

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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February 11, 2010
Start: 11:42 am
Recess: 12:05 pm

HELD AT: Council Chambers
City Hall

B E F O R E: PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:
Charles Barron
Maria del Carmen Arroyo
Sara M. Gonzalez
Helen D. Foster
James F. Gennaro
Vincent J. Gentile
Daniel R. Garodnick
Daniel J. Halloran
Eric Ulrich

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

Malia Lazu
Political Strategist
Harry Belafonte

Kyung Ji Rhee
Institute for Juvenile Justice Reform and Alternatives

Dawit Getachew
Policy and Community Outreach Associate
Bronx Defenders

Charisa Smith
Strategies for Youth

Tshaka Barrows
Haywood Burns Institute

Ruben Austria

CHAIRPERSON VALLONE: Okay.

Welcome everyone to this morning's Public Safety Committee hearing. Today we're voting on Intro number 1. Nice job, Maria. Intro number 1, a bill that would create the crime of criminal street gang initiation. We've had several hearings on this bill already. One on a very similar version also, Intro 941 on December 3rd of last year, one on this bill on January 28th of this year.

This bill provides a definition of criminal street gang and allows for a penalty of A misdemeanor for a person engaging in criminal street gang initiation activity that puts another person at risk or fear of physical injury.

Now I've been told that we have a number of people who have come down to testify today. As I said, we've had numerous hearings on this bill and taken all the testimony that I deemed appropriate and I'm informed that I have no obligation to allow testimony today, but because of the fact that you're here, what I'm going to do is this, each one of you, and I believe there may be 9 or 10, will get one minute, we'll set up some

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2 panels, Sergeant-At-Arms, so we can get this done
3 as quickly as possible. And I'm not going to
4 allow for questions from Council Members after any
5 individual testimony.

6 If anyone decides they want to
7 break those rules, whether it be someone
8 testifying or one of the Council Members, I'll
9 just shut it down and take the vote, I have no
10 problems with that.

11 So we've got a whole schedule--

12 [Off mic]

13 CHAIRPERSON VALLONE: Yes, I'm not
14 referring to you, Council Member Barron, I don't
15 know why you would think that, but it's--

16 [Off mic]

17 MALE VOICE: Just give him the
18 gavel, come one.

19 CHAIRPERSON VALLONE: I'll just be
20 standing like this if you... But we have a long
21 schedule of hearings and work to do today.

22 So when it comes to this bill,
23 however, rest assured I have the letter that was
24 provided to me by the groups that are testifying
25 today, it lays out your objections. It's from

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2 Bronx Defenders, Center for Alternative
3 Sentencing, Center for Constitutional Rights, New
4 York Civil Liberties Union, [off mic] Justice
5 Center, Sisters and Brothers United, Youth
6 Ministry for Peace and Justice, I've handed this
7 out to every Council Member. This testimony we've
8 heard many, many times before at our hearings and
9 you should know that we agree with much of what
10 you said, no one understands the need for
11 alternatives in incarceration more than I do, I
12 was a prosecutor for six years and a defense
13 attorney for 10 years and that's why New York City
14 provides more alternatives than probably anywhere
15 in the world, almost all of those funded by the
16 New York City Council. So we're well aware of the
17 needs for alternatives and your testimony today
18 shouldn't be about the need for alternatives
19 because we will have hearings about that in the
20 future, it should be about this bill.

21 When it comes to combating crime,
22 though, it has to be a two-pronged approach: One,
23 providing alternatives and preventing the crime
24 from occurring and preventing our youth from being
25 a part of that culture; and number two, giving the

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2 city and the police the tools they need to combat
3 those who will not be deterred and will not be
4 prevented, and those have existed since the
5 beginning of time, they will be out there and
6 we've got to protect our citizens against them.
7 And that's what this is, this is another tool to
8 prosecute the gang members who will not be
9 deterred by the alternatives that we have provided
10 for them.

