

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

----- X

Monday, March 20, 2023
Start: 10:10 a.m.
Recess: 5:00 p.m.

HELD AT: Council Chambers, City Hall

B E F O R E: Kamillah Hanks, Chairperson

COUNCIL MEMBERS:

Adrienne Adams, Speaker
Joann Ariola
Alexa Avilés
Gale A. Brewer
Erik D. Bottcher
Justin L. Brannan
Tiffany Cabán
Carmen N. De La Rosa
Robert F. Holden
Rita C. Joseph
Ari Kagan
Sandy Nurse
Althea V. Stevens

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

Keechant L. Sewell
Commissioner
New York Police Department

Edward Caban
First Deputy Commissioner
New York Police Department

Jeffrey Maddrey
Chief of Department
New York Police Department

Oleg Chernyavsky
Chief of Staff
New York Police Department

Kristine Ryan
Deputy Commissioner
Management and Budget
New York Police Department

Amy Litwin
Deputy Commissioner
Department Advocate
New York Police Department

Mark Stewart
Deputy Commissioner
Community Affairs
New York Police Department

Chauncey Parker
Deputy Commissioner
Collaborative Policing
New York Police Department

Carrie Talansky
Assistant Deputy Commissioner
Legal Matters
New York Police Department

Wilson Aramboles
Chief of Special Operations
New York Police Department

James Essig
Chief of Detectives
New York Police Department

Michael Kemper
Chief of Transit
New York Police Department

Theresa Tobin
Chief of Interagency Operations
New York Police Department

Marion Larin
Deputy Chief of School Safety
New York Police Department

John Chell
Chief of Patrol Services
New York Police Department

Donna Jones
Chief of Personnel
New York Police Department

Kim Royster
Chief of Transportation
New York Police Department

Michael Lipetri
Chief of Crime Control Strategies
New York Police Department

Inspector Pagan [ph]
Information Technology Bureau
New York Police Department

Arva Rice
Interim Chairperson
Civilian Complaint Review Board

Jonathan Darche
Executive Director
Civilian Complaint Review Board

Darcel Clark
District Attorney
County of The Bronx

Melinda Katz
District Attorney
County of Queens

Michael McMahon
District Attorney
County of Richmond

Nancy Hoppock
Chief Assistant District Attorney
on behalf Of DA Eric Gonzalez
Kings County

Megan Reese
Chief Assistant District Attorney
on behalf of DA Alvin Bragg
County of New York

Bridget G. Brennan
Special Narcotics Prosecutor
City of New York

Alice Fontier
Managing Director
Neighborhood Defender Service of Harlem

Ann Matthews
Managing Director
Criminal Defense Practice
The Bronx Defenders

Stan Germán
Executive Director
New York County Defender Services

Justine (Tina) Luongo
Chief Attorney
Criminal Defense Practice
Legal Aid Society
also speaking on behalf of
Brooklyn Defender Services

James Ennis
New York Communities for Change

Ileana Méndez Peñate
Communities United for Police Reform

Kelly Young
VOCAL, New York

Leo Ferguson
Jews for Racial and Economic Justice

Christine Henson
Parent of Autistic Child

John McFarlane
VOCAL New York

Eileen Maher
VOCAL New York

Ramon LeClerc
Resident of New York

D'Juan Collins
VOCAL New York

Luis Bolaños Ordonez
VOCAL New York

Andrew Mandel
Tirdof: NY Jewish Clergy for Justice

Sam Kessler
Citizens Union

Shane Correia
Center for Justice Innovation

Isabelle Leyva
VOCAL New York

Tamika Mapp
State Committeewoman
68th Assembly District

Marinda van Dalen
New York Lawyers for the Public Interest

Jay W. Walker
Reclaimed Pride Coalition

Griffin Jones
Resident of New York

Unknown Speaker
Resident of New York

Unknown Speaker #2
Resident of New York

Michael Magazine
Resident of East Flatbush

Unknown Speaker #3
Resident of New York

Alvin Dan
Crown Heights Care Collective

Braden Holliday
Resident of New York

Amaryllis Greene, Age 12,
and her Mother (Presumed "Ms. Greene")
Residents of New York City

Allison Hollihan
The New York Initiative for
Children of Incarcerated Parents

Victor Herrera
Freedom Agenda

Kanako Kawabe
Academy of Medical and
Public Health Services

Eva Chan
Harlem East Block Association

Isaiah Fenichel
Strategy for Black Lives

Darren Mack
New York City Commission on
Community Reinvestment

Camilla[ph] Jones
Staten Island Resident

Julie Bowen
New York City Resident

Francisca Basso[ph]
New York City Resident

Kate Dempsey
Policing and Social Justice Project

Scarlett Thompson
New York City Alliance
Against Sexual Assault

Jimmy Meagher
Safe Horizon

Shannon Sassone
Prior Investigator
Civilian Complaint Review Board

Miriam Fisher
New York City Resident

Eden King
New York City Resident

CN
New York City Resident

Walter Dittman
Prior public school teacher
New York City Resident

Margot Bharat [ph]
New York City Resident

Christian Moliary [ph]
New York City Resident

Emma Cathell
Corporation for Supportive Housing

Tanisha Grant
New York City Resident

Tal Segal
New York City Jewish Coalition
for Criminal Justice Reform

Ralph Brown
New York City Resident

2 SERGEANT AT ARMS: Good morning and welcome to
3 the Committee on Public Safety. At this time we
4 asked if you can please place phones on vibrate or
5 silent mode. Thank you Chair. We are ready to
6 begin.

7 CHAIRPERSON HANKS: Thank you and good morning.
8 I am councilmember Kamillah Hanks, Chair of the
9 Committee on Public Safety, and I welcome you today
10 to today's Public Safety preliminary budget hearing,
11 where we will hear and discuss the fiscal 2024
12 preliminary budget.

13 Today we will hear from the police department,
14 the Civilian Complaint Review Board, the district
15 attorneys, and the special narcotics prosecutor.

16 The goal of this hearing is to obtain a clearer
17 and holistic picture of the spending in these
18 agencies and to ensure that resources are being
19 allocated in the most efficient way possible to
20 achieve our shared mission in ensuring public safety.

21 At this time, I am joined by Madam Speaker
22 Adrienne Adams and Councilmembers Joseph, Brewer,
23 Ariola, and Holden.

24

25

2 First we will be hearing from NYPD, and I would
3 like to begin by welcoming Commissioner Sewell and
4 her staff, and thank you for joining us today.

5 The New York City-- New York's Police Department
6 fiscal 2024 budget is \$5.44 billion, which in part
7 goes to supporting some 35,000 uniformed officers as
8 well as 14,502 civilian personnel.

9 As the city's third largest agency in terms of
10 funding, making up 5.3% of the city's total fiscal
11 2024 budget, today's budget hearing aims to
12 understand how NYPD utilizes its budget to keep our
13 city safe. In today's hearing, we will evaluate the
14 effectiveness of NYPD personnel deployment strategy
15 and spending practices, with a particular focus on
16 overtime spending, school safety, civilianization,
17 and the Mayor's subway safety program.

18 Currently, NYPD's expensed budget is mostly
19 allocated to personnel services, which makes up 91%
20 of the agency's total expense budget and covers
21 salaries, overtime, and other wages.

22 Given the significant portion of the NYPD budget
23 allocated to personal personnel services, it is
24 crucial for us to gain a deeper understanding of how
25 the spending is managed. For example, in January,

2 the NYPD spent over \$100 million over its adopted
3 overtime budget of \$453 million, the largest overtime
4 budget for any agency. We understand the NYPD is
5 charged with keeping our city safe, and certain
6 circumstances arrived that NYPD has to respond.
7 However, the Public Safety Committee is required to
8 conduct its due diligence of oversight of the
9 spending, and we must explore any potential options
10 to reduce this unprojected spending at a time of
11 economic uncertainty, and I believe that together we
12 can work on a budget that works for all you New
13 Yorkers. The goal of the NYPD and the City Council
14 is to ensure the safety of all New Yorkers and we
15 will work together to meet that goal.

16 So once again, I'd like to thank NYPD as well as
17 its members of the public who will be testifying
18 today. And before we get started, I'd like to thank
19 our public safety committee staff, our Financial
20 Analysts, Owen Katowski and Casey Lachey, Unit Head
21 Jack Storey, Policy Analyst Chad Benjamin, and Senior
22 Legislative Counsel Josh Kingsley. I would also like
23 to thank my staff, Marcy Bishop and Legislative
24 Director David Pena.

25 We will now hear from the speaker Adrienne Adams.

2 SPEAKER ADAMS: Thank you so much, Madam Chair,
3 and good morning, everyone. Good to see you all.

4 We will today examine the Mayor's fiscal year
5 2024 preliminary budget as it relates to the New York
6 City Police Department, the Civilian Complaint Review
7 Board, and the city's district attorneys and special
8 narcotics prosecutor.

9 The NYPD's budget makes up 5.3% of the city's
10 total fiscal 2024 budget and is the city's third
11 largest agency in terms of funding. Its FY 24
12 preliminary budget is \$5.44 billion, approximately
13 \$88.9 million less than its adopted budget for fiscal
14 year 2023. The NYPD budget headcount for the FY 24
15 preliminary budget is 540 fewer positions than were
16 budgeted in the FY 23 budget at its adoption. Its
17 preliminary budget also includes a \$19 million
18 expense reduction in the Program to Eliminate the
19 Gap, the result of eliminating certain civilian
20 vacancies.

21 It is concerning that as of January 2023, the
22 department had spent \$552.5 million on overtime,
23 which is 22% more than the \$453 million budgeted for
24 overtime in the adopted FY 23 budget. At this
25 current rate of spending, the department's overtime

2 expense for the current fiscal year is projected to
3 be nearly double the amount budgeted. This continues
4 to be a historical trend, and the NYPD has not
5 implemented any new processes to better manage its
6 overtime spending, which has been a longtime concern
7 of mine. Additionally, the CCRB's preliminary budget
8 is \$22.4 million dollars, which is \$1.14 million less
9 than its adopted budget for FY 23.

10 The agency had 31 vacancies as of January, which
11 is an issue of concern to the Council and for
12 effective civilian oversight of the police
13 department. The preliminary budget for the city's
14 district attorneys and special narcotics prosecutor
15 totals \$512 million, which is nearly unchanged from
16 the FY 23 adopted budget.

