first, Lander and Brannon, and we're going to put five minutes on the clock. Obviously, I wanted to give more time to Council Members Williams and Rodriguez because they were in the thick of the situation.

COUNCIL MEMBER VALLONE: Congratulations to Council Member Richards on your Chair of Public Safety. It's an honor to serve on this committee. I think we're in good hands. Congratulations to Chief Harrison, and let me say since this is my first hearing on Public Safety, let me say at this time thank you for allowing me to return safely to my wife

and children every night, and to every man, woman, and officer of the Department, thank you. I put on a suit. You put on a bullet-proof vest. I think that should be made clear.

CHIEF HARRISON: We appreciate that. Thank you.

COUNCIL MEMBER VALLONE: I think somewhere along the line this was a committee examining crowd control and protest procedures, so I wanted to ask a few questions for myself for understanding. You stated in the testimony, Chief Harrison, that the Department provides multiple warnings for those who are unlawful conditions. Can you go over for us what type of warnings are issued at these type of protest before a decision to arrest is made?

CHIEF HARRISON: I'm going to allow Chief Hughes to answer that, but just real quickly, when there's a planned event we have a couple of ancillary units there that can help us with direction in regards to making arrests or not. One of them is we always have legal, a representative from Legal there that could give us some advice regarding--

COUNCIL MEMBER VALLONE: [interposing] And this event in question was an unplanned event?

CHIEF HARRISON: This here was a planned event that turned into a--

COUNCIL MEMBER VALLONE: [interposing] Turned into.

CHIEF HARRISON: I guess a bigger event that we needed some assistance. I also want to say that we also have TARU our Technical Assistance Response Unit that also is at a lot of planned events that may be large in size to make sure that we have the appropriate equipment to say film the event as well. But I'll pass it over to Steve Hughes to talk about how the warnings are given.

COUNCIL MEMBER VALLONE: Right. I guess when it goes from people's right to peacefully protest, to the next step.

ASSISTANT CHIEF HUGHES: Right.

COUNCIL MEMBER VALLONE: What are the procedures in place?

ASSISTANT CHIEF HUGHES: Alright, I mentioned before about this-- about criminal trespass and disorderly conduct, the civil disobedience. So, we work with legal. I was Commanding Officer at the

1 SRG when it was formed the last three years. I just  
2 recently got assigned to Manhattan South. So, when  
3 we-- one of the things we learned with demonstrations  
4 about communication with the crowd. Generally we're  
5 using bull horns, and we're kind of reading off a  
6 script, and generally with the noise and the traffic  
7 midtown, a lot of the information never got out. So,  
8 we invested in a communication device. They're  
9 called LRED [sic] 500, the LRED 100's, and we can  
10 prerecord information in them, and they're very  
11 clear. It's a nice sound that will go about four  
12 city blocks. So, if-- and plenty of volume to set it  
13 up on. It's real clear communication so everybody  
14 hears if we're going to take enforcement action.  
15 Like I said, but generally--

17 COUNCIL MEMBER VALLONE: [interposing] But  
18 that's not often-- that's not always the case whether  
19 it's planned versus unplanned.

20 ASSISTANT CHIEF HUGHES: That's generally  
21 if we're on the scene-- if SRG gets to the scene.

22 COUNCIL MEMBER VALLONE: So, if I decide  
23 to take the next step beyond my constitutional right  
24 and become a little bit more unruly, what would be  
25 the first type of warning? What is the first

ASSISTANT CHIEF HUGHES: We spell out the-- generally we have warnings that spell out the definition of what disorderly conduct is. If you're walking in a roadway and not using the sidewalk, generally, it can be a verbal warning by police officers, but if it's a large crowd or a gathering we generally try to use the prerecorded warning that Legal had provided.

ASSISTANT CHIEF HUGHES: Generally, it's like I said before, it's the Incident Commander, the person that's at the scene. He'll make the determination and the warnings and start planning the arrest warnings. At that point we'll play a warning that if you're in the roadway, you're subject-- you're being placed under arrest at this point, and if you resist arrest, an additional charge will be placed against you.

COUNCIL MEMBER VALLONE: So, there's several warnings in place prior to an arrest?

ASSISTANT CHIEF HUGHES: That's correct, generally on most of the demonstrations we do.

COUNCIL MEMBER VALLONE: And with the 700, almost 700 officers that you have in place, and this year we're expected with more officers than usual to retire, are we looking to replace or boost up the number of SRG officers based on the amount of officers that may be retiring?

ASSISTANT CHIEF HUGHES: Not at this time.

COUNCIL MEMBER VALLONE: Is there a level of number of officers that we want to reach to? Is 700 the right number?

ASSISTANT CHIEF HUGHES: It's the number that the Department give. That would be made by like our Office of Managing and Planning. I think the NCO Program is a primary program with the precincts putting officers there. So that's a priority right now.

COUNCIL MEMBER VALLONE: And are they dispersed evenly throughout the five boroughs or is it as incident-needed?

ASSISTANT CHIEF HUGHES: The SRG?

COUNCIL MEMBER VALLONE: Yeah.

ASSISTANT CHIEF HUGHES: Yeah, there-- there's roughly 120 officers in the four big boroughs, Manhattan, Bronx, Brooklyn, and Queens, and we have 60 officers in Staten Island. So, they deployed-- they generally work in those boroughs until they're deployed around the City if need be during a tour.

COUNCIL MEMBER VALLONE: And my last question will be on your testimony as to the difference between 2016 and 2017 detainer request. Seventeen-hundred were issued in 2017 and not one was honored?

DIRECTOR CHERNYAVSKY: It was 1,500 and 26.

COUNCIL MEMBER VALLONE: So, the level of classifications that we created between minor offenses and those of violent offenders that need coordination, not one of them reached the level of public safety for this city?

DIRECTOR CHERNYAVSKY: Correct. Correct. Because it's not-- just to make a point, it's not only based on the presence of the crime. There are other criteria in the law. For example, there are-- there's a requirement for a warrant. They're not all

the time. Well, there's the hold, but ultimately for release for the-- I know what you're talking about. The second subdivision is--

COUNCIL MEMBER VALLONE: [interposing]  
Which is what we fought for, the reason why I voted against this law in the first place--

DIRECTOR CHERNYAVSKY: [interposing]  
Correct.

COUNCIL MEMBER VALLONE: is I wanted more protections.

DIRECTOR CHERNYAVSKY: But ultimately for the release there needs to be a warrant. So, although there's a 48-hour hold, I think that's what you're referring to, there still needs to be a warrant for a release.

COUNCIL MEMBER VALLONE: Well, it's my hope that--

DIRECTOR CHERNYAVSKY: [interposing] And there has to be--

COUNCIL MEMBER VALLONE: [interposing] Our hands aren't tied. That your hands aren't tied in a situation where we do have a violent offender, whether they're-- whatever their status may be, that



they need to be arrested is made so that safety can be contained.