11 I would like to recognize the bill
12 sponsor Maria del Carmen Arroyo and ask for a few
13 words from her.

14 COUNCIL MEMBER ARROYO: Thank you,
15 Mr. Chair, and your last statement pretty much
16 sums it [pause]. There have been many
17 interpretations of what this legislation would
18 create in community. [Pause] Every single one
19 that I've heard is not what this bill is intended
20 to do. [Pause] Talk about how police behave in
21 [pause] street, people of color and the
22 overwhelming number of young people that are
23 stopped and frisked in the streets every single
24 day, this bill will not change that, will not add
25 to that because that is a reality that we are

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2 experiencing already. What this bill seeks to do
3 is to aid in the prosecution of individuals
4 already engaging in criminal activity. Criminal
5 activity that influence the quality of life in
6 community [pause] every single day, it's really
7 that simple.

8 I urge my colleagues to support and
9 vote in favor and [pause] thank you, Mr. Chairman
10 and the Speaker for the support of this
11 legislation and [pause] forward to voting it out
12 today.

13 CHAIRPERSON VALLONE: Thank you.
14 And if other Council Members would like to make a
15 one minute statement, I guess we'll do that after-
16 -oh, sorry, you know what we'll do, any Council
17 Member that would like to make a one minute
18 statement now before the testimony, they may; if
19 they'd like to do it after the testimony, that's
20 fine, but one statement each, please.

21 Council Member Gonzalez is Chair of
22 the Juvenile Justice Committee who's been very
23 helpful and had hearings on her own regarding this
24 topic.

25 COUNCIL MEMBER GONZALEZ: Thank

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2 you, Chair. While I understand and I support this
3 bill, I understand about enforcement and being
4 proactive against gang activity, how important it
5 is, but hopefully the goal of this bill, the way I
6 see it, should be to serve as a deterrent, not
7 merely just another tool to further marginalize an
8 already vulnerable population.

9 As Chair of DJJ, I intend to have
10 oversight hearings, I've spoken to the Speaker's
11 office, and also to your committee and yourself,
12 and also to Council Member Maria del Carmen
13 Arroyo, and I definitely want to watch and stay
14 vigilant on how it will impact juvenile justice
15 and also how it will impact this population. I'd
16 like to see the outcome of this. And I understand
17 that as a Council we have to strengthen
18 enforcement pieces and this is what we're doing
19 here, I do support that, but I hope that we will
20 also continue, as you said earlier, though we're
21 not going to discuss it here, is to look for
22 alternatives to incarceration. Rehabilitation is
23 the way to go with these young people and people
24 to get involved, but strictly understanding that
25 if you break the law, there's a penalty to be

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2 paid.

3 So I thank you for this [pause].

4 Thank you, Chair.

5 CHAIRPERSON VALLONE: Council

6 Member Barron.

7 COUNCIL MEMBER BARRON: You know

8 one of the things, I know what the intent--

9 MALE VOICE: Time's up.

10 COUNCIL MEMBER BARRON: --intent of

11 the bill is, but any bill that increases the

12 contact of law enforcement in our community is not

13 a good bill for our community. You may have

14 honorable intentions, and I do believe you do, but

15 we have to watch how we legislate the behavior of

16 law enforcement, as well as the behavior of youth

17 in our community, and you have to take into

18 consideration stop and frisk, you have to look at

19 how we're defining gang activity, three people or

20 more. These kinds of things are frightening to me

21 only in a sense, and I'm definitely concerned with

22 the gang related behavior and the initiations is

23 ridiculous and totally out of control and

24 something needs to happen, but there's too many

25 innocent youth in our districts right now that are

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2 subject to unconstitutional stops and frisk and
3 all other kinds of behavior. Their ability to
4 identify a gang member from just a brother or a
5 sister that's into the hip-hop culture and not
6 really into gang activity, I think it's just going
7 to increase the contact. And the more increasing
8 of the contact without guaranteeing some
9 constitutional rights for our youth to move about
10 peacefully in their neighborhoods when it's not
11 connected to gang activity is a serious concern of
12 mine, 'cause most of the law enforcement, things
13 that we've engaged in now, it harms innocent
14 people far more than the people that you're really
15 out there to get.

16 So I don't think this bill does it
17 and I want to encourage my colleagues to let's go
18 back to the drawing board and do something that
19 will bring less contact, less unnecessary contact,
20 and could be prejudicial contact with the law
21 enforcement agency and our black and Latino youth
22 in particular.