17 This council has been focused on improving public
18 safety, recognizing it requires a collection of
19 holistic investments and measures beyond simply law
20 enforcement. These include violence prevention
21 programs, reentry initiatives, hate crime prevention,
22 and crime victim services. The health and safety of
23 our communities rely on employing these proven safety
24 solutions at scale. It is essential that we make
25 greater investments in programs that address the root

2 causes of crime and violence so that we can stop
3 these cycles from continuing.

4 Commissioner Sewell, we look forward to hearing
5 from you today about the NYPD's budget and efforts,
6 and we also look forward to hearing from CCRB
7 leadership in our borough's Das.

8 Thank you and I now turn it back over to our
9 Chair.

10 CHAIRPERSON HANKS: Thank you, Madam Speaker. We
11 will now hear testimony from Police Commissioner
12 Sewell and her staff, and you can swear them in.
13 Thank you so much.

14 COUNSEL: Thank you, Chair. So we'll here from
15 the NYPD. We'll hear from NYPD Police Commissioner
16 Keechant Sewell, Chief of Department, Jeffrey
17 Maddrey, First Deputy Commissioner, Edward Caban,
18 Deputy Commissioner, Kristine Ryan, and Chief of
19 Staff, Oleg Chernyavsky. We also have a number of
20 folks who are going to tag in potentially as well.
21 But we're going to start by swearing you all in.

22 Just raise your right hand and repeat. Do you
23 affirm to tell the truth, the whole truth, and
24 nothing but the truth, and the answer honestly to

2 Councilmember questions? You do collectively? Go
3 ahead.

4 ALL: We do.

5 COUNSEL: Okay, go ahead.

6 COMMISSIONER SEWELL: Good morning Speaker Adams,
7 Chair Hanks and members of the Council. Thank you
8 for the opportunity to discuss with you the Mayor's
9 preliminary budget for fiscal year 2024. It is a
10 pleasure to testify in person this year before the
11 Committee on Public Safety about the dedication and
12 professionalism exhibited each day and night by the
13 women and men of the New York City Police Department.

14 I am joined today by members of my executive
15 staff. Before I highlight some key budget items, I
16 would like to update you on our core public safety
17 mission and several significant initiatives.

18 Public safety is the foundation of everything we
19 do. Our city's vitality rests squarely upon it. But
20 public safety can never be just the job of the
21 police. Everyone must take responsibility for the
22 security and well being of our neighborhoods. Here
23 in New York City, we proved time and again, that when
24 the public and the police work together, we can
25 produce positive and lasting change. That change

2 begins when people are safe, and it is sustained when
3 they feel safe too.

4 In my testimony before this body last year, I put
5 forward a number of goals and objectives for this
6 department to meet. Today's appearance is an apt
7 time to apprise you of all of the progress that we
8 have made.

9 One of our objectives stated in last year's
10 testimony was that the NYPD would remain committed to
11 fighting for every block, improving the quality of
12 life in New York City, and focusing our resources
13 accordingly, as it is central to achieving the
14 greater goal of safety.

15 At the beginning of 2022, major crime has
16 increased by more than 48% in the city. Over the
17 course of the year the NYPD cut that increase by more
18 than half, and murders and shootings citywide
19 decreased by double digits.

20 On day one of our administration, the Mayor and I
21 focused on combating gun violence by treating it as
22 the public safety health crisis it clearly is.
23 Shootings in our city had been rising since 2018 and
24 had doubled in 2020 alone. And by 2021, we were at a
25 15 year high.

2 So from the outset, Mayor Adams and I made
3 illegal firearms and the people who use them our
4 prime concern, and the results are reflected in the
5 year-over-year declines we achieved in the form of
6 hundreds of fewer shooting incidents, shooting
7 victims, and murders. In fact, homicides of all
8 manner and cause were reduced by over 10% last year
9 compared to the year before.

10 Other notable outcomes of our sustained focus on
11 gun violence in 2022, included over 7000 illegal
12 firearms seized, as well as over 400 untraceable
13 ghost guns, and our gun arrests hitting a 27 year
14 high. Shootings in 2022, decreased by over 17%
15 compared to 2021, and the number of shooting victims
16 decreased by over 16%, a figure that reflects over
17 300 fewer shooting victims than the prior year.

18 This perfectly highlights the importance of
19 looking beyond the numbers, because quite literally,
20 these are lives saved, families kept intact, and
21 futures made possible, our Communities made safer.

22 Our comprehensive strategies to reduce shootings,
23 which includes detailed analysis of hotspots and high
24 activity zones, our patrol deployments, and much

2 deeper engagement with the people we serve, have
3 undoubtedly made our neighborhood safer.

4 This critical work is centered on prevention, and
5 built on proactive, intelligence-driven, precision
6 policing.

7 By the end of 2022, major crime in New York City
8 declined in the fourth quarter, and this improving
9 trend is continuing into 2023.

10 For the month of February, overall index crime
11 declined by over 5% with six of our eight patrol
12 boroughs experiencing decreases. These declines were
13 also realized in our Housing Bureau and our Transit
14 Bureau, which I will discuss in more detail.

15 As of March 12. Overall index crime city wide is
16 consistent with the same period last year with felony
17 assaults and grand larceny autos remaining persistent
18 issues. I am, however, encouraged that robberies,
19 burglaries and grand larcenies are currently down for
20 the year, in addition to the continuing and
21 significant decreases in murders, shooting incidents
22 and shooting victims.

23 So far this year, the women and men of the NYPD
24 have seized over 1300 illegal firearms.

2 We are also making progress underground. The
3 subways are the lifeblood of our city as we all know.
4 And in 2022 we steered substantial resources into the
5 New York City transit system to combat many of the
6 troubling issues experienced by riders.

7 In February of last year, Mayor Adams, Governor
8 Hochul, and the NYPD released our comprehensive
9 Subway Safety Plan, underscoring the seriousness with
10 which we view the subways, and how they play a vital
11 role in reviving the city's economy in this post-
12 pandemic era.

13 We continued a surge of 1000 additional officers
14 into the system, along with renewed focus on
15 enforcing MTA transit rules and addressing quality of
16 life conditions. In October, additional enhancements
17 were made to this initiative. That effort increased
18 officer presence in the system by adding 1200
19 overtime shifts every day for train patrols, as well
20 as platform and station coverage.

21 All NYPD bureaus and boroughs have contributed
22 personnel to this enhanced deployment effort.

23 Train conductors are making announcements to let
24 passengers know that a police officer was on the
25 train and whether the station they are pulling into

2 has one of our transit districts based there. We
3 also have recorded several public service
4 announcements to remind riders that their NYPD is
5 always there for them to deter, prevent, and
6 investigate crime.

7 The results are significant. Following the
8 October announcement, the New York City transit
9 system in New York City as a whole saw the lowest
10 nine week period for crime with the transit system
11 since 2009. Through March 12, nearly every index
12 crime in the transit system has seen a reduction over
13 last year, with overall major crime throughout the
14 system down nearly 17%.

15 Going forward, these efforts will continue and
16 more initiatives will be put in place to keep driving
17 down crime and ensuring that passengers feel safe

18 We will accomplish that, with strategic presence
19 at subway turnstiles, on platforms, and on trains.
20 Visibly extensive coverage and public engagement will
21 lead the way.

22 At the street and highway level, the NYPD's
23 efforts to reduce traffic related fatalities are also
24 working effectively. The total number of traffic
25 deaths, which includes pedestrians, operators of

1 COMMITTEE ON PUBLIC SAFETY 23

2 vehicles, and motorcycles, passengers, bicycles, and
3 people driving or riding on other motorized equipment
4 was down by 5% in 2022 compared to 2021, but we all
5 know even one is too many.

6 Despite the troubling trend of rising pedestrian
7 deaths elsewhere on US roadways, pedestrian
8 fatalities in New York City through the end of
9 February were 42% lower than the same period last
10 year.

11 Overall traffic fatalities at the end of February
12 too, were down 37%. For all of 2022, pedestrian
13 deaths in New York City were down nearly 5% from the
14 year before, down over 35% from 2013, the year prior
15 to the implementation of Vision Zero. We know that
16 traffic safety is public safety, and we will continue
17 to expand all of our outreach, education, and
18 enforcement efforts. For example, we routinely
19 conduct Vision Zero high-visibility corridor
20 operations, during which we deploy traffic safety
21 patrols in areas where data shows high increases of
22 collisions resulting in injuries.

23 The progress that we have seen is largely
24 attributable to the dedication and commitment of the
25 women and men of the NYPD.

2 Over the last several years, the NYPD has
3 embraced the challenge of doing more with less. This
4 is especially true given that our officer headcount
5 is down by 2500 and our civilian headcount down by
6 1200.

7 The reasons for this higher attrition are myriad.
8 But these numbers require nothing short of a
9 reimaging of how a modern police department
10 functions and utilizes its resources. We have
11 leveraged the strategic deployment of officers who
12 are not ordinarily assigned to patrol duties to
13 augment our visibility in areas of the city that are
14 experiencing spikes in violent crime and shootings.

15 Despite the challenges we have faced with
16 personnel, however, our officers remain more
17 productive than ever. In 2022, total arrests, index
18 crime arrests, the issuance of criminal court and
19 civil summonses, and the number of transit system
20 patrols all increased when compared to the previous
21 year.

22 Another one of our stated goals last year was to
23 continue to fight crime through precision policing,
24 while at the same time exploring every opportunity to

1 COMMITTEE ON PUBLIC SAFETY 25

2 develop collaborative relationships to make the city
3 safer.

4 Our profession is collaborative by nature, and
5 none of our accomplishments are coincidental. They
6 are the work of groups like our gun violence
7 suppression unit, our neighborhood safety teams,
8 community response teams, our firearm suppression
9 section, plus many additional bureaus and divisions.
10 That coordination extends outside of the NYPD every
11 day to our city, state, federal, and international
12 partners, including the FBI, the ATF, the DEA, the
13 State Police, and our various state and federal
14 prosecutor's offices, numerous joint task forces, and
15 others.