DIRECTOR CHERNYAVSKY: And I'll tell you, I don't think it necessarily speaks to that because what we're talking about with the detainer law is our criteria that are outside of what the individual in custody currently did. So, if an individual currently committed a crime, that individual would be arrested, prosecuted and so on by New York authorities based on the violation of law. Where the detainer law comes into play is our level of cooperation beyond the crime at-hand.

COUNCIL MEMBER VALLONE: Thank you. Chair, that might be a wonderful topic to explore, the differences. Thank you very much.

CHAIRPERSON RICHARDS: Thank you--

BITTA MOSTOFI: [interposing] I just wanted to add one thing to that answer, which is to say that the reason you're seeing that spike is not necessarily, you know,-- or the response, I should say, is not per say that there's a shift in practice from the NYPD perspective. We're seeing a tremendous spike in an overbroad enforcement agenda from Immigration and customs Enforcement where they've

1 essentially reprioritized and anybody is kind of up  
2 for grabs, if you will. We've seen a 40 percent  
3 spike of enforcement and arrests of individuals who  
4 have no criminal history or activity. So, you're  
5 seeing that huge number and the noncooperation  
6 because the people that they're seeking are  
7 essentially anybody regardless of the nature of  
8 arrest warrant.  
9

10 COUNCIL MEMBER VALLONE: No, I realize  
11 the numbers are coming from those who sit in the Oval  
12 Office. I guess my safety as a New York City  
13 resident is not dependent on that person's decisions.  
14 Four years from now it could be someone else. I just  
15 want to make sure that we as NYPD our hands are not  
16 tied when we need to make those decisions, and we  
17 just don't blanketly [sic] say we're not going to  
18 honor any of them because it happens to be the person  
19 sitting in the office. I'm taking the other stance.  
20 Thank you.

21 CHAIRPERSON RICHARDS: Thank you. We're  
22 going to go to Council Member Lander followed by him  
23 will be Brannan.

24 COUNCIL MEMBER LANDER: Thank you, and  
25 congratulations, Mr. Chair. Congratulations, Chief

1 Harrison. I appreciate you guys being here. I just  
2 want to underline for starters, my gratitude on  
3 behalf of this council and this city for those 1,526  
4 times last year when you respected that the NYPD  
5 honor that law and the values of this city. I mean,  
6 I think we have very reason to believe from what we  
7 know about ICE's detainers that the vast majority of  
8 those individuals had done nothing serious and that  
9 honoring those detainers would have been becoming  
10 part of ICE's deportation machine. I'll note that  
11 they've tweeted aggressively at the NYPD since we've  
12 been in this hearing, ICE itself on this exact issue.  
13 Like, that's what they want. They want to make this  
14 city afraid of its immigrants. They want immigrants  
15 afraid of the police and I'm proud that we're not  
16 doing that. So, thank you for that. I do want to  
17 push down a little, though, on some of these  
18 questions about what happened on that day and what it  
19 means going forward. I'm just going to focus on the  
20 NYPD escort from Bellevue to the Holland Tunnel, and  
21 I was there that day actually upstairs with Ravi's  
22 wife and his lawyer, which is why I was not  
23 downstairs in the street, and we also thought they  
24 were going to Lower Presbyterian. I think that's  
25

1 what actually ICE had told Ravi's lawyer and his wife  
2 was they were going. So that's why you thought  
3 that's where they were going. They de-- you know,  
4 they went to Bellevue instead. Up until that point  
5 you guys were responding to a protest, but at  
6 Bellevue there was no protest. There were no  
7 protestors. No one even knew he was there 'til after  
8 he was there, and from Bellevue to the Holland  
9 Tunnel, I don't see one iota of reason to believe  
10 that there was a public safety risk, and I don't  
11 relay believe it was derivative of the protest that  
12 took place that morning. So, I don't think that  
13 should have happened, and I'm not-- I mean, I  
14 appreciate that you have new people in place, but if  
15 that was an appropriate action, then I don't know  
16 what wouldn't be. So, give me a little-- help me  
17 understand better why it was appropriate under our  
18 currently guidelines that it be an NYPD escort from  
19 Bellevue from the Tunnel?

21 DIRECTOR CHERNYAVSKY: I mean, Council  
22 Member, I think--

23 COUNCIL MEMBER LANDER: [interposing] Or  
24 tell me it was inappropriate which is what I think,  
25

and then I'll be much more comfortable that our policies are right going forward.

DIRECTOR CHERNYAVSKY: Well, no, what I will say is that the Department was faced with a somewhat unique set of circumstances that day at the protest site. We--

COUNCIL MEMBER LANDER: [interposing] But at Bellevue, what was unique at Bellevue?

DIRECTOR CHERNYAVSKY: If I can-- I think everything ties in, and as you said, there are derivative actions. So, I would like to start at that point to better explain and to better answer your question. So, we were at the scene of a protest where we believe there were going to be 100 demonstrators. That crowd very quickly swelled, and we found ourselves under-resourced. We had to call in resources on an expedited basis. What happened was there were arrests that were made obviously, without getting into specifics, and all of the events that transpired from that. What we felt at that moment based on the public safety threat that was created downtown, we felt the need to be present at the hospital in the event that the protest would

continue to that location, or if the protest were to continue onto any part of the city--

COUNCIL MEMBER LANDER: [interposing] You see any evidence at all that protestors were going from 26 Federal Plaza or Broadway up to Bellevue?

DIRECTOR CHERNYAVSKY: [interposing] Well, I--

COUNCIL MEMBER LANDER: [interposing] A car, a person, you got a lot of eyes and ears on the ground, and you had it in both places. Was there any of it? There was no evidence that protestors were going to Bellevue.

DIRECTOR CHERNYAVSKY: Well, Council Member, I mean--

COUNCIL MEMBER LANDER: [interposing] None went to Bellevue.

DIRECTOR CHERNYAVSKY: Council Member, hindsight is great, and to--

COUNCIL MEMBER LANDER: [interposing] This is my concern--

DIRECTOR CHERNYAVSKY: [interposing] No, no, well--

COUNCIL MEMBER LANDER: [interposing] Let me be clear about why I'm asking.

DIRECTOR CHERNYAVSKY: Right.