23 CHAIRPERSON VALLONE: Thank you,
24 Council Member. And let me point out that your
25 concern about the definition of gang is also in

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2 the testimony or the letter that was provided to
3 us and it is necessarily an imprecise science.
4 But for this bill to take effect, you not only
5 have to be part of that gang, but also involved in
6 gang initiation activity, so no one will be
7 prosecuted just under that definition or because
8 they're involved in some sort of activity, both of
9 those things have to be in existence.

10 We have everyone who's going to
11 testify that has provided one of these cards and,
12 rather than me call out the names, why don't we
13 just start with the young lady here on the end in
14 the black and introduce yourself and then we'll go
15 down that way and then through the next row.
16 Thank you for coming down today.

17 MALIA LAZU: Thank you, Councilman.
18 My name is Malia Lazu and I'm the political
19 strategist for Harry Belafonte and I'm here today
20 and I will be very brief.

21 Because of our concerns, the moral
22 implications that, not only this bill, but our
23 understanding of how to deal with gangs and how to
24 deal with young people shows. We are very
25 concerned, not only are we concerned because we

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are the world's largest jailer, but to see our
flagship city as New York take on such archaic
type of laws to fight gangs worries us.

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I will say to end that Mr.

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Belafonte has been working for the past eight

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years to stop juvenile incarceration, he has

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traveled the country, he has traveled

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internationally, and he started by watching a 5-

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year-old girl get arrested, shackled, put into a

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police car. Her crime? That she was being unruly

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in class--thank God that's not illegal, so by the

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time she finally got to prison after being

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traumatized, she was released. It is these types

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of mistakes that happen with the best of

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intentions and we want to encourage us to agree on

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our intentions. And I think it was a wiser man

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than I who said the road to hell is paved with

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good intentions. Thank you.

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[Long pause]

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KYUNG JI RHEE: Okay. Hi, my name

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is Kyung Ji Rhee, I'm with the Institute for

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Juvenile Justice Reform and Alternatives, a

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project [off mic] for new leadership on urban

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solutions and Medgar Evers College.

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2 I'm also here representing a
3 broader base of educators, juvenile justice
4 professionals, students, and advocates from
5 various communities and Community Board members
6 from various communities around the city called
7 Raise the Age, Raise the Bar, Raise the Youth.
8 'Cause the bottom line here is how do we raise our
9 youth, whether they are involved in delinquent
10 behavior or they are doing well in their
11 respective communities.

12 So I would like to address
13 specifically the gang bill. The intent of the
14 bill is twofold: to protect, right?--the
15 communities from gang initiation activities and
16 also to deter gang initiation activity, correct?

17 Now I'm here because I strongly
18 believe and I assume that all of you know,
19 especially the sponsors and Public Safety
20 Committee members know what I know and so if you
21 do know what I know, it's here at this stage
22 because of willful ignorance or political
23 expediency. If you really want to do something
24 about gang initiation, the three to five years
25 that have passed just recently, that's National

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2 Institute of Justice, Department of Justice,
3 Princeton, Harvard, as well as the state and city
4 of New York have received money to pursue--

5 CHAIRPERSON VALLONE: [Interposing]

6 You need to finish--

7 [Crosstalk]

8 KYUNG JI RHEE: --models that have
9 proven to work. Okay, I will just--I want you to
10 know right now, New York City has been funded to
11 implement models modeled after Cease Fire
12 demonstration project in Chicago and we have just
13 received funding for that last year which goes
14 right at the heart of gang initiation. I would
15 hope that the Public Safety Committee would spend
16 the time and energy and political will to let
17 those programs--

18 CHAIRPERSON VALLONE: Okay.

19 KYUNG JI RHEE: --play out and see
20 the results of that, rather than putting in
21 criminal sanctions enhancement of that that have
22 proven not to work--

23 CHAIRPERSON VALLONE: Okay.

24 KYUNG JI RHEE: --by the Department
25 of Justice.

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2 CHAIRPERSON VALLONE: Time's up,
3 but thank you, we do have the time and energy for
4 both, prosecute and do alternatives and Sara
5 Gonzalez and I are going to have more hearings on
6 this topic, so if you don't get to say everything
7 you want to say today, you'll be invited back
8 down.