16 Each morning, for example, an unprecedented
17 multi-agency law enforcement partnership convenes to
18 discuss in minute detail how to eradicate the
19 proliferation of illegal guns and reduce shootings in
20 New York City.

21 Our Gun Violence Strategies Partnership Meeting
22 is led by our intelligence division, together with
23 our Deputy Commissioner of Collaborative Policing,
24 and our Chief of Interagency Operations, and it is
25 attended by high-level representatives from numerous

2 local, state and federal law enforcement agencies.

3 They pore over every detail of active felony violent
4 cases down to ballistics information, and the
5 identities of the trigger pullers in New York City.

6 In embracing the notion that public safety is not
7 the responsibility of the police alone, this
8 administration has also coordinated multi-agency
9 responses and operations to a variety of quality-of-
10 life conditions, such as illegal dirt bike and ATV
11 use, illegal mobile food vending, commercial parking
12 on residential streets, fraudulent license plate
13 enforcement, and other chronic issues.

14 Our most important partnerships, however, are
15 with the communities we serve. While we have
16 continued to leverage traditional avenues for
17 community engagement, such as precinct Community
18 Council meetings, our Build The Block meetings, and
19 our Community Center at 127 Penn, we are broadening
20 connectivity with the people we serve.

21 For example, tomorrow, we will be launching
22 Community ComStat. This department revolutionized
23 the law enforcement profession with the creation of
24 ComStat in the 1990s. And it is without a doubt the
25 most successful crime fighting tool in a generation.

2 As part of our new initiative, we will be
3 bringing the community and our fellow city agencies
4 into this process. On a regular basis, the
5 department will be conducting Community ComStat
6 sessions for each of our patrol boroughs. Community
7 members will be invited to identify local conditions
8 in their neighborhoods for corrective action, provide
9 input, and forge possible solutions alongside agency
10 stakeholders in attendance.

11 We have also sought to improve our lines of
12 communications with this body and all of our local
13 elected officials. Last year, we committed to
14 exploring additional methods to relay relevant public
15 safety into information to you expeditiously.

16 In December of last year, the Department began
17 sending public safety alerts via email to all of our
18 local elected officials. It's inspired by our own
19 internal alert system. The purpose of this
20 initiative is to provide each of you the clearest
21 picture of what crime looks like throughout our city,
22 in every neighborhood, as well as the issues your
23 constituents and our officers confront on a daily
24 basis.

2 The NYPD's relationship with the public hinges
3 upon its initial interaction, many of which occur in
4 the front vestibule or waiting room of one of our
5 precincts.

6 By creating spaces that provide a sense of
7 safety, security, and comfort, we realize that we are
8 more likely to forge positive, ongoing relationships
9 with those who seek our services. This year, we will
10 launch our First 15 campaign, which seeks to improve
11 the first 15 seconds, 15 minutes, and 15 feet of the
12 public's interaction with the NYPD. It is during
13 those crucial periods where the public form their
14 opinion of how they are treated, and it is our main
15 aim to make those moments as pleasant as possible.
16 This campaign will involve a renewed customer service
17 focus and strategy for our personnel along with an
18 assessment of our public-facing spaces, particularly
19 those with high foot traffic, with an eye toward
20 making them more welcoming without compromising the
21 safety of our personnel.

22 Whether it is traffic safety, street crime, or
23 our undertakings to inform and educate people we
24 serve, our unprecedented collaboration across
25 multiple agencies at all levels of government allows

2 us to drill down into our city's most challenging
3 public safety matters. Such data-driven examination
4 has revealed that New York City still has a chronic
5 recidivism problem driving crime in our
6 neighborhoods.

7 The NYPD has repeatedly demonstrated the
8 legislative hurdles to getting us back to the record
9 low crime figures of the past and recidivist
10 criminals are responsible for a disproportionate
11 amount of the crime in our city.

12 To magnify the issue of recidivism, I want to
13 focus on an emerging topic of great concern: In New
14 York City, and all across our nation, the phenomenon
15 of brazen retail theft, which in New York City is
16 dramatically fueled by recidivists.

17 The NYPD has dedicated a number of resources to
18 address this concerning issue. Our crime prevention
19 officers visit local businesses and provide security
20 surveys, advice, public safety tips, and direct
21 business owners and employees to needed resources.
22 We have also deployed our newly graduated officers
23 into our commercial corridors to create a visible
24 presence and interact with business owners, and we
25 are always looking to expand and enhance the already

2 strong collaboration the NYPD enjoys with local
3 Business Improvement Districts.

4 The other component to this however, is
5 recidivism. Our data, which analyzes information at
6 the point of arrest paints this picture. It shows
7 that by the end of last year, the top 327 shoplifting
8 recidivists in New York City accounted for 30% of all
9 over 6600 retail theft arrests. Each of these
10 individuals has at least 11 arrests, and nearly half
11 of them had been previously convicted of a felony.

12 A small amount of offenders commit a
13 disproportionate amount of the retail theft in New
14 York City.

15 The NYPD and Mayor Adams's entire administration
16 stands ready to work with the State to make
17 adjustments in our laws to ensure that persistent
18 offenders are impeded from reoffending, and that the
19 needs of those accused of crimes are balanced with
20 the needs of victims who too often believed they had
21 been deprived of justice.

22 In recent years, the number of young victims of
23 crime has steadily risen since 2017. Specifically,
24 there were 75 shooting victims under the age of 18
25 and 2017, and 153 Such victims last year, an over

2 100% increase. People under the age of 18 now
3 represent 10% of all shooting victims in New York
4 City, and the number of juveniles who have been
5 identified as shooters has increased by 156% from
6 2017 to 2022.

7 There has also been a nearly 63% increase in
8 juvenile gun arrests from 2017 to 2022. And
9 regrettably, 24% of young people arrested with a gun
10 in 2020 were found to be involved in a shooting
11 within two years, either as the victim or as the
12 shooter.

13 What we have seen is that increased youth crime
14 means more youth victims of crime. So the NYPD is
15 shifting resources to better safeguard young people
16 in and around schools, identifying locations where
17 young people congregate, and working to ensure safe
18 passage and corridors for children to and from
19 schools. And we are partnering with the Department
20 of Education in this effort. In fact, on a weekly
21 basis, I meet with Chancellor Banks to discuss issues
22 surrounding public safety in our schools. Moreover,
23 all of our borough and precinct commanders are
24 required to regularly engage with each of the school
25 principals in their defined areas on a regular basis.

1 COMMITTEE ON PUBLIC SAFETY 32

2 Our youth coordination officers also continue to
3 provide opportunities, foster connections and secure
4 resources for our city's youth, to steer them away
5 from crime and towards positive outcomes. Such
6 opportunities include our Youth Leadership Council,
7 our Summer Youth Police Academy, the Police Athletic
8 League, Saturday Night Lights, Law Enforcement
9 Exploring, and the Options Program funded by the New
10 York City Police Foundation. We also have our Summer
11 Youth Employment Program, among others.

12 As noted last year, we know policing is a
13 profession that must change with the times. And when
14 it comes to New York policing, if we are not
15 innovating and evolving, we are not moving forward.

16 Last year, we established an Internal Innovation
17 Steering Committee composed of uniformed and civilian
18 members in every rank, to conduct a top-to-bottom
19 full diagnostic scan of the NYPD. The result was 600
20 recommendations for improvement to the department,
21 some which can be achieved in the short term, but
22 while others will have to be long term.

23 Throughout 2023, we will be implementing a number
24 of these recommendations. Our recently released
25 strategic plan is the result of that examination as

2 well. It encompasses the NYPD's commitment to
3 continuous evaluation and the evolution of the
4 policing profession. The pillars of our strategic
5 plan include strengthening our workforce by seeking
6 diverse talent, promoting wellness and providing
7 effective training, transforming policing in New York
8 City through continuous improvement and innovation,
9 engaging our community partners to enhance
10 relationships with all members of the public, and
11 promoting public safety and respect through the
12 evolution of neighborhood policing.

13 Always challenging ourselves to be better: That
14 is the NYPD step forward philosophy.

15 We fully intend to pursue and meet these goals
16 together with all the people we serve in every
17 neighborhood in New York City, as well as with this
18 council.

19 Turning to the Mayor's preliminary budget and its
20 impact on the NYPD in the coming fiscal year: In
21 totality, the NYPD's fiscal year 2024 expense budget
22 is \$5.4 billion, the vast majority of which, 91%, is
23 allocated for personnel costs. The remaining 9% is
24 dedicated to other costs, including technology, that

2 provides officers with immediate access to critical
3 safety equipment, tools and applications.

4 This fiscal year continues to be challenging.

5 Since our last hearing in May 2022, the NYPD has seen
6 budget reductions in the adopted June 2022, November,
7 and preliminary budgets totaling \$122 million in
8 fiscal year 2023 and \$110 million in fiscal year
9 2024.

10 The NYPD understood that the city was searching
11 for savings, and we worked closely with the Mayor's
12 Office of Management and Budget to identify savings
13 while mitigating any impact to public safety. As a
14 result, the NYPD city funds budget for fiscal year
15 2024 is \$5.17 billion, compared to \$5.32 billion in
16 fiscal year 2019, and \$5.28 billion in fiscal year
17 2020.

18 The Mayor's preliminary budget does include
19 reductions to our civilian headcount, and we are
20 continuing to work with OMB to ensure critical hires
21 move forward, and that the police department can
22 continue its efforts towards civilianization.

23 One item not yet included in their preliminary
24 budget is the infusion of state funds for our

2 enhanced transit coverage that was announced in
3 October 22.

4 The City worked closely with the State to secure
5 the \$62 million needed to cover 10,000 daily overtime
6 tours. As I outlined earlier in my testimony, these
7 deployments have played a critical role in lowering
8 transit-related crime. Nonetheless, we recognize
9 that this funding cannot continue in perpetuity, and
10 we have learned much from the surging of resources
11 into the system.

12 While the NYPD will continue to coordinate with
13 state officials regarding future funding, we will
14 leverage strategic deployments to the stations and
15 areas in the system with the highest activity to
16 sustain our progress.

17 The NYPD's preliminary 10 year capital budget is
18 \$1.5 billion for fiscal years 2024 to 2033. This
19 funding is critical for facility construction
20 projects such as the 40th precinct Station House, the
21 new 116th precinct facility, and a renovated firearms
22 training facility.