COUNCIL MEMBER LANDER: Because I feel like there was no reason. There were no protestors at Bellevue. We knew at that point that he wasn't actually in any health risk. There was no protest. There were no protestors. There were no individuals trying to put themselves in the line of the deportation machine, and there was no health risk. ICE asked for an escort and the NYPD provided an escort. We shouldn't do it. And honestly, if the protocol is that discontinuous that the general idea that because some people protested miles away they might come protest miles away, and therefore, we're going to provide an escort, then I'll be honest, you're going to have to provide an escort for every single ICE deportation. Because I'll be-- this is where like I'm concerned our protocols are not up to date with where things are on the ground. I've participated in maybe not as many as Council Member Williams, but quite a few civil disobedience arrests, all planned, all worked out with you guys in advance, and that's great when it can happen, but I'll be clear, if ICE continues to deport people like Ravi, I'm going to put myself in the way, and that might

1 look different. I won't be able to call you in  
2 advance, organize it in advance. I understand. I'll  
3 be treated differently because of that, but I guess  
4 I'm telling you right now I might be in the way, and  
5 if that face means that you're going to be afraid  
6 every time that ICE is deporting someone that you  
7 have to send an escort, then you're going to be  
8 escorting every single deported person. There was no  
9 connection between the protest and Bellevue. We  
10 should not have provided an escort. What happened on  
11 the ground, on the scene was complex, and I'm not  
12 going to go back into that, but what I know for sure  
13 is, we should not have provided an escort from  
14 Bellevue to the Holland, and if our policy continues  
15 to be that even though a different person now will  
16 need to give that authorization, essentially we would  
17 do it again. I guess let me maybe ask that. Given  
18 what you know, was that the right call, and if asked  
19 again, would the NYPD under its new protocols provide  
20 the escort from Bellevue to the Holland?

22 DIRECTOR CHERNYAVSKY: The NYP-- I'm not  
23 going to do a hypothetical, but what I'll tell you is  
24 that the NYPD is going to evaluate every situation on  
25 a case-- if I can finish.



COUNCIL MEMBER LANDER: I'm listening.

DIRECTOR CHERNYAVSKY: On a case by case basis, and make a decision in the interest of public safety. I mean, to your point that, you know, you're talking about under a certain standard which I don't think there is a standard, there's an evaluation of a case by case based on case-specific facts, but that we're going to somehow be roped into providing some sort of escorts, I'm not aware of any-- if I can finish-- I'm not aware of any escorts that have been provided. We were faced with a unique set of circumstances on that day, and we took actions that we b--

COUNCIL MEMBER LANDER: [interposing] What was the unique set of circumstances? There had been a protest in one place--

DIRECTOR CHERNYAVSKY: [interposing] And we took actions--

COUNCIL MEMBER LANDER: [interposing] and therefore you believed it would be in the other place.

DIRECTOR CHERNYAVSKY: that we believed were appropriate in furtherance of public safety.

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2 COUNCIL MEMBER LANDER: You believe it  
3 was appropriate--

4 DIRECTOR CHERNYAVSKY: [interposing] Yes.

5 COUNCIL MEMBER LANDER: to provide that  
6 escort from Bellevue to the Holland.

7 DIRECTOR CHERNYAVSKY: Didn't provide an  
8 escort. We were present during a transport and we  
9 were present at a hospital to ensure that we weren't  
10 going to--

11 COUNCIL MEMBER LANDER: [interposing] what  
12 is the difference between being present during a--  
13 your cars were present during the trip, but you don't  
14 call that an escort.

15 DIRECTOR CHERNYAVSKY: We did not have--

16 COUNCIL MEMBER LANDER: [interposing]  
17 What's the distinction?

18 DIRECTOR CHERNYAVSKY: We did not have  
19 custody of anyone.

20 CHAIRPERSON RICHARDS: [interposing]  
21 Council Member Lander--

22 DIRECTOR CHERNYAVSKY: The individual was  
23 not in any of our vehicles. We were present based on  
24 the public safety concern--  
25

COUNCIL MEMBER LANDER: [interposing] Come on, you're going to now say--

DIRECTOR CHERNYAVSKY: [interposing] based on incidents that happened downtown.

COUNCIL MEMBER LANDER: the car, the NYPD car or cars-- you don't know how many-- that drove along with the ambulance from Bellevue to the Holland was not an escort. It ws present, but it was not an escort. Really?

DIRECTOR CHERNYAVSKY: We were present at the scene of the transport.

COUNCIL MEMBER LANDER: And you were not escort-- you were not escorting ICE? ICE had not asked?

DIRECTOR CHERNYAVSKY: I view-- we, at no time--

COUNCIL MEMBER LANDER: [interposing] How did you know ICE was at Bellevue?

DIRECTOR CHERNYAVSKY: We found out through EMS when we arrived at the wrong hospital initially.

COUNCIL MEMBER LANDER: Who told them?

DIRECTOR CHERNYAVSKY: I would assume they know where their ambulances are going. So,--

COUNCIL MEMBER LANDER: [interposing] I am more concerned walking out of this hearing than I was walking into it. Because here's what I think you told me--

DIRECTOR CHERNYAVSKY: [interposing] Well, I'm just--

COUNCIL MEMBER LANDER: I think you told me-- no, I'm going to finish. I'm done with my time--

DIRECTOR CHERNYAVSKY: [interposing] I think it's unfortunate that you're concerned, because as you--

COUNCIL MEMBER LANDER: [interposing] You made me much more concerned.

DIRECTOR CHERNYAVSKY: As you commended--

COUNCIL MEMBER LANDER: [interposing] Because you told me essentially that it was appropriate--

DIRECTOR CHERNYAVSKY: [interposing] the Department-- you started off by commending the Department.

COUNCIL MEMBER LANDER: And the Department, 1,526 times last year--

DIRECTOR CHERNYAVSKY: [interposing] Correct, correct, and there's no--

COUNCIL MEMBER LANDER: [interposing]  
honored our laws and our values.

DIRECTOR CHERNYAVSKY: indication that  
we've participated in any type of immigration  
enforcement, and based on the scenario that we were  
placed in, not that we chose to be, we were placed in  
that we needed to police in furtherance of public  
safety, we are now being--

CHAIRPERSON RICHARDS: [interposing] Okay,  
I'm going to move on.

COUNCIL MEMBER LANDER: [interposing] The  
fact that 300 instead of 100--

CHAIRPERSON RICHARDS: [interposing]  
because we're going to go back and forth.

COUNCIL MEMBER LANDER: required you to  
provide an escort from miles away with no public  
safety risk and no public health risk, and if you  
just say, "We screwed up. We should not have  
provided an escort." Downtown was a mess, okay, and  
I'm open to hearing the investigation. You should  
not have provided an escort from Bellevue to Holland.  
I think you know it. There was no reason. There was  
no public safety. There was no connection from what  
happened at Federal Plaza. You just shouldn't have

1 done it. I think our policy is we shouldn't do it  
2 and we won't do it going forward, but by refusing to  
3 say that, by telling me it was justified, you're  
4 making me concerned it is now our policy, and that  
5 very tenuous connections to the possibility of any  
6 disruption or protest would justify NYPD escort and  
7 support, and that is very troubling because I fear  
8 we're going to see more of it, because if those  
9 dreamers start being deported lots of us are going to  
10 put ourselves in the way, and if the basic fact of  
11 the possibility that we will means that we're going  
12 to escort the ICE deportation machine-- anyway, I  
13 wish I were-- I'd hope to get less. I really do mean  
14 the praise that I said. I really am proud of the  
15 policies. I really do hope we're getting them right,  
16 but I got to be honest, what you told me today makes  
17 me less sure and less confident that we've got the  
18 right policies in place. I'm sorry that's true, but  
19 it is.