9 KYUNG JI RHEE: No, but that's
10 after it has become law, the point here is that--

11 CHAIRPERSON VALLONE: [Interposing]
12 Well we've had three hearings on this bill
13 already, so the--

14 KYUNG JI RHEE: [Interposing] No,
15 actually technically we've only had one hearing.
16 For the record, I do want to--

17 CHAIRPERSON VALLONE: No, it was a
18 similar bill.

19 KYUNG JI RHEE: --make clear that
20 we only had one hearing on this bill--

21 CHAIRPERSON VALLONE: We've also
22 had oversight--

23 KYUNG JI RHEE: --as it was
24 amended--

25 CHAIRPERSON VALLONE: --hearings on

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2 gang activity, which is the exact same topic
3 we're--

4 KYUNG JI RHEE: Right, but on this
5 bill--

6 CHAIRPERSON VALLONE: --discussing
7 today.

8 KYUNG JI RHEE: --there was only
9 one hearing.

10 CHAIRPERSON VALLONE: Two, well
11 there was a prior version of this bill. The clock
12 is up there, so please pay attention to it. Thank
13 you.

14 DAWIT GETACHEW: Good morning, my
15 name is Dawit Getachew, I'm the Policy and
16 Community Outreach Associate at the Bronx
17 Defenders and we submit these comments today to
18 reiterate our serious concerns regarding this
19 proposed legislation.

20 We recognize the committee's
21 efforts to find ways to keep young people from
22 entering lives of crime and violence, however, we
23 strongly believe that this legislation will
24 neither deter gang activity, nor protect our
25 youth. We share the concerns with many

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2 organizations and community members and Council
3 Members that this law, if adopted, will be
4 enforced against black and Latino youth and
5 disproportionately imposed on young people from
6 neighborhoods like Harlem, South Bronx, and East
7 New York.

8 We'd also like to remind the
9 Council of the wide range of life altering
10 consequences that the convictions for these
11 offenses would have on young people. The same
12 people that this bill is designed to protect.
13 Rather than create new avenues for youth to escape
14 gang activity and life, the proposed laws create
15 yet another path for them to get involved with the
16 criminal justice system--system that has often
17 more than often fallen short in helping them get
18 back on the right track.

19 Their efforts to being done in this
20 city currently, as KJ mentioned, that have gotten
21 funding from federal and local from state
22 governments to find new ways, evidence-based
23 practices that have been shown to work--

24 CHAIRPERSON VALLONE: [Interposing]
25 Okay. Finish up--

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[Crosstalk]

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DAWIT GETACHEW: --so we are asking the Council to look at these initiatives and go back to, as the Council Members say, go back to the drawing board and see what works and try to address those issues that currently exist in the community.

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CHAIRPERSON VALLONE: Thank you.

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Next.

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CHARISA SMITH: Good afternoon, my

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name is Charisa [phonetic] Smith and I'm with

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Strategies for Youth, a non-profit that works on

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issues of juvenile justice and law enforcement.

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I'm here today to say that Intro 1

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2010 is neither smart on crime, nor mindful in

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this time of budget crisis. Forty-seven percent

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of youth in DJJ detention have actually reoffended

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after one or three years. It costs \$226,000 per

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year per youth for detention. This bill will make

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violations and Class B misdemeanors Class A

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misdemeanors with a year in jail. Can we really

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afford to pay \$226,000 for a 47% recidivism rate?

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To be mindful in a budget crisis,

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we must realize that alternatives cost as low as

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10 to \$15,000 with recidivism rates like 15%.
Additionally, racial disparities in the juvenile justice system are unacceptable. This bill will exacerbate that problem. Ninety-seven percent of youth in detention right now in this city are youth of color--this is unacceptable. Youth commit similar levels of a crime and report similar levels of crime, yet the youth of color are penalized.

In closing, I have spoken recently to NYPD members at organizations and meetings for Conversations for Change, which is sponsored by New York Faith and Justice and other organizations. These NYPD members significantly ask for alternatives to arrest, but already think that policies in law enforcement penalize them and penalize youth too much. Right now, the policies of the NYPD crack down on young people for minor offenses and when there are gang-related problems, they don't address the root of the cause: lack of opportunities, lack of family involvement, lack of positive recreation. And the bill is not smart on crime, its not effective, and it's not going to solve that problem. I'm really sad to say that I

1
2 would like to see more courage to actually enact a
3 law that will work. Thank you.