23 Aside from large scale construction projects,
24 this capital funding will go toward boiler
25 replacements and HVAC, roof, and facade work that

2 ensure our facilities, some that are more than a
3 century old, can support both the public and the
4 police officers who serve them. Capital funding will
5 also go toward portable radios and communications
6 infrastructure, as well as emergency service unit
7 trucks, and aviation unit helicopters.

8 In this most recent budget, funding was added for
9 the renovation and relocation of both the Bronx
10 Special Victims Unit facility and the Queens Special
11 Victims Unit facility. The new office locations will
12 offer more privacy for victims than they are in
13 current spaces, and will be in closer proximity to
14 the criminal courthouses of their respective
15 boroughs.

16 As always, the NYPD continues to focus on ways to
17 improve customer service and ensure that our
18 investigators can help deliver justice to the victims
19 of crime.

20 Today, I have discussed much of what your NYPD
21 has accomplished, what we are presently endeavoring
22 to achieve, and what we have set our sights on. We
23 say it all the time: Public safety is a shared
24 responsibility. This department remains committed to
25 working every day in partnership with the communities

2 we serve and with this council to fight crime, ensure
3 safety and build trust.

4 Everything in our great city hinges on public
5 safety and fair and effective policing. Those ideals
6 are dependent on a fully resourced and well-trained
7 police department. If we cannot reach that model of
8 excellence, we cannot realize any of our collective
9 goals.

10 This great city has come a long way from where we
11 were at the beginning of 2022, and the progress we
12 have made stems from the unwavering commitment of the
13 women and men of the NYPD to combat crime in the face
14 of many challenges, deepening our collaborative
15 relationships with our law enforcement and community
16 partners, along with improving lines of communication
17 and innovating and focusing our resources properly.

18 Our work however is far from over. While there
19 is optimism when it comes to the direction of our
20 great city, more can be done to drive down crime,
21 protect our most vulnerable New Yorkers, and improve
22 the quality of services we provide.

23 We all look forward to doing this work together.

2 Thank you again for this opportunity to testify.

3 At this time, we will be happy to take your
4 questions.

5 CHAIRPERSON HANKS: Thank you so much,
6 Commissioner Sewell. Before we pass the questioning
7 to the Speaker, I would like you-- whoever is making
8 the squeaky noise, if we find out if you're doing
9 that, you will be removed. So I would please refrain
10 from doing that.

11 So before I pass it along to the Speaker, I'd
12 like to recognize my council members who have joined
13 us, Councilmember Cabán, Kagan, De La Rosa, and
14 Bottcher have since joined us. Madam Speaker?

15 SPEAKER ADAMS: Thank you so much, Chair Hanks.
16 Welcome once again to the hearing today.

17 I'm going to jump right in with everybody's
18 favorite topic, and that's overtime. According to
19 the paid absence indicator in the Preliminary Mayor's
20 Management Report, or PMMR, NYPD's total uniform
21 absence rate in both fiscal year 2022 and fiscal year
22 2023 was below 5%, significantly lower than every
23 other uniformed agency. In fact, uniformed NYPD
24 staff are more available than both civilian and
25 uniformed staff of many agencies, including the Fire

2 Department, the Parks Department, the Department of
3 Sanitation, the Department of Correction, and the
4 Department of Homeless Services. These other
5 agencies have less staff availability, and some have
6 24x7 operations, yet they are able to operate without
7 excessive reliance on overtime.

8 Considering the low rate of absences and the
9 relative availability of the NYPD employees, why does
10 the department rely so much on overtime to support
11 its operations?

12 COMMISSIONER SEWELL: So Madam Speaker, as you
13 know are we recognize that overtime has been an issue
14 with this body, and we have worked to curtail that
15 overtime. Overtime is a critical tool to maintain
16 public safety. We recognize that one of the issues
17 the body had was the deployment that we use for
18 special events. So last year, we took a hard look at
19 those deployments, and made sure that we did not do
20 cookie-cutter responses that we have done in the
21 past. We looked at the need, the threat level, the
22 conditions as we knew them for those events, and we
23 were able to curtail a significant amount of overtime
24 in those areas.

2 I'm going to ask my Deputy Commissioner for
3 Management and Budget, Kristine Ryan, to jump in here
4 as well.

5 DEPUTY COMMISSIONER RYAN: So on top of what the
6 Commissioner said with regard to events, we really
7 have been focusing there quite a bit. Two examples
8 of some significant savings with regard to
9 redeployments, focusing on, really, the deployment
10 levels overall for these large-scale planned events,
11 and also looking at where we can safely use civilian
12 employees, we were able to reduce the hours of
13 overtime for the Halloween Parade by 40%, and for the
14 marathon by 20%. In calendar year 22, overall, we
15 utilized 14% fewer overtime hours for our planned
16 events and details than in calendar year 2019.

17 SPEAKER ADAMS: Deputy Commissioner, in what
18 you're saying, so far in fiscal year 2023, the
19 department exceeded its overtime budget by around
20 \$100 million, and is on course to spend more than
21 ever on overtime. At the same time the department
22 failed to meet its PEG target. Do you believe your
23 agency should not be held to the same fiscal
24 realities as other city agencies that provide
25 critical services?

2 DEPUTY COMMISSIONER RYAN: I think that we should
3 be treated the same as other agencies, with looking
4 at a focus on our core mission, and keeping that in
5 mind, which is why when we work with OMB, we work to
6 make sure any reductions we do take are done while
7 mitigating impact on public safety.

8 Yes, the amount we have spent in civilian and
9 uniformed overtime, all funds, is \$553 million. What
10 the budget doesn't yet reflect is all of the state
11 and federal funding that we-- that we receive for
12 overtime, including the state funding for transit.
13 We actually just received the payment from the state
14 last week with regard to the initial commitment for
15 \$62 million. But because that came after the
16 publication of the January preliminary budget, it is
17 not yet reflected in the budget. So that shows a
18 lower budget than we have.

19 I think it's also important to remember how we
20 got to the funding level that we currently have for
21 our overtime. Just a little history on that. In
22 fiscal year 16, there was an effort that was done, a
23 combined effort between the Office of Management and
24 Budget and the NYPD to determine what the appropriate
25 level of overtime should really be, looking at all

2 the various factors with regard to staffing, not just
3 events, but crime reduction, arrests, all of our
4 operations, investigations. And there was a lot of
5 effort that was done, because there had been this
6 historical practice of the budget not being
7 appropriately funded, not just for the NYPD, but for
8 other uniforms as well. I think we see that in
9 every, you know, fiscal report.

10 And what was done was the-- the funding was
11 brought to what was considered the appropriate level
12 Overtime is not really supplemental. It is part of
13 our core operation, and has always been part of our
14 core budget. And so when that was done, and it
15 brought the overtime to about \$500 million, we were
16 able to live within that budget, give or take a
17 million or two above and below in fiscal year 16, 17,
18 18, and 19. Then we were cut significantly. The cut
19 we now have is more than 30%. Just to give you a
20 sense of what that means is when you look at our
21 investigative overtime funding resource, it is down
22 12% from where we were before at a time-- and we need
23 to make sure that our detective bureau has the
24 resources it needs to do the investigations that
25 bring a resolution to the crimes that are happening.

2 Our crime reduction overtime funding is down 30%,
3 arrests 20%, and we also have, as I mentioned, the
4 supplemental overtime which was for transit, which
5 was not part of the budget historically.

6 So the factors are that the reduction that was
7 taken was taken by the prior administration based on
8 a funding level and expenditure level during COVID,
9 during a time when actually we had reduced our crime
10 reduction overtime, to a level that we afterwards
11 felt was probably not the best use of resources in
12 terms of we probably needed a little bit-- a little
13 bit more in that area. We didn't have as many events
14 happening. We had curtailed court overtime, because
15 the courts weren't functioning at the level they had
16 been. We curtailed Vision Zero overtime. And we
17 curtailed some of the housing deployments. And that
18 was the base that the prior administration used: A
19 much, much lower level of spending for a myriad of
20 reasons.

21 We are not in that climate anymore. We're not
22 operating at that level anymore. And so what we're
23 seeing is really a return to the historical practice.
24 And we are on target in terms of hours -- when you
25 exclude the supplemental transit deployment -- to be

2 about on par with where we had been in that right-
3 sized budget that was done in fiscal year 16.

4 SPEAKER ADAMS: Does the department, though, have
5 mandatory overtime?

6 COMMISSIONER SEWELL: So the answer to that is we
7 have had to extend tours of officers to be able to
8 combat the public safety concerns that we have now.
9 So there is some overtime that is added to officers'
10 tours, and there are officers that are called in.
11 But this is part of our effort to secure the subway
12 systems.

13 We recognize that that is not sustainable in the
14 long term. But it comes down to, as we move forward,
15 putting our officers where the need is, evaluating
16 where the successes have been, and being able to
17 shift our resources accordingly to be able to account
18 for the fact that the money-- the-- the funds will
19 not be in perpetuity.

20 SPEAKER ADAMS: How does 1PP hold units and
21 precincts accountable for not causing the department
22 to repeatedly exceed its budgeted overtime?

23 COMMISSIONER SEWELL: I'm sorry. How do how does
24 1PP hold it accountable for...? I'm sorry. I missed
25 that.

2 SPEAKER ADAMS: For not causing the department to
3 repeatedly exceed its budgeted overtime?

4 COMMISSIONER SEWELL: In terms-- We maintain-- We
5 have an inspections department that confirms that
6 officers are where they are supposed to be, and not
7 abusing the overtime as well. So we do have a
8 mechanism to hold officers accountable. We actually
9 started a new bureau, the Professional Standards
10 Bureau, which has an inspection section to make sure
11 that our officers are in compliance and are doing
12 what we ask them to do.

13 SPEAKER ADAMS: Okay, I'm going to pivot to-- a
14 little bit to the SRG. I know some of my colleagues
15 want to talk about this.