21 CHAIRPERSON RICHARDS: Thank you, Council  
22 Member Lander. We're going to go to Brannan.  
23 Followed by him will be Menchaca.

24 COUNCIL MEMBER BRANNAN: Thank you,  
25 Chair. I echo some of my colleagues have said that

men and women of the New York City Police Department do an extraordinary job facing down the unknown every day. It takes extraordinary amount of courage and I don't think that should be taken lightly, and that's certainly not what's for debate today. One of the things I wanted to bring up was I know that initially the incident, I believe there was only one squad that was dispatched. Do you think that-- and once it was called, you know, an all-hands, that's when things got, you know, maybe a little bit more aggressive than it would have been. Is that because we were just caught, you know, not prepared, or is it a staffing issue? If we had more cops on the street, maybe they would have been dispatched, you know, from the get-go?

CHIEF HARRISON: We initially were told that the protestors, the peaceful demonstrators I should state, was going to be at a certain number, so there was no need for the Strategic Response Group to be there or anything else, so initially the planned event, we had a minimal amount of officers there. Once it got to the point where we were somewhat-- we lost a little bit of control of the event, that's where we went to the point of requesting

immobilization, and that's where you saw the response from the Strategic Response Group to the incident.

COUNCIL MEMBER BRANNAN: Do you, I mean, I guess it's-- I don't want to get into a hypothetical, but do you think that the response might have contributed to the escalation of the incident because initially it was understaffed?

CHIEF HARRISON: I don't want to-- I think that's incorrect due to the fact that the Strategic Response Group, this is what they're trained to do. They're trained to make sure that they-- any event that goes on where there's-- the demonstration may get into a little bit of civil disobedience, they know how-- they're the experts in regarding making sure that the event still could run smoothly without any other distractions to the public.

COUNCIL MEMBER BRANNAN: Okay, thank you.

CHAIRPERSON RICHARDS: Thank you, Council Member Brannan. We're going to go to Council Member Menchaca.

COUNCIL MEMBER MENCHACA: Thank you, Chair. And again, congratulations on your-- this is your first hearing.



CHAIRPERSON RICHARDS: Yes, it is.

COUNCIL MEMBER MENCHACA: So,  
congratulations.

CHAIRPERSON RICHARDS: Didn't expect for  
it to start this way.

COUNCIL MEMBER MENCHACA: No, we're going  
right into it. We're going right into it. I get to  
continue to chair the Committee on Immigration, and  
I'm really excited to do that. I know a lot of what  
you presented as a team from MOIA to NYPD has been  
productive. That's because our partnership in the  
last term was productive. The Local Law 228 that  
we've been talking about really kind of sets the tone  
and the vision for what we're doing. I really do hope  
that-- and I know we're in the middle of revisions on  
some of these policies that we could clear up some of  
the things that came out of this hearing and make  
sure that we can get it right, and that's an  
important piece that I want to just say right now as  
a member of this committee that we work to make sure  
that we clarify all those pieces. One of the things  
that I want to keep an eye on beyond everything that  
we're moving forward on is really trying to  
understand a moment in time where in advance of an

ICE activity, will NYPD be available to clear an area, again, in advance of an ICE activity?

DIRECTOR CHERNYAVSKY: No.

COUNCIL MEMBER MENCHACA: No? Okay.

DIRECTOR CHERNYAVSKY: I mean, that cuts directly to Local Law 228, right?

COUNCIL MEMBER MENCHACA: So, and the reason I ask this is the definition of public safety is what is really what's kind of connecting all these conversations and these discussions. What does it mean for public safety, and I understand that the 287 G agreements, have not-- we haven't had that in the recent history. In fact, I kind of want to ask when's the last time we had 287G?

DIRECTOR CHERNYAVSKY: I don't think we've ever had a 287G.

COUNCIL MEMBER MENCHACA: Never had one. You mentioned that earlier, but it gets grey when there's an official deputization [sic] of an officer of the NYPD to administer an immigration process that we're saying no to, but when public safety is in consideration, we need to be clear in definition about what that means. And I know that a lot of this stuff is done with a lot of discretion, and we want

1 to give you that discretion, but the power that we  
2 have at the Council and oversight is to really try to  
3 understand exactly what that means. And when ICE is,  
4 as Brad kind of pointed to, this is going to get  
5 worse before it gets better. The Administration is  
6 really clamping down, and we're seeing more and more  
7 ICE activity across the country. It's even happening  
8 here. When we're hearing about 711's and other ICE  
9 raids that are happening in the City, we want to make  
10 sure that we understand this in this moment right now  
11 when we're not in the middle of a raid or a  
12 deportation that the City both Council and residents  
13 are going to step in and stand up and fight back and  
14 do civil disobedience. And so I think that's the one  
15 thing I want to highlight is our understanding of  
16 public safety. And so, if you want to answer that  
17 now, but this is going to be an ongoing conversation  
18 for us as we see it. I want to-- look, everything  
19 was asked. We saw what we saw. Investigation is  
20 ongoing. One question about the investigation, is it  
21 going to ask-- is the investigation of January 11<sup>th</sup>  
22 going to ask whether or not there was any  
23 conversation, not coordination, because you're saying  
24 no to coordination, but conversation between the  
25

officers that were on the scene? Is that something that will be revealed through your investigation?

DIRECTOR CHERNYAVSKY: I mean, it's-- whether you're asking if there was a conversation between--

COUNCIL MEMBER MENCHACA: [interposing]  
Conversations between NYPD-- not collaboration. You're saying no to collaboration right now, and I get that. ICE and DHS didn't request you all. You showed up and you did what you did, but will the investigation reveal whether or not there were conversations between officers of any level and DHS during the Broadway incident?

DIRECTOR CHERNYAVSKY: I mean, we'll-- I'm not sure. I'm not an investigator.

COUNCIL MEMBER MENCHACA: Can we request.

DIRECTOR CHERNYAVSKY: So I'm not sure what it'll reveal, but it can possibly reveal that.

COUNCIL MEMBER MENCHACA: So, can we request that the investigation reveal that determination, whether or not there were conversations on Broadway between NYPD officers and DHS officers?

DIRECTOR CHERNYAVSKY: I'll make-- I'll make a note of it.

COUNCIL MEMBER MENCHACA: Okay, and that's important because I think this is going to help us understand where we defined laws and where just human nature comes into play, and we're going to be playing in this human nature grey area more and more. Our policies, we do not want them to fail, and in some ways we're pointing to you where they are potentially failing, and that's an important piece. We were all there. We saw it. We saw communication happening, and so I want to make sure this investigation, an official investigation for the NYPD reveals that. Okay, I think I'm done. I'm really proud of this committee and the members that asked you questions. I applaud the work that you are doing, that the Mayor's Office of Immigrant Affairs is doing, and that we're going to do together in the future to clarify the guidance that we're all talking about today. Thank you.

DIRECTOR CHERNYAVSKY: Thank you.