4 CHAIRPERSON VALLONE: Thank you.

5 Next. Thanks.

6 TSHAKA BARROWS: Hello, my name is
7 Tshaka Barrows, I actually live in California. I
8 came out here today, I work with a place called
9 the Haywood Burns Institute, we deal with juvenile
10 justice issues. Specifically, I've worked in
11 about 50 jurisdictions around the country
12 addressing racial and ethnic disparities.

13 One of the main problems with this
14 bill is that criminal activity, if it's occurring,
15 you already have the authority to prosecute and
16 hold people accountable for it. What you're doing
17 is expanding to a pool of young people who, but
18 for this bill, would not be able to be prosecuted.
19 So if they're already involved in some form of
20 criminal activity, you already have the right and
21 have all full authority to go after them. What
22 you're doing is widening the net to a set of young
23 people that, but for this bill, you wouldn't be
24 able to prosecute. So if they're already involved
25 in criminal activity, you should already have the

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2 means to go after them for whatever it is that
3 they have done. What you're doing with this bill
4 is the dangerous practice because it widens the
5 net to a specific population of young people who,
6 but for this bill, would not be brought into
7 prosecution.

8 And I'll just close with saying
9 what we know in California is that suppression
10 further entrenches these gang culture and policy--
11 I mean in practice in the neighborhoods, and so
12 really that's an important aspect to think about
13 in terms of raising the punishment to a year in
14 jail.

15 In California, what we see is a
16 rites of passage.

17 CHAIRPERSON VALLONE: Let me--

18 TSHAKA BARROWS: So just understand
19 the cultural impact as well.

20 CHAIRPERSON VALLONE: I understand,
21 let me very quickly say that it doesn't widen the
22 net at all. You're right that all the activity
23 under this can be prosecuted basically already,
24 which is why the D.A.'s offices came down, most
25 were in favor, they didn't love it, they didn't

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2 care because they have the power to prosecute this
3 already. This makes it easier to prosecute those
4 same people because we don't have to prove
5 physical injury anymore, which means--

6 [Crosstalk]

7 CHAIRPERSON VALLONE: --in the
8 context of gang activity, which means you don't
9 need the victim and many times a victim is too
10 afraid to testify. So there's no new web of
11 people that are involved here, it's the same
12 people, it's just easier to prosecute.

13 TSHAKA BARROWS: It's easier, which
14 is--

15 [Crosstalk]

16 CHAIRPERSON VALLONE: Absolutely.

17 TSHAKA BARROWS: --widens the net--

18 CHAIRPERSON VALLONE: Right, right.

19 TSHAKA BARROWS: --it allows for
20 you to--

21 CHAIRPERSON VALLONE: No, no--

22 TSHAKA BARROWS: --pick low-hanging
23 fruit--

24 CHAIRPERSON VALLONE: Okay. We
25 disagree.

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2 TSHAKA BARROWS: --and you fill
3 your system with kids who are not--

4 CHAIRPERSON VALLONE: Nothing--
5 thank you.

6 TSHAKA BARROWS: --the most
7 significant threat.

8 RUBEN AUSTRIA: Good morning, my
9 name is Ruben Austria, I am a resident of the
10 South Bronx, also an associate pastor of a church
11 in the South Bronx and also the executive director
12 of a non-profit that works with young people in
13 the justice system.

14 I've seen these types of laws play
15 out, the intent is in response always to a
16 sensational incident, such as the one we had last
17 fall where a young man shot a gun in a gang
18 situation, an innocent bystander was hit. But
19 we've seen this throughout history, especially
20 over the last 30 years, there's a knee-jerk
21 reaction to pass something that looks good and it
22 has the exact opposite effect. What happens, and
23 I believe it will happen with this bill, is that
24 it will give the police and prosecutors a lot more
25 ammunition to pick up young people for things

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2 where there's two or three kids who tell a new kid
3 on the block, if you want to be down with us, you
4 got to go into this store and swipe this packet of
5 gum and they do that and they could be prosecuted
6 under this type of activity, then they wind up
7 going into facilities where the gang culture is
8 strong, where they wouldn't have gone anyway. My
9 community gets more dangerous because young people
10 who had not have been arrested and prosecuted and
11 arrested, come back. They go into the system,
12 they find out later on the charges are too weak,
13 but in that time in detention and in lock up,
14 they've learned to become even deeper entrenched
15 in a criminal activity.