16 Also on March 1, the Council held an oversight
17 hearing on a particular unit within the NYPD, of
18 course the Strategic Response Group. Although the
19 Department did not attend the hearing, its submitted
20 testimony is notable for today's conversation on the
21 department's budget and resources. Specifically, the
22 department noted that this particular unit's mission
23 includes supplementing patrol resources and
24 suppressing crime in precincts and zones designated
25 by the Chief of the Department, and supporting the

2 emergency service unit in their response to critical
3 incidents and hazardous materials events, as well as
4 daily counterterrorism deployments to sensitive
5 locations.

6 What does it say about the department's resource
7 management that the department must rely on a
8 supplemental unit to support patrol, the core pillar
9 of the NYPD, with over 20,000 budgeted positions, and
10 a budget of \$1.75 billion dollars in other key areas
11 of NYPD operations?

12 COMMISSIONER SEWELL: So I want to start off by
13 saying that it is never the intention of this police
14 department to disrespect this body. We do not simply
15 not show up, and I want to make sure that you
16 understand that we are open to scrutiny, and we will
17 certainly be here to answer the questions of this
18 body when it is legally appropriate.

19 In consultation with the law department, we made
20 the decision to submit the written testimony in lieu
21 of attending in person. I'm going to ask Chief
22 Aramboles to come up and talk-- discuss SRG.

23 But I want to make it clear, we would never
24 intend to disrespect this body.

2 SPEAKER ADAMS: I understand you've made that
3 clear. We have a diff-- definitely, a differing of
4 opinion, when it came to whether or not this
5 department was able to appear on that day.

6 COMMISSIONER SEWELL: Understood.

7 COUNSEL: Excuse me. Can we swear you in? Can
8 swear you in, sir? Can you state your name for the
9 record?

10 CHIEF ARAMBOLES: Wilson Aramboles, Chief of
11 Special Operations.

12 CHAIRPERSON HANKS: Use your microphone. Thank
13 you.

14 CHIEF ARAMBOLES: I'm sorry. Thank you.

15 Good morning. The mission of SRG is threefold,
16 like I said-- like it's stated on the letter: To
17 supplement patrol resources and suppress crime in
18 precincts and zones as designated by the Chief of
19 Departments Office; to support our Emergency Service
20 Unit in the response to critical incidents and
21 hazardous materials events; as well as daily
22 counterterrorism deployment to sensitive locations,
23 as you stated; also to respond to citywide
24 mobilizations at large-scale events requiring crowd

25

2 management, such as massings, shootings, crime
3 scenes, perpetrator searches, and natural disasters.

4 But let me give you a little brief about each
5 statement.

6 I will begin with what is perhaps the most
7 important for- for the department and also for SRG,
8 the most significant responsibility: Daily
9 deployment to precincts to help lower crime.

10 Based on in-depth analysis and identification of
11 crime patterns by the Chief of Crime Control
12 Strategies, personnel assigned to SRG are deployed at
13 the direction of the Chief of the Department to
14 precincts throughout the five boroughs on a daily
15 basis. SRG teams augment the NYPD regular patrol
16 functions in areas experiencing acute increases in
17 crime, particularly violent crimes.

18 Once deployed, precincts commander educate SRG
19 personnel about dangerous conditions and violent
20 crime patterns that require special attention.

21 Assigning SRG to focus on those dangerous conditions
22 and violent crime patterns enables precinct patrol
23 members to further focus--

24 [BACKGROUND NOISE]

25

2 CHAIRPERSON HANKS: Excuse me. We will have you
3 removed.

4 [BACKGROUND VOICES]

5 [GAVEL]

6 CHAIRPERSON HANKS: You will respect-- You will
7 respect--

8 [BACKGROUND VOICES]

9 CHAIRPERSON HANKS: Please have them removed.

10 [BACKGROUND VOICES]

11 CHAIRPERSON HANKS: Sergeant in arms please
12 remove-- Please remove anyone who's speaking.

13 I will reiterate you will respect this body. You
14 will respect this hearing. The use of squeaky toys--
15 You will be removed.

16 Sergeant at Arms?

17 Thank you. Continue. Apologies.

18 CHIEF ARAMBOLES: Sorry. Sorry, Chair Hanks.
19 Like I said before: Assigning SRG to focus on those
20 dangerous conditions and violent crime patterns
21 enable precinct patrol members to further focus on
22 911 calls for service, and also quality-of-life
23 issues that are occurring in our communities. These
24 SRG deployments have been integral in interrupting
25 crime and violence in these areas. We see the

1 COMMITTEE ON PUBLIC SAFETY 50
2 positive results of these deployments every day. SRG
3 officers are removing illegal firearms and dangerous
4 weapons from our streets and conducting
5 investigations that lead to arrest for violent
6 crimes.

7 SRG's second function is to support the emergency
8 service unit during critical events such as active
9 shooter incidents, hostage situations, and other
10 dangerous conditions.

11 At active shooter incidents SRG is charged with
12 stopping the threat as well as establishing and
13 guarding corridors through which wounded persons can
14 be removed swiftly from the scene for critical
15 medical care. To carry out these missions, SRG
16 trains with the fire department as part of our New
17 York City Rescue Task Force. SRG also plays a
18 support role to ESU when securing on scene where
19 shootings or violent crimes recently occurred.

20 And lastly, SRG's third function is to provide
21 support to other units who are responding to citywide
22 mobilizations and major events, including
23 demonstration and protest. As part of the NYPD's
24 overall response to demonstration protests and other
25 First Amendment Activity. The Department always

2 strives to balance the right to effective and
3 peaceful expression while also keeping protest
4 participants, counter protesters, and bystanders
5 safe, as well as ensuring that others are able to
6 move and travel throughout the city.

7 In addition, SRG responds to hundreds of
8 mobilizations per year as a support role in locating
9 missing individuals responding to shootings, crime
10 scenes, perpetrator searches, and emergency
11 disasters. Thank you.

12 SPEAKER ADAMS: Thank you very much. Are there
13 current estimates on the headcount of SRG?

14 CHIEF ARAMBOLES: Yes, the current count is 474
15 officers, and 12 civilians-- and 14 civilians. I
16 apologize.

17 SPEAKER ADAMS: Has the size of the unit grown
18 since its inception.

19 CHIEF ARAMBOLES: Yes, it has. Let me go back to
20 fiscal year 17. There were-- There were 669
21 uniformed members of the service with 22 civilians,
22 and has substantially decreased since the inception,
23 and also the 2017.

24 SPEAKER ADAMS: Are there current estimates on
25 how much the NYPD's budget is allocated to SRG?

2 DEPUTY COMMISSIONER RYAN: I can speak to that.

3 The current budget for SRG is \$68 million.

4 SPEAKER ADAMS: And how much overtime do SRG
5 officers earn per year.

6 DEPUTY COMMISSIONER RYAN: On average about \$13
7 million annually.

8 SPEAKER ADAMS: What do we know about how
9 officers are identified to join this unit?

10 CHIEF ARAMBOLES: Okay. Each officer who
11 interviews must have a minimum of three years of
12 patrol experience, and supervisors are required to
13 have a minimum of one year of supervisory experience,
14 and commanding officers' recommendation of a highly
15 recommended is preferred for all candidates. A
16 candidate must pass and must pass an interview
17 screening panel that comprises of SRG executives,
18 supervisory representations from the Chief of
19 Department Office, and Personnel Bureau.

20 Applicants are interview and rated regarding
21 their current assignment, work ethic, and their
22 disciplinary records-- history, I'm sorry.

23 It is required that candidates should have a
24 minimum of "exceed expectation" on their three most
25 recent annual performance evaluations. Candidate

2 must be full-duty status, have positive sick record
3 and disciplinary record at the time of the
4 application submission.

5 SPEAKER ADAMS: According to the NYPD -- and I
6 think you touched on this, but I'm going to ask you
7 to restate for the record -- according to the NYPD,
8 one responsibility of the SRG is to supplement patrol
9 resources and suppress crime in precincts and zones
10 designated by the Chief of the Department. In
11 relation to this first responsibility of
12 supplementing patrol resources, what is the analysis
13 and designation requirements to have SRG's deployed
14 by the chief of the department? Some councilmembers
15 have actually stated that there are SRG's in their
16 districts that are low crime-- crime areas.

17 COMMISSIONER SEWELL: So may I just say, Madam
18 Speaker, that SRG is an extension of patrol, and they
19 are just like any other cop on this job. And I think
20 it's an inefficient deployment of resources, when we
21 have them sitting in a place where they are not used
22 effectively to reduce crime, as opposed to having
23 them out there helping us make the city safer.

24 CHIEF MADDREY: If I may, every week we look at
25 our crime. We look at the data. We observe trends.

2 SRG is deployed to areas where we see a high amount
3 of shootings, a high amount of robberies. They're
4 put out there a lot of times on foot posts or they're
5 in mobile patrol, and it's helped-- used to help
6 suppress violence.

7 A perfect example was last week when we took the
8 two shootings in Harlem around the schools. We
9 brought SRG down to help stabilize the area, to make
10 sure they were no more shootings of any of our young
11 people. So it's a key part of our crime fighting
12 strategy.

13 And as the Commissioner said: Every unit in this
14 department supplements other units. Patrol
15 supplements transit. Transit supplements patrol.
16 Housing supplements patrol. All of our units play a
17 part of fighting crime and we use them to-- we put
18 them in places where we see a need, where there is
19 high crime.

20 SPEAKER ADAMS: Okay. I'm going to pivot to the
21 Special Victims Division, which was quite a hot topic
22 for us in the last session, as were a lot of things
23 in last session, Oleg.

24 SVD: Caseload for investigators in the SVD
25 borough units averaged 60 cases per investigator. Is

1 COMMITTEE ON PUBLIC SAFETY 55

2 this a manageable caseload? And how are you ensuring
3 there's enough coverage?

4 COMMISSIONER SEWELL: I want to start out-- I'm
5 going to ask Chief Essig to jump in and talk about it
6 specifically on the DB.

7 But we recognize there were some significant
8 challenges in SVD. Over the last year, we recognized
9 the need to change the leadership in SVD, to change
10 the feeling in SVD, the investigators who feel as
11 though-- that this department valued their
12 contribution to investigations, putting them on a
13 career path. We meet with advocates regularly to
14 talk about some of the challenges that still exist in
15 SVD that we're trying to remedy. But I'll let Chief
16 Essig talk about some of the things that we're doing
17 moving forward.