CHAIRPERSON RICHARDS: Thank you, Council Member Menchaca. We're going to go to Council Member Williams on the clock this time. Okay.

COUNCIL MEMBER WILLIAMS: Thank you.

Now, look, I know in the paper there's at least one Deputy Mayor that thinks we're not that bright, but I think we are actually a pretty bright group, and so, you know, one of the frustrations I have-- I didn't expect it to be this contentious. I thought we were all going to agree that there were some mistakes that happened and that we were going to be able to move on from that. My frustration is that there doesn't even seem to be an acknowledgement that there mistakes that happened. At least, I mean, if you don't want to call it coordination, assistance, whatever, going to the Holland Tunnel should not have happened. Alright? That is one clear thing that should not have happened. There were definitely confusion on the ground on Broadway that should not have happened. Why? For me,-- so you want us to believe that there was no coordination, no assistance. You also want us to believe that the new guidelines that came out have nothing to do with that incident. I just-- I don't know if I believe all that. That is frustrating, because I always applaud some of the great work that the Police Department is doing, definitely. And you only got to mess up once. That's a very hard job to

1 have. You mess up once and everything else is  
2 forgotten, and I don't want to do that. I want to  
3 say, "Okay, here is a mistake, let's fix it." It's  
4 hard to say that when there's no acknowledgement that  
5 something bad happened, even as you're changing the  
6 guidelines. So, you're changing the guidelines to do  
7 something better while not even acknowledging that  
8 something bad happened. That is a frustrating place  
9 to be in. I just want to make sure I put that in,  
10 because I think we all want to make sure that what  
11 occurred doesn't occur again in terms of immigration  
12 and also other protests. So, just a few questions.  
13 one, I just wanted to make sure with the hospital,  
14 were you inside of the hospital, or were you outside  
15 of the hospital on January 11<sup>th</sup>?

17 DIRECTOR CHERNYAVSKY: We-- I believe we  
18 were in the ER section, but not in the place where  
19 the patients are.

20 COUNCIL MEMBER WILLIAMS: Okay.

21 DIRECTOR CHERNYAVSKY: So, we were on the  
22 outside and then the-- obviously the waiting area.

23 COUNCIL MEMBER WILLIAMS: Yeah.

24 DIRECTOR CHERNYAVSKY: But not inside  
25 where patients are being held.

COUNCIL MEMBER WILLIAMS: It's just further to say that, you know, I don't think there was a need for PD to be there. Also, just to be clear, the question you answered is weird. If you're enforcing certain Local Laws, which is a decision you have to make, like if someone's blocking traffic, but you have to know that could be in furtherance of helping someone be departed, and PD just has to make a decision when and where they're going to do that. And I say that because I feel bad for some of the officers and speaking to them. They had no idea why they were there. Alright? They were asking us what was occurring. If my family was in an ambulance and God forbid something was happening and people were blocking it, I'd want every tool used to move them out of the way. But if it's a civil disobedience and someone who is being detained about to be deported, that should be a different response. Why the response didn't happen is what I was hoping to get into the weed with today, but we were unable to do that. And so still have questions about who gives them the directions when they go so when they go to a protest is someone saying this is a civil disobedience protest? Is someone saying this is a



1 noncompliant protest? Who is giving SRG  
2 instructions, and what instructions are they getting  
3 when they get there so they respond accordingly? So,  
4 they respond to a civil disobedience as a civil  
5 disobedience, and they respond to something else as  
6 something else. Who gives that? How does that work  
7 from start to finish, in particularly, when it's an  
8 unplanned protest?

10 ASSISTANT CHIEF HUGHES: Council Member,  
11 it's the highest ranking patrol officer on the scene.  
12 So, in that case there was a Captain at the scene who  
13 would give direction, or it could be a Sergeant or  
14 Lieutenant. Generally, it's patrol precinct, patrol  
15 officer personnel. SRG is a supporting unit. They  
16 respond to the highest ranking patrol officer at that  
17 incident to make that decision. I know. So, on that  
18 day, the information-- I'm trying to figure out. The  
19 information was not known to the highest ranking  
20 officer, or the highest ranking officer did not relay  
21 that information to the SRG?

22 DIRECTOR CHERNYAVSKY: Information known  
23 about what in particular? I just want to make sure--

24 COUNCIL MEMBER WILLIAMS: [interposing]  
25 Yeah, no, information about--

DIRECTOR CHERNYAVSKY: I understand.

COUNCIL MEMBER WILLIAMS: why people were on the street that particular time.

DIRECTOR CHERNYAVSKY: I mean, we-- we sometimes learn-- I mean, we really-- we don't do content-based policing at First Amendment events. So people can protest for or against anything and there's a whole laundry list of protests, you know, where people take various side, and we appear there. So, we don't base our enforcement action or policing based on the content of an individuals' message. So, I mean, sometimes the signs are pretty obvious. They're out in the open. You kind of infer what the protest is about. Sometimes the organizers will come and they'll seek a sound permit or a parks permit or wherever and they talk about what their event is about. Sometimes it's an unplanned event, and you just you look around. You listen to the chants. You kind of see the signs and you infer what the protest is about, but regardless of what the protest is about, it doesn't guide what our enforcement is going to be.

COUNCIL MEMBER WILLIAMS: Okay.

DIRECTOR CHERNYAVSKY: The actions guide enforcement. It's not words. It's not the message that protestors are trying to get out.

COUNCIL MEMBER WILLIAMS: Okay. I want to say thank you and congratulations on your first hearing. My hope is that this conversation will continue. I want to do it with less tension, because I sincerely hope-- I know Ravi has another appointment on Saturday. I hope the whole city comes out, and I hope if they detain him-- and I hope every immoral detention has as much disruption to the status quo as humanly possible, because it is immoral. So, we have to figure out because you have a job to do, and we believe we have a job to do, how that's going to work. And the only way that that can happen is if we're honest about mistakes that are made, because I am going to bet that on either side mistakes are going to happen going forward, and we shouldn't be afraid to say, look, this shouldn't have happened. This is what we're doing to correct it. That's-- I just want to point out that my frustration came from that. It seemed like there's just no acknowledgement that something wrong happened. So, it's hard to correct that. But thank you very much.

CHIEF HARRISON: Mr. Councilman, if you don't mind, I appreciate maybe working with you down the road to make sure that these events that go on run cohesively to make sure that everybody's taken care of in the City.

COUNCIL MEMBER WILLIAMS: Thank you.

CHIEF HARRISON: As well as the protestors.

COUNCIL MEMBER WILLIAMS: Thank you.

CHAIRPERSON RICHARDS: Thank you, Council Member Williams. Last question. I know Council Member Powers had to step out. So, on the Trump security, President Trump, 45, City is receiving the exact reimbursement that we've requested? So, under Trump security at the Towers, at his Tower when he comes in.

DIRECTOR CHERNYAVSKY: I'll-- I don't have the exact number. I mean, I didn't come prepared with that given the topic of the hearing.