16 And that's why I urge the Public
17 Safety Committee to realize that this is going to
18 play out in a very bad way and to take the
19 responsibility to do what works instead of what is
20 politically expedient.

21 CHAIRPERSON VALLONE: Thank you all,
22 look forward to hearing from you at greater length
23 at future hearings on these very same topics.

24 We're going to call for the vote
25 now.

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[Off mic]

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[Pause]

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CHAIRPERSON VALLONE: So we're going to--Clerk, would you please call the vote?

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WILLIAM MARTIN: William Martin, Committee Clerk, roll call on the Committee on Public Safety, Introduction number 1. Council Member Vallone.

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COUNCIL MEMBER VALLONE: I vote aye.

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WILLIAM MARTIN: Foster.

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COUNCIL MEMBER FOSTER: [No response].

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WILLIAM MARTIN: Gennaro.

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COUNCIL MEMBER GENNARO: [No response].

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WILLIAM MARTIN: Gentile.

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COUNCIL MEMBER GENTILE: I vote aye.

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WILLIAM MARTIN: Garodnick.

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COUNCIL MEMBER GARODNICK: Aye.

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WILLIAM MARTIN: Halloran.

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COUNCIL MEMBER HALLORAN: Can I be excused to explain my vote?

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CHAIRPERSON VALLONE: Yes, sir.

COUNCIL MEMBER HALLORAN: I have listened to the testimony of the individuals here and I appreciate their concern, I share some of those concerns as a former defense attorney and as a former prosecutor.

I believe that it's naïve for us to say that there will be no financial impact to this bill. A violation can be prosecuted by the issuance of a desk appearance ticket which costs minimal amount of money, does not require an individual to go through the system. Putting a person through the system in one day generally costs between 800 to \$1,200 a person as court costs, and in addition to that another 4 to \$600 in policing costs. A violation requires only 15 days incarceration and a maximum misdemeanor one year.

Our prisons upstate, actually the jails upstate, because they're not prisons, it's less than a year, cost us far more and we are underutilizing them. It's much more efficient for us to keep kids locally to give them treatment downstate.

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2 There's a constitutional dimension
3 which concerns me about preemption. These mirror
4 menacing three and hazing two in the state penal
5 law, there may be defense attorneys who make an
6 unequal application argument based on the fact
7 that the same set of facts and circumstances may
8 be prosecuted differently based on this gang
9 association. I worry about the long-term social
10 impacts, children who are sent upstate 9 out of 10
11 times will return to a life of crime versus
12 children who receive treatment programs downstate
13 where the recidivism rate is approximately 1 in
14 10.

15 We're also, as I indicated, paying
16 for beds upstate regardless of whether we're
17 utilizing them and that drains resources out of
18 the system.

19 CHAIRPERSON VALLONE: [Interposing]
20 Can we stick to the bill, please?

21 [Crosstalk]

22 COUNCIL MEMBER HALLORAN: Yeah.

23 CHAIRPERSON VALLONE: Which one way
24 or the other.

25 COUNCIL MEMBER HALLORAN: Yes, I'm

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2 going to vote aye on the bill with the
3 understanding that I believe that we need to take
4 some serious looks at how the bill gets
5 implemented in order to ensure that it's not being
6 applied unfairly.

7 CHAIRPERSON VALLONE: Thank you,
8 Council Member.

9 WILLIAM MARTIN: Ulrich.

10 COUNCIL MEMBER ULRICH: Aye.

11 WILLIAM MARTIN: Foster.

12 COUNCIL MEMBER FOSTER: Yes.

13 WILLIAM MARTIN: Gennaro.

14 COUNCIL MEMBER GENNARO: Yes.

15 WILLIAM MARTIN: By a vote of seven
16 in the affirmative, zero in the negative, no
17 abstentions, item is adopted. Council Members,
18 please sign the committee report.

19 CHAIRPERSON VALLONE: We'll hold
20 the vote open for as long as we are able to.

21 FEMALE VOICE: [Off mic] everyone's
22 done.

23 CHAIRPERSON VALLONE: I'm sorry,
24 everyone who is on the committee is actually here,
25 thank you for all for showing for this important

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topic. This hearing is--oh.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date February 18, 2010