18 CHIEF ESSIG: Good morning. Chief Essig, Chief
19 of Detectives. Do I need to swear? Okay.

20 Um, currently, there's 260 detectives or police
21 officers assigned to the Special Victims Division.
22 We have upstaffed that. Their caseload as you
23 mentioned, is approximately, from last year, 62 cases
24 per year, which is a little over five per month or
25 five per active investigation, which is pretty

2 manageable in terms of detective bureau
3 investigations.

4 SPEAKER ADAMS: What kind of data is the SVD data
5 analysis group looking at? And have they provided
6 any data that's been useful in combating these crimes
7 or for improving SVD operations?

8 CHIEF ESSIG: Well, we're constantly-- One of
9 the major issues we look at is caseload. It was--
10 The prior DOI report, the caseload was up close to
11 80. We were able to upstaff Special Victims from 74
12 active investigators in 2017. In the adult section,
13 we've doubled that almost to over-- 131 is currently
14 in Special Victims doing the adult investigations.

15 SPEAKER ADAMS: Can you tell us a little bit
16 more-- the Commissioner touched on the growth for--
17 for the Bronx and for Queens. Can you give us a
18 little bit more of what specifically those facilities
19 are all about, and the enhancements in those
20 facilities?

21 COMMISSIONER SEWELL: So we recognize the need
22 that they be located closer to the criminal court
23 system. I think basically, we realize that we have
24 to make the victims feel as though they're not being
25 victimized twice. There should be a welcoming

2 environment, to-- to meet with investigators, and it
3 should be easier, and less of a stressor to move from
4 the facility to the courthouse. They should be more
5 user friendly, and we recognize the need to co-locate
6 some services into those facilities as well.

7 SPEAKER ADAMS: Okay, thank you. I'm just going
8 to ask a couple more questions. Something that's
9 very near and dear to my heart is this document. It
10 is the New York City Police Department Disciplinary
11 System Penalty Guidelines. It's a culmination of
12 Local Law 69 of 2020, also known as The Disciplinary
13 Matrix, something that was crafted last session,
14 effective January 15, 2021.

15 And if you will bear with me, I am going to read
16 the letter that is inserted by your predecessor,
17 Commissioner, dated January 15, 2021.

18 "In January 2019, a blue ribbon panel of
19 judges and former prosecutors made 13
20 recommendations to improve the New York City
21 Police Department's internal discipline process.
22 The department accepted them all, including the
23 recommendation that we consider a Discipline
24 Penalty Matrix to outline the presumptive
25 penalties for a wide variety of possible

2 offenses, both violations of internal department
3 rules and police misconduct during encounters
4 with members of the public.

5 This document, almost two years in the
6 making is the product of that effort. Preparing
7 the matrix turned out to be an extremely useful
8 exercise.

9 First, it gives members of our department
10 and the members of the public a clearer
11 understanding of how penalties will be imposed
12 when officers are found guilty of, or plead
13 guilty to, disciplinary charges.

14 Second, the work of developing the matrix
15 forced the department to take a hard look at our
16 discipline system.

17 Like the blue ribbon panel, we found that
18 the discipline system is generally robust.
19 However, the analysis reveals some
20 inconsistencies and oversights that diminish the
21 system's fairness and efficacy in the eyes of
22 both the public and our own employees.

23 In retrospect, The Matrix was long
24 overdue, and has proven a very welcome
25 improvement.

The revision process has been a collaborative effort with a wide variety of police oversight entities, public interest groups, elected leaders and other interested parties. The final product relies heavily on public comments gathered from August to October of last year (meaning 2020).

20 In all, I believe this matrix with its
21 detailed presumptive penalties for acts of
22 misconduct will help ensure that the NYPD
23 discipline system does what it is intended to
24 do: Punish officers who have abused their
25 position of trust in a fair manner and apply a

1 COMMITTEE ON PUBLIC SAFETY 60

2 consistent approach to both appropriate
3 penalties and, in some instances, trust in a
4 fair manner, and apply a consistent approach to
5 both appropriate penalties, and in some
6 instances, provide for remedial education and
7 rehabilitation of offending officers that deters
8 and prevents future wrongdoing.

9 Our goal is to always strive to ensure
10 that our discipline system is as clear and fair
11 as it can be. And we believe that this product
12 is another important step toward achieving that
13 goal.

14 We also recognize that this matrix is a
15 living document, which may and should be revised
16 as part of a continuing process of review,
17 assessment, and improvement of the entire
18 disciplinary system in the coming years.

19 Sincerely, Dermot Shea Police
20 Commissioner."

21 Commissioner Sewell, do you believe in this
22 letter?

23 COMMISSIONER SEWELL: I believe-- I'm so glad you
24 brought up my predecessor, because as you stated
25 toward the end of that document, it says that it is a

2 living document. And as we have seen when we have
3 reviewed cases here in the NYPD, that the
4 disciplinary matrix does not account for all
5 circumstances or events.

6 SPEAKER ADAMS: Have you suggested revisions to
7 the matrix?

8 COMMISSIONER SEWELL: I have suggested revisions
9 to the matrix, and I've made clear that there are a
10 number of things that we need to look at in terms of
11 mitigating penalties. We can talk about some of
12 those, but we're going to be putting those out for
13 public review shortly. But I think it's important
14 when we talk about discipline, it is important that
15 officers expect to be disciplined for wrongdoing.

16 But we have to be fair, we are held to a higher
17 standard, but we cannot lower due process, we can not
18 lower the expectation that they will be treated with
19 the same respect that we expect anyone who comes
20 through the justice system to be treated with.

21 But if you-- But if I may (and I'll have them go
22 over, you know, some of the changes that we're
23 talking about in the disciplinary matrix) it's
24 important that we look at these things in context,

2 and contrary to what we read, we take every single
3 one of these cases seriously.

4 To run a police department officers have to be
5 willing to take action and believe that they are
6 being treated fairly when they are making boots-on-
7 the-ground decisions that affect public safety.

8 But if I may, we ask our officers to do a number
9 of things across this city to improve the quality of
10 life, to make the city safer. So just a couple of
11 examples of some of the penalties that were suggested
12 by the CCRB: A sergeant had been asked to go to a
13 location that had problematic ATV motorcycle usage,
14 people riding on the bike.

15 The sergeant told the owner to bring the proper
16 registration to the vehicle-- to the ATV because it
17 had had no registration.

18 We seized that ATV as the public has asked us to
19 do when they are being operated improperly. The
20 suggested penalty was \$1,350 for that. For-- for a
21 similar offense another individual was riding an ATV
22 recklessly on the sidewalk. An officer took
23 proactive action. He basically stopped the scooter.
24 The rider refused to dismount that scooter, and the
25 officer said, "If you don't get off the bike, I'm

2 going to have to take you off the bicycle." CCRB's
3 recommended penalty was \$3,250 for the officer
4 telling him to get off.

5 We see a number of instances where officers
6 actually give out their business cards during a
7 vehicle stop. The owner of a vehicle's brother came
8 to the scene. He repeatedly yelled at the officers
9 and was asked to move back. The officers are
10 endeavoring to take police action. He told him,
11 "You're interfering with my investigation. If you
12 don't move, I will have to-- If you don't want to end
13 up in handcuffs, do me a favor and just please be
14 quiet." CCRB's recommended penalty, \$3,250.

15 We ask our officers to respond to some of the
16 violence we are seeing across the city. At scenes of
17 stabbings, where officers are going to secure the
18 location, secure the crime scene, make sure nobody
19 else is injured, go in to make sure that the officers
20 can now secure the residence for a search warrant
21 application, CCRB has considered those a search. For
22 some officers, \$6,650 is the penalty, other officers
23 \$4,620 for these penalties.

24 I understand that the matrix is important. I
25 want to make sure we are clear here that in over 80%

2 of the recommendations of CCRB, I have agreed with
3 their recommendation and followed their
4 recommendation.

5 But we cannot believe that the matrix can account
6 for every single decision an officer makes, and all
7 of the history that goes into these encounters that
8 we have in the street. So while we will make some
9 recommendations, and we will change the matrix, we
10 will do that in collaboration with this body and the
11 public.

12 SPEAKER ADAMS: I appreciate that. To me it just
13 doesn't make any-- any sense that if the NYPD is
14 deviating from its own disciplinary matrix, then
15 those recommendations need to come forward so that we
16 can do something about it. I hear the penalties.
17 But I have also seen what appears to be excusing bad
18 behavior.

19 Do you have any numbers for us of how many
20 officers have been excused for violating the NYPD
21 disciplinary matrix.

22 COMMISSIONER SEWELL: I-- When we say excused
23 from-- deviation is not the same as things that were
24 unable to be seen by this-- by the commissioner's
25 office. So when you mean excused, do you mean that

2 they were not subject to discipline? Is that what
3 you referring to?

4 SPEAKER ADAMS: No. I'm-- I mean,
5 recommendations from the CCRB to your department.

6 COMMISSIONER SEWELL: So the numbers, I'll ask my
7 Deputy Commissioner, Amy Litwin, to give us the
8 direct numbers.

9 DEPUTY COMMISSIONER LITWIN: So you asked a
10 couple of questions. One: You pointed out the
11 matrix, and the importance of complying with our
12 disciplinary system penalty guidelines. And as the
13 Commissioner stated, that is something that we take
14 very seriously. We think these guidelines are
15 functioning exactly the way they should.

16 Since the inception of these guidelines, the
17 Department has reviewed and concluded over 4000
18 disciplinary matters. It should be noted that that
19 includes CCRB's disciplinary cases, but that's not
20 exclusive to CCRB's disciplinary cases. The
21 Department has a greater number of disciplinary cases
22 that are investigated internally by department
23 investigators. Of those cases, the department has
24 deviated from our disciplinary system penalty
25 guidelines 0.3% of the time.

2 In other words, since the inception of the
3 matrix, which you noted was in January of 2021, we
4 have agreed with the penalties within the matrix
5 99.7% of the time. Under Commissioner Sewell's
6 leadership, we've seen that at 99.8% of the time.

7 So we are applying the matrix and utilizing the
8 penalties appropriately. As you know, when we-- when
9 we deviate from the matrix penalties, we have agreed
10 to post publicly the reasons for that deviation.
11 Since its inception, we've posted 10 letters of
12 deviation. Those 10 letters include 12 members of
13 service, but there have only been 10 instances of
14 cases that we've seen where we have posted that we
15 have deviated from the matrix.