CHAIRPERSON RICHARDS: Okay.

DIRECTOR CHERNYAVSKY: But you're talking-- just to be clear so I know the number to get you.

CHAIRPERSON RICHARDS: Should always be prepared for a Trump question. I'm joking.

DIRECTOR CHERNYAVSKY: You're talking about reimbursement for--

CHAIRPERSON RICHARDS: [interposing] Yeah, for security at the-- at his towers.

DIRECTOR CHERNYAVSKY: Ongoing or during the pre-inauguration.

CHAIRPERSON RICHARDS: No, no, not anything-- just side bar conversation. You guys are providing security when he comes in town or when he's not in town. I believe it's part of the Edward Byrne Grant I think possibly, right? So, I just wanted to know if you're receiving that reimbursement for providing safety to the towers and how much. You could get that back to us.

DIRECTOR CHERNYAVSKY: Sure.

CHAIRPERSON RICHARDS: Alright, I want to thank you, and I first off want to thank the NYPD, the SRG unit in particular and everyone else, because we've had a lot of activity in New York City, and you know, for the most part, you know, there haven't been much complaints. I think you've handled yourselves mostly appropriately. I know we had the Woman's March and other things, and we want to thank you for the work of ensuring that we could have freedom and

1 speak about things that are going on around the  
2 country and protest in peace and do some civil  
3 disobedience here and there as well, but I want to  
4 thank the NYPD for handling it, majority of the  
5 incidents, the right way, but I also say we still  
6 have a long way to go. We know that we're going to  
7 see more, much more increased activity under this  
8 Administration, and it's my hope that we'll be  
9 prepared for it even as unplanned things happen. We  
10 know that social media, just as you spoke of, and  
11 other outlets will certainly make sure that that's  
12 more hyper. One thing just leaving here, just a few  
13 requests. So, I know you're putting new guidelines  
14 in place. We would love if you got a full report to  
15 the committee and to the Council on what all of those  
16 particular things look like. I know that we did do  
17 some announcements earlier this week, but certainly  
18 would love to see all of the particulars of what's  
19 being put in place so that as we move forward, you  
20 know, we don't have to repeat these sort of  
21 incidents. Also, I would really love if you looked  
22 at, and this goes to SRG, I know you have upwards of  
23 700 officers. One of the things I would love to see  
24 is sort of a separation between those who would deal  
25

1 with counter-terrorism opposed to those who would  
2 deal with protests and parades. So, maybe separating  
3 out those two things is something you should give  
4 thought to. I look-- I'm interested in hearing a  
5 little bit more from you. I'm not here to pretend  
6 that I know all of the intricacies of why this may be  
7 important to have both together, but I think there  
8 should be some room to separate the two. You know,  
9 for instance I wouldn't put a Marine to guard a  
10 children's park because of spilled milk. I'm not  
11 equating spilled milk to protests or anything, but I  
12 think we should certainly look at the two separately.  
13 Also just want to point out to the public that  
14 although we've had two members and obviously the  
15 Speaker and others who were on the scene, this  
16 hearing was not necessarily just based on-- called  
17 based on their experience. We want to make sure that  
18 we're protecting the entire public and those who  
19 don't have the stature to be in this room at this  
20 time to question you on protests. So, I just wanted  
21 to put that out there that we're speaking for you as  
22 well, although this incident did occur. With that  
23 being said, I want to thank you for coming out. I  
24 want to thank you for the work that you're doing. I  
25

1 want to thank MOIA [sic] for the work that they're  
2 doing day in and day out to protect the public and to  
3 protect this city, and we look forward to continue  
4 dialogue, constructive dialogue on how we can work  
5 together to make sure that this is a just city for  
6 all. So, thank you all for coming out today.

8 DIRECTOR CHERNYAVSKY: Thank you.

9 CHIEF HARRISON: Thank you.

10 CHAIRPERSON RICHARDS: Okay, we're going  
11 to call the first panel: Zachary Ahmad, New York  
12 Civil Liberty Union, Tawaki Komatsu [sp?], Linny  
13 Doreo [sp?], Nahal Zamani [sp?] or Jo Hain Kung  
14 [sp?]. Did I say it right? She'll tell me if I said  
15 it wrong, Community United for Police Reform, Lenny  
16 Doreo, Tawaki Komatsu [sp?], Zachary Ahmad NYCLU.  
17 Alrighty, you're testifying? Okay, thank you so much  
18 for coming out. Thank you. You're always welcome in  
19 the People's House. Alright, we're going to give you  
20 each five minutes. So, I'll let you begin, sir, and  
21 if you can identify yourself and who you're  
22 representing before you begin, we would most  
23 appreciate it. Thank you.

24 ZACHARY AHMAD: My name is Zachary Ahmad,  
25 and I'm from the New York Civil Liberties Union, the



1                   NYCLU. Thank you, Chairman, for inviting-- making  
2                   this opportunity for us to speak to you today. I will  
3                   try and be brief. The NYCLU has for decades been on  
4                   the front lines of protecting the right to protest in  
5                   New York City. We have litigated major First  
6                   Amendment cases on behalf of protestors. We  
7                   regularly assist protestors in obtaining protest  
8                   permits. We dispatch teams of protest monitors to  
9                   observe and report back on protests that have  
10                  happened around the City, and we of course sponsor  
11                  and organize a number of demonstrations and protests  
12                  of our own. This is something that goes to the core  
13                  of our organizational mission, and we do thank the  
14                  Council and the Committee for its attentiveness in  
15                  this area. Clearly, there are a lot of overlapping  
16                  issues that are before the Committee today, and we do  
17                  plan on submitting written testimony within the next  
18                  couple of days that will address some issues, some  
19                  particular issues in a bit more detail. Today, I  
20                  wanted to speak about something a bit more broadly  
21                  which is the outsized role that the NYPD plays at all  
22                  stages of the protest process in New York City and  
23                  why we think that that role needs to be reconsidered.  
24                  So, as I had mentioned, the NYCLU regularly works  
25

with the NYPD to obtain permits and work out logistical issues on behalf of protestors who come to us seeking assistance. And so drawing on that experience, we have long advocated for a system in which police do not play such a central role in all aspects of protests from the permitting process and onward. In New York City the NYPD exerts almost complete control over street protests in many ways pursuant to city law. Under city law, protestors are required to obtain permits from the police for demonstrations held on city streets, and protestors have come to expect significant police presence at their events, even events that are relatively small or draw fewer people. We've seen firsthand how the outsized role of the NYPD in the permitting process can serve as a deterrent for those who are seeking to exercise their First Amendment rights. There are many activists and organizations, particularly those representing communities that have long been subject for generations to police violence that are understandably wary of a process that is entirely controlled by the NYPD. It's impossible for us to know just how many would-be protestors had been dissuaded from holding marches or demonstrations in

the first place because they didn't feel secure subjecting themselves to police scrutiny. The mechanics of the permit process also greatly disadvantage those who are inexperienced working with large bureaucracies and law enforcement bureaucracies, in particular. Obtaining a street protest permit often requires, as we know from our work, extensive back and forth discussions with the NYPD about a variety of details, including the purpose of the protest, the location, down to itty-bitty minutia, and this can be logistically complicated and also quite intimidating for organizer, particularly those who are approaching the process on their own without representation or assistance like that that we sometimes provide. The practical effect of this is that the street protest permits-- is that street protest permits are often inaccessible to less sophisticated and less well-resourced organizations and individuals while those who have closer connections to the NYPD or just more experience with the process end up getting a greater platform. This is an inequity that undermines the Egalitarian Free Speech Principals that are embodied in the First Amendment, and it's something that I

1 think the Council should be taking seriously while  
2 its examining this broader set of issues. The  
3 commonplace presence of police officers at protests,  
4 again, often in numbers that appear disproportionate  
5 to the size and the nature of the event can also have  
6 impact on how protestors exercise their right to free  
7 speech. Just in the way that having to engage with  
8 the NYPD to obtain a permit can be a deterrent at the  
9 outset, encountering a team of armed police officers  
10 at an otherwise peaceful demonstration creates an  
11 unnecessary sense of anxiety among participants that  
12 can dampen the right to free speech and the right to  
13 protest. What's more, we believe that the formal  
14 involvement of police officers at demonstrations is  
15 often in several respects simply unnecessary. Most  
16 protests and demonstrations are peaceful affairs  
17 where the primary challenges are logistical, not  
18 public safety based. I'm not suggesting that there's  
19 no role for police to play in that process, but for  
20 the NYPD to have such an outsized role and to exert  
21 such control over the entire process is often  
22 unnecessary. In our experience-- I'm out of time,  
23 may I finish? Sure. So in our experience police are  
24 not always best equipped to handle these logistical  
25

1 challenges. We've seen this play out in a number of  
2 context, the common use of-- overuse of metal  
3 barricades at protests, the sudden closing of streets  
4 without proper communication to protest organizers,  
5 such has happened at last month's Women's March.  
6 This doesn't have to be how things are done. New York  
7 City can and should choose to make its protest scheme  
8 more fair and more open by vesting that-- by  
9 investing the control that the NYPD now has over the  
10 process in the authority of a civilian administrative  
11 agency. There are many possible alternatives than  
12 the system we have now. This is something the  
13 Council should revisit, and we would look forward to  
14 working with the Council on coming up with an  
15 alternative model. Thankyou.

17 CHAIRPERSON RICHARDS: Thank you. Thank  
18 you for your testimony.

19 TOWAKI KOMATSU: I'm Towaki Komatsu. I  
20 contacted your office yesterday to try to make  
21 arrangements [off mic]. Hi. I called your office a  
22 couple of days ago to make arrangements to present  
23 video during today's hearing. Unfortunately, I guess  
24 the IT staff wasn't briefed about that. So, although  
25 I have videos to present, it doesn't--

CHAIRPERSON RICHARDS: [interposing] They were. We hooked up the TV's for you. That's why they're on.

TOWAKI KOMATSU: Sorry?

CHAIRPERSON RICHARDS: The TV's are on for you, right? Yeah, that's why they're here. You're on the only person who had video.

TOWAKI KOMATSU: I'm looking at the laptop read from this external hard drive, but it's not reading [inaudible]. The TV is connected to this particular laptop not this one, and I don't have that port [sic]. [inaudible] [off mic]

UNIDENTIFIED: Would you like to connect this to yours?

TOWAKI KOMATSU: No, I mean, basically, this is an external hard drive. I put it in there, but it's not reading the drive. That's why--

UNIDENTIFIED: [inaudible] I don't know what else we could do.

CHAIRPERSON RICHARDS: Okay, so you can proceed.

TOWAKI KOMATSU: Or could I--

CHAIRPERSON RICHARDS: [interposing] And you're welcome to submit the video for the record,

too, so we could-- I would love to see it. Or you can describe what the video was going to go into.

TOWAKI KOMATSU: So basically are a series of videos I-- well, let me preface it by saying I was in a deposition yesterday, a four-hour deposition where I made sworn statements against the Mayor's NYPD Security Detail that have been continually violating my civil rights at public meetings since April 27<sup>th</sup> of last year. Earlier, Howard Redman, the Mayor's Head of Security, was in this room. He's currently defending a civil rights lawsuit dating back to an incident from September 2012. I've made that situation-- I've made your colleagues aware of that situation since last year. There's been no recourse taken. So, the question is, if you're Mayor would you let some guy who's defending a federal civil rights lawsuit be your top body guard? It makes absolutely no sense whatsoever, and that's well before this-- you know, this protest happened just last month. So the question is, if people come into your room to present testimony that they can fully substantiate through video recordings, through third-party witnesses for collaboration and nothing gets done, don't you kind of expect that the

1 civil rights are going to continue to violate civil  
2 rights so that your colleagues have an officer's hand  
3 on their throats at a protest where they're  
4 exercising their First Amendment rights. I mean,  
5 it's just like a rapist, right? They all say if you  
6 have a rapist, they don't get caught and dealt with,  
7 they just continue to do it until they're properly  
8 dealt with. Let me step back a second. The last  
9 time I was in this room was on December 14<sup>th</sup> giving  
10 testimony to Corey Johnson who is now the Speaker.  
11 Vanessa Gibson was sitting to-- like right over  
12 there. Within two week thereafter I was illegal  
13 stopped, seized, falsely arrested in the Bronx. I was  
14 assaulted by the NYPD. I currently have to defend a  
15 criminal lawsuit against me for exercising my legal  
16 self-defense rights against a police officer who  
17 assaulted me. So, at the time those two officers  
18 that accosted me, they were wearing body cameras.  
19 There's been some discussion in the news about how  
20 the Police Union filed a lawsuit to try to block the  
21 release of body camera footage, but that happened to  
22 me, and this has been happening to me since April  
23 27<sup>th</sup>. So, I guess the question is, if I'm a US Navy  
24 veteran, which I am, I took an oath to protect and  
25



defend the Constitution against assholes like Deputy--  
- sorry for the language--

CHAIRPERSON RICHARDS: [interposing] Just watch your language, thank you.

TOWAKI KOMATSU: even though a federal court says I have the legal right to use crude and offensive language in the context of complaining about government activity. Trust me, I know the federal court decisions.

CHAIRPERSON RICHARDS: You have a right. Go ahead.

TOWAKI KOMATSU: So, the point is, like I said, I've come into these rooms before and testified under oath. I've made truthful statements contrary to the police officers that were just sitting in these chairs. So, I guess, I mean, don't get me wrong, you're way better than-- what's her name-- Vanessa Gibson who also has a federal civil rights lawsuit against her. She was driving a car, talking on her cell phone. She was issued a--

CHAIRPERSON RICHARDS: [interposing] I don't want to--

TOWAKI KOMATSU: [interposing] But I mean, bottom line is--

CHAIRPERSON RICHARDS: [interposing] If we could not get into-- yes. If you can just speak on your issue, I would appreciate that. Thank you.