16 Now when we talk about penalty departures with
17 the CCRB, as the Commissioner noted, we actually
18 agree with their recommendations far more often than
19 we don't. Of course, we do not agree 100% of the
20 time. We have a very extensive review process for
21 all disciplinary cases, and that includes for CCRB's
22 recommendations. When they submit their
23 recommendation, their board reviews their case and we
24 receive their investigative file, and they recommend
25 a certain outcome.

2 We have many layers of review. The review begins
3 with my office. Attorneys are assigned to review the
4 cases that they submit to us, and we make
5 recommendations in terms of the legal sufficiency of
6 their recommendations. Not every case we receive
7 from the CCRB provides an analysis as to how they
8 reach their penalty, or a legal analysis that speaks
9 to the officers' misconduct.

10 We take a look at their cases. The First Deputy
11 Commissioner's Office reviews the cases. The Police
12 Commissioner's Office reviews the cases. And then
13 ultimately, the Police Commissioner makes a final
14 determination with a view towards fairness and
15 consistency, trying to right that because very--
16 There are multiple iterations of members of the CCRB
17 board who review the cases, and it's very important,
18 as you mentioned, and you spoke to, and our-- and our
19 commitment with the matrix was a consistent approach
20 to discipline.

21 So with a bird's eye view, no one has a greater
22 interest in ensuring that policing is done right, and
23 that misconduct is addressed, than our Police
24 Commissioner.

2 So of the cases that we've seen from the Civilian
3 Complaint Review Board, the Police Commissioner has
4 agreed on 85% of the cases in this year so far, 85%
5 of their recommendations. Last year, we were at 84%.

6 Now, that doesn't speak to cases that were not
7 processed by the department. Certainly that has been
8 something that has been highlighted in recent days.
9 This is something that is not a new issue. This
10 didn't come to pass within the last few months. This
11 is something that began actually in the fall of 2021.
12 The department initiated conversations with the CCRB
13 to address concerns over their short timeframes for
14 giving us to review and analyze their cases, make
15 final determinations, and impose the discipline.

16 There is a statute of limitations, which I
17 realize you're aware of. It's an 18-month statute of
18 limitations from the date of the incident to the date
19 that either charges are served or discipline is
20 imposed. But that 18 months is not CCRB's timeframe.
21 That is a timeframe for the entire process. And
22 during COVID with tolling provisions, that timeframe
23 was extended far beyond 18 months by an additional
24 six to eight months on many of the cases.

2 We've seen an influx of cases over time with
3 shorter and shorter timeframes from CCRB. In 2022,
4 we started seeing cases where maybe 40%, 50%,
5 sometimes higher percentages of the cases that they
6 submit to us had less than 30 days left prior to the
7 expiration date of that statute of limitations.

8 We were eager to work with them to resolve some
9 of these issues, because we want to ensure that our
10 process has sufficient time to dedicate our resources
11 in a way that these cases deserve, in a way the
12 community deserves, and the way our police officers
13 deserve.

14 We've had many conversations about what this
15 should look like. Under Commissioner Shea, we
16 determined that there should be a cutoff of 120
17 business days prior to the expiration of the statute
18 of limitations, after which we would not accept a
19 CCRB case where they requested something less than
20 charges and specifications, 90 days for cases where
21 they were requesting charges be served, and then
22 there was a provision that notice be provided to us
23 if those deadlines could not be met on particular
24 cases, so that we could work with them to adjust the
25 process.

2 After many conversations, we actually relaxed
3 those timeframes, relaxed them down to 30 days, 30
4 days, 30 business days for us to do all of the things
5 that we need to do and provide the time and attention
6 to these cases that they deserve.

7 Unfortunately, this has been met with-- I won't
8 say resistance, but it has been somewhat ignored.
9 There was never a hope that this deadline would not
10 be met. There was a hope that this would be the
11 start of a really important conversation, and a start
12 to a change in the way CCRB investigates their cases.
13 We are simply looking for a more expeditious process.

14 Internally, we've devoted tremendous resources to
15 how we expedite discipline, and we've worked over the
16 past two years to ensure that discipline moves as
17 quickly as possible. But the CCRB unfortunately has
18 not joined us in this endeavor. It was never the
19 goal that we would decline their cases, the goal was
20 that they would get us the cases with sufficient time
21 for us to do what we needed to do.

22 In April of last year, we saw a month where 98%
23 of the cases provided to us had less than 30 days
24 prior to the expiration of the statute of
25 limitations, and during a month where the flow was

2 upwards of 800 cases. The department is used to 40
3 cases 50 cases a month, but the backlog had become
4 extensive. And yes, there were trying times during
5 COVID for everyone, during the protests for everyone.
6 But the tolling provision enabled them a far greater
7 timeframe for their investigations -- again six to
8 eight months additionally.

9 So all of those issues should have been, sort of,
10 accounted for within that extra time that they were
11 provided. But unfortunately, when the tolling
12 provision ended on May 4, 2022, we saw an influx of
13 cases like we've never seen before.

14 Discussions with CCRB suggested that they fully
15 recognize that we were not going to be able to
16 process that sheer number of cases with that
17 timeframe turnaround.

18 But this is something that has been the topic of
19 discussions within the Department over the years.
20 This is something that I personally look at every
21 single day that I do my job as the Department
22 advocate: How can we better the relationship? How
23 can we better the work? How can we ensure that these
24 cases can be processed efficiently and effectively,
25 so that fair and immediate discipline can be imposed?

2 When it's imposed years after the incident, it's
3 certainly less meaningful to the person who committed
4 the misconduct, it's less meaningful for the
5 community that is awaiting resolution, it's less
6 meaningful for the aggrieved. And certainly, if a
7 case must go to trial, there is-- this-- this long
8 delay only works to negatively impact the strength of
9 evidence, the strength of witness memories.

10 So this this backlog of cases and these
11 timeframes is something that we find very important
12 to address. And perhaps this is something that needs
13 to be examined more closely, because maybe a more
14 permanent timeframe would make sense, so that we can
15 ensure that nothing like this ever happens again.

16 SPEAKER ADAMS: Thank you. Thank you for
17 expounding on that. I'm going to ask one more
18 question and then I'm going to turn it into the able
19 hands of our Chair.

20 The CCRB found that from the 2020 protest
21 response, there were 88 substantiated cases, 28
22 against a member of the SRG. What disciplinary
23 measures were taken for those substantiated cases?

24

25

2 COMMISSIONER SEWELL: We talk about the numbers,
3 I am going to ask Carrie Talansky to come up as well
4 as it relates to SRG and 2020 protests.

5 ASSISTANT DEPUTY COMMISSIONER TALANSKY: Good
6 morning, Madam Chair. Madam Chair, the police
7 department is in-- is in a difficult legal position.
8 Because there are many pending lawsuits and there is
9 a confidentiality agreement in place in one of the
10 larger lawsuits, we have been advised by our counsel,
11 the law department, that we cannot answer any
12 specific questions about SRG, particularly as they
13 pertain to the protests in summer of 2020, or their
14 role in protests in general.

15 SPEAKER ADAMS: So-- So the department is unable
16 to answer any line of questioning pertaining to the
17 2020 protests, with regard to SRG. Is that what
18 you're telling the Council?

19 ASSISTANT DEPUTY COMMISSIONER TALANSKY: That is
20 correct, Madam Chair.

21 SPEAKER ADAMS: That's very disappointing. I am
22 going to turn it over to Chair Hanks at this point
23 and our colleagues for further questions. Thank you
24 so much for your testimony.

2 COMMISSIONER SEWELL: But Madam Speaker, I just
3 want to let you know that we will make ourselves
4 available after litigation to answer whatever
5 questions you have.

6 SPEAKER ADAMS: Thank you, Commissioner.

7 CHAIRPERSON HANKS: Thank you, Speaker Adrienne
8 Adams. So I just want to reiterate for the record,
9 everyone will have an opportunity to have their
10 voices heard, provided that we respect and we follow
11 the rules of the council chamber. Anyone who is
12 found breaking those rules, whether it be making
13 sounds, you will be removed.

14 So with that, I would like to recognize
15 Councilmember Brannan, Councilmember Stevens, and
16 Councilmember Avilés, who have joined us. So thank
17 you so much for your detailed responses to
18 questioning.

19 And I'm going to dig back into overtime. So
20 Commissioner Sewell, you testified that over the last
21 year, as NYPD has embraced the challenge of doing
22 more with less -- and it's especially true that our
23 officer headcount is down by 2500, and our civilian
24 headcount is down by 1200 -- how has that impacted

2 overtime as you see it, and-- and how do you assess
3 when overtime is needed?

4 COMMISSIONER SEWELL: So I will always say more
5 officers, being able to be better deployed will lead
6 to fewer needs-- a lesser need for overtime. But
7 again, overtime remains a critical tool.

8 But when we evaluate where we are going to place
9 our resources, we always try to use the officers that
10 are working to mitigate overtime. Overtime is used
11 when we do not have that available, or when we
12 recognize the need that more resources than what we
13 have on straight time are available.

14 But we've made it a mission to be able to deploy
15 them smartly, to be able to recognize that it's not
16 just a matter of depleting the funding we have for
17 the police department. We only have a finite amount
18 of police officers, and to repeatedly use them in
19 overtime has to be done so with great care and
20 concern.

21 Chief Maddrey has made it his mission to make
22 sure that we are using overtime effectively and
23 efficiently, and I would like him to join me as well.

24 CHIEF MADDREY: Yes. Again, good morning. When
25 we-- When you talk about the decrease in headcount,

2 it does affect our ability to fight crime. I mean,
3 when we don't have the officers to cover posts
4 adequately -- you know, train stations, schools,
5 places where we're doing positive events at the use
6 and in our parks -- it has an impact. And sometimes
7 when we have those critical incidents that occur, we
8 have to rely on overtime to make sure we have enough
9 people to address the situation at hand, as well as
10 to provide the police services needed on a day-to-day
11 basis, on a constant basis.