TOWAKI KOMATSU: So, basically, I've been trying to go to the Mayor's public meetings to engage in protective whistle blowing activities against the mayor and his administration. In response to that I've been illegally kept out of those meetings. So, you have First Amendment retaliation at the Mayor's public Town Hall meetings, public Resource Fair meetings totaling more than I'd say 20 meetings since April 27<sup>th</sup>. So, the question is, if you're a voter and you're trying to make a determination as to whether the candidate that you have the option of voting for best reflects your values, if you have a whistle-blower who has been illegally excluded from those public meetings that are being used as campaign events, don't you consider that to be voter fraud, voter suppression?

CHAIRPERSON RICHARDS: I can't talk about campaign in this room.

TOWAKI KOMATSU: Okay.

CHAIRPERSON RICHARDS: It's against conflict of interest rules.

1                   TOWAKI KOMATSU: So, to wrap it up, I  
2  
3 mean, what does it take to have people on your team  
4 to step up to the plate and actually go to bat for  
5 someone who is sitting in front of you testifying  
6 under oath saying First Amendment violations are  
7 occurring, federal criminal statutes are being  
8 violated by the Mayor's NYPD Security Detail, as well  
9 as Penny Wringle [sp?] of the Mayor's Community  
10 Affairs Team, Shaun Atribula [sp?] of the Mayor's  
11 Community Affairs Team at the public meetings? I have  
12 video from May 23<sup>rd</sup> in the Bronx Supreme Court where  
13 it shows that Court Officers were working hand-in-  
14 hand with members of the Mayor's NYPD Security Detail  
15 to keep me and somebody else out of a public meeting.  
16 So, the question is, if the NYPD has absolutely no  
17 jurisdiction inside of a courthouse, just like ICE,  
18 then why in the hell are they able to persuade Court  
19 Officers to violate my civil rights in a courthouse  
20 at a public meeting?

21                   CHAIRPERSON RICHARDS: Well, I-- have you  
22 filed a complaint with the Civilian Complaint Review  
23 Board?

24                   TOWAKI KOMATSU: Totally useless. They--  
25

CHAIRPERSON RICHARDS: [interposing] Have you filed a complaint with the CCRB?

TOWAKI KOMATSU: I have and they're useless. I got shoved three times in the chest on an empty public sidewalk on April 27<sup>th</sup> after Mr. Redman kept me out of that public meeting. So, if it happens--

CHAIRPERSON RICHARDS: [interposing] And CCRB has not gotten back to you?

TOWAKI KOMATSU: They exonerated the officer who shoved me three times in the chest on an empty public sidewalk.

CHAIRPERSON RICHARDS: Alright, well thank you for your testimony. If you want to get me information on your complaint to CCRB, we can try to follow up to see where they're at, and we can take it from there.

TOWAKI KOMATSU: Fair enough.

CHAIRPERSON RICHARDS: Council Member Menchaca has questions. Thank you for your testimony. Thank you for coming out as well. I also want to say to-- sorry, Zachary, yes, we look forward to hearing a little bit more on it, and I do understand there's, you know, certainly a balance

that needs to be there, but I'm interested in hearing a little bit more on how we can improve the process. Council Member Menchaca?

COUNCIL MEMBER MENCHACA: Thank you, Chair, and thank you both for your testimony. Zachary, the work that you're doing and the work that you presented, I'm also looking forward to seeing your full written testimony. If you remember the questions that I was kind of posing to the NYPD about definition of public safety, I think kind of fall within this concept of-- or your concept anyway-- to remove the processes to make it Egalitarian, more accessible to more people when they want to protest and practice their rights. You only spoke to protests, and I wonder if there's any connection to protest and civil disobedience and how you kind of handled both of those pieces. Civil disobedience is an act of protest, but it's a different level, or is it a different level to you and the way that you're thinking about it. So, I kind of wanted to see if you had any thoughts about that. I think a lot of that came up today in some incidents that happened in January where protests-- in that day there was a varying degree of response from the NYPD and one was

classified as peaceful in the morning monthly Jericho walk versus what happened in Broadway. So help us understand how you're thinking about civil disobedience in terms of protest and are they the same?

ZACHARY AHMAD: I'm sorry to disappoint you, Council Member. It's not something that I necessarily came prepared on.

COUNCIL MEMBER MENCHACA: Okay. Can you take that back and have-- or connect me with someone over at the ACLU?

ZACHARY AHMAD: I'm sorry. Yeah, I mean, that is certainly something that we can take a closer look at, something that the Council is interested in exploring.

COUNCIL MEMBER MENCHACA: Okay, so let me just give you a couple of things that would be good to kind of open up in discussion.

ZACHARY AHMAD: Sure, yeah.

COUNCIL MEMBER MENCHACA: And it's just going to be helpful in thinking about the local law that we passed last session, 228 and other things related to city services and where we bring, but if we can kind of later talk with your team about

1 protests and civil disobedience, thinking about  
2 process, and I think you're going to talk a little  
3 bit more about that, where does it belong, and really  
4 come up with concrete recommendations for us to take  
5 on as a City Council and think about. I'm also  
6 thinking about definitions around public safety.  
7 Where can we land on what that means? That seems  
8 super discretionary and dangerous in some ways,  
9 because that can be used to justify certain actions,  
10 and I don't want to remove discretion, but I do want  
11 to add definition, and so if that can be helpful for  
12 us in discussion in the future, it'd be great for you  
13 and the ACLU to work with us on.

14  
15 ZACHARY AHMAD: Certainly, yeah. No, I  
16 think those are all issues that we are keyed in on  
17 and do have an interest in exploring, and so we look  
18 forward to working with the Council.

19 COUNCIL MEMBER MENCHACA: No more  
20 questions. Thank you, Chair.

21 CHAIRPERSON RICHARDS: Thank you so much,  
22 and I want to thank everyone for coming out today. I  
23 want to thank the Committee Staff, Beth Golub [sp?],  
24 phenomenal job, our Legislative Counsel, Casey  
25 Addison [sp?], our Legislative Policy Analyst, Steve-

1                   - oh, I'm going to mess up your name-- Rister [sic],  
2                   Reister-- see, I only call him Steve-- our Senior  
3                   Financial Analyst, and to my Legislative Director,  
4                   Jordan Gibbons [sp?]. Thank you all for coming out  
5                   today. We look forward to continuing examining ways  
6                   to make sure that public safety is at the front line  
7                   of democracy and that we're doing all the right  
8                   things to ensure that we protect the public while  
9                   also allowing them to express themselves in a just  
10                  way. So, thank you all for coming out. This hearing  
11                  is now closed.  
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13                   [gavel]



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COMMITTEE ON PUBLIC SAFETY

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C E R T I F I C A T E

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



Date March 9, 2018