12 So we try to monitor the overtime we try to be
13 careful. We were-- we've really been making a push
14 forward with the programmatic overtime, details,
15 special events. But sometimes there's unforeseen
16 circumstances, there's intervening circumstances
17 where we have to rely on overtime, in the middle of
18 the night, early in the morning, before officers even
19 get to their shifts, we have to hold officers over,
20 and it incurs overtime.

21 CHAIRPERSON HANKS: Thank you. So just to drill
22 down a little bit more: What specifically drives the
23 department's excessive overtime? And can you explain
24 the reasons for overtime going over budget every
25 year?

2 And we also want to talk about the units and
3 ranks that generate the most overtime spending. If
4 the department knows the highest drivers of overtime
5 within the agencies, like, what are we doing to make
6 sure that, you know, resources are shifted, where
7 they're going to be used more efficiently?

8 CHIEF MADDREY: I think one of the biggest
9 drivers of overtime is just the unforeseen
10 circumstances when we take a late night shooting
11 incident or unforeseen protests, or an unscheduled
12 event where we need to pull more resources, we wind
13 up holding over additional officers, we use
14 additional officers at crime scenes, and that's where
15 the increase comes.

16 CHAIRPERSON HANKS: Can you explain how-- to the
17 public, you know, how overtime is assigned? And is
18 it by seniority? Is it by rank? Is it by bid?

19 CHIEF MADDREY: Well, when you have overtime--
20 and it depends, now you'll have overtime where we'll
21 have a citywide detail, where we're pulling resources
22 from-- from every command. And then we'll also have
23 overtime where it's specific to the command, maybe to
24 address crime patterns or conditions, or maybe a
25 specific detail in the command.

2 So most commands have a system. A lot of times
3 we asked for who wants to do overtime. And then from
4 there, we'll go on to a seniority basis, usually from
5 working from lowest to most senior.

6 But there's all kinds of different ways to assign
7 overtime. But volunteer, then seniority-- reverse
8 seniority is the main way we do it.

9 CHAIRPERSON HANKS: Okay, so that answers my
10 second question, which is, you know, if a higher
11 ranking member of service wants to work overtime, are
12 they given preference over a lower ranking member?

13 CHIEF MADDREY: Well, it's not necessarily the
14 ranks. You're just talking about the time on the
15 job. So a 2-year officer versus a 15-year officer,
16 the 2-year officer is low on a seniority list, so
17 there'll be offered the overtime first. And if we
18 don't have anybody that wants it on a volunteer
19 basis, then will start assigning in reverse
20 seniority.

21 CHAIRPERSON HANKS: Thank you so much. So does
22 the-- I know that we began to talk about this. So
23 does the department have plans, you know, for an
24 overtime control plan, or a cap of overtime with

2 uniformed staff? Can we-- I know that you touched on
3 it, but....?

4 DEPUTY COMMISSIONER RYAN: So there's continuous
5 monitoring of the overtime. As the chief said, you
6 know, we have we have focused on the areas where we
7 have significant flexibility, which is with regard to
8 events. There are things that come up that we just
9 can't anticipate.

10 We look to make sure that we are utilizing the
11 overtime to prioritize public safety. So crime
12 reduction, investigations, transit: That's we're
13 looking to focus. We redeploy, as the chief said, on
14 straight time as much as we can. That's what we want
15 to maximize. But we are down headcount.

16 So all of these efforts are ongoing and have been
17 ongoing. And we have seen significant improvements,
18 as I mentioned, with regard to events. And we really
19 are on a path with regard to the hours of overtime.
20 And the reason I stress hours is just once you have
21 collective bargaining, you know, the dollars, of
22 course, grow in some instances. We had collective
23 bargaining increases last year, which have been
24 impacted the overall dollar amount, even though in
25 many areas, our overtime hours are at the same level,

1 COMMITTEE ON PUBLIC SAFETY 80

2 or in some instances lower than they were in fiscal
3 year 19, when the climate was not as challenging it
4 is right now.

5 CHAIRPERSON HANKS: Thank you. So you see in the
6 future that there will be a decrease in overtime, if
7 you're taking such measures to reduce the capacity
8 for overtime.

9 DEPUTY COMMISSIONER RYAN: We hope to be able to
10 maintain a level that is focused and appropriate use,
11 but balancing the challenges again of-- of having
12 fewer bodies to deploy.

13 CHAIRPERSON HANKS: All right. Thank you so
14 much. So I'm going to switch gears and talk about
15 the Mayor's Subway Safety Plan. The Mayor announced
16 the Subway Safety Plan, which outlined additional
17 extensive coverage of the NYC subway system by the
18 NYPD, and to increase overtime to compensate for this
19 coverage. \$62 million was announced from the State's
20 Public Emergency Safety Fund to temporarily cover the
21 additional overtime expenses. Will this additional
22 coverage of the subways continue in the future fiscal
23 years?

24 COMMISSIONER SEWELL: So while we are maintaining
25 the levels that we had, as you mentioned, with the

2 infusion of resources that were provided by the Mayor
3 and the Governor in October of last year, the-- and
4 it has helped us reach the levels of productions that
5 we're seeing across the subway system.

6 But we realize that this is not going to be
7 something that's going to be able to continue in
8 perpetuity. So we've developed a way to be able to
9 assess where we see the high traffic, where we see--
10 see crime numbers, to be able to deploy resources
11 effectively. Chief Kember actually can go into a
12 little bit of detail for me as well.

13 COUNSEL: Can you please state your name for the
14 record before you go ahead, and affirm that you're
15 going to tell the truth.

16 CHIEF KEMPER: Chief Michael Kemper, Chief of
17 Transit, NYPD, and yes, sir.

18 COUNSEL: Go ahead.

19 CHIEF KEMPER: First of all, good morning, Madam
20 Chair, Madam Speaker.

21 So as the Police Commissioner just mentioned, as
22 of today nothing's changed in relation to our
23 deployment numbers. And that's been in place since
24 October 25, 2022. And as the Commissioner stated in
25 her opening, obviously this is not going to be

2 sustainable in perpetuity. But if and when
3 adjustments are made in relation to the overtime,
4 we're going to be prepared, and like the Commissioner
5 mentioned, we learned a great deal.

6 We're going to continue to focus our presence on
7 the turnstiles, on the trains, in the mezzanine and
8 turnstile areas, and proper deployment is going to be
9 critical to our success.

10 The goal was, and the goal is, to stabilize crime
11 in the subway system, as well as improve public
12 perception and the feeling of safety. And we're
13 working toward that. We're making significant gains
14 toward that achievement.

15 CHAIRPERSON HANKS: Thank you. How much has been
16 spent thus far on training officers to respond to
17 situations concerning someone going through a mental
18 health crisis?

19 COMMISSIONER SEWELL: I just want to make sure--
20 she's going to get the numbers for you. But we
21 recognize-- The Mayor said in the beginning that
22 there has to be a holistic approach to dealing with
23 people who are suffering from mental illness. And we
24 have recognized our portion of that.

2 So we focused a lot on training, making sure our
3 members were being sensitive, being responsive to the
4 Mayor's commitment to treating this problem like the
5 health emergency that it is.

6 CHAIRPERSON HANKS: Thank you. Do you have any
7 data on how many mental health and voluntary removals
8 that NYPD does per year?

9 COMMISSIONER SEWELL: We're going to bring up
10 Chief Tobin. She is actually responsible for mental
11 health, our BEHERD program as well. [TO CHIEF
12 KEMPER: Do you want to switch out with with Chief
13 Tobin please?]

14 We work in partnership with the other agencies in
15 this endeavor, and it's been very successful.

16 CHIEF TOBIN: So to date, we have had 1332 people
17 involuntarily transported since January 1, 2023,
18 through March 12 of this month.

19 CHAIRPERSON HANKS: And how and how is that
20 compared to last year?

21 CHIEF TOBIN: Um, it's actually a decrease from
22 last year by-- I believe it's 4.6%.

23 CHAIRPERSON HANKS: So, judging by-- by locations
24 of where the people are removed from and what
25 hospitals are taken to, what is the demographic? If

2 you can talk about those who are involuntarily
3 detained, removed?

4 CHIEF TOBIN: Sure. So by borough, Manhattan
5 leads in terms of the highest amount at almost 30%
6 followed by Brooklyn, then the Bronx, then Queens,
7 and Staten Island. The-- By the removals-- the
8 transports by race are 47% Black; 18%, almost 19%,
9 white, followed by 17.1, Hispanic.

10 CHAIRPERSON HANKS: Of the Mental Health calls
11 leading to police-civilian encounters NYPD, noted 1%
12 result in an arrest. Specifically on that data, have
13 any of these numbers been used for resisting arrest?

14 CHIEF TOBIN: There were a total of five arrests
15 for resisting arrest in 2022.

16 CHAIRPERSON HANKS: Thank you very much. I'm
17 going to switch gears again to school safety. So
18 according to a report published by IBO prior to the
19 pandemic, there were about 5000 safety agents
20 assigned to NYPD-- excuse me NYC public schools as of
21 last month. That number dropped to 3900, and the
22 fiscal 2024 preliminary plan proposes saving an
23 additional \$6.49 million in fiscal 2023 by
24 eliminating 282 school safety agents, vacancies. How

2 is the number of school safety agents determined
3 citywide?

4 COMMISSIONER SEWELL: So we recognize, as we've
5 talked about the violence that we've seen in and
6 around our schools, that school safety plays an
7 integral role in safety across the city for our young
8 people. We've shifted our resources to better
9 safeguard young people in and around schools,
10 identifying locations where young children
11 congregate, working to ensure safe passage in the
12 corridors, but we are recruiting more school safety
13 officers. We recognize their importance-- our
14 agents, excuse me. So I meet with Chancellor Banks,
15 and he talks about this need as well. And I'll ask
16 Deputy Commissioner Ryan, excuse me, to talk about
17 where we are in terms of our headcount for school
18 safety agents.

19 DEPUTY COMMISSIONER RYAN: So, as you mentioned,
20 we did receive a cut of school safety agents. Those
21 are vacant positions that were cut as part of the
22 preliminary budget to align the budget more closely
23 with the actual headcount. Where we are right now
24 is, we are down school safety agents. That is in
25 part because of a moratorium on-- on hiring school

1 COMMITTEE ON PUBLIC SAFETY 86

2 safety agents which was put in place by the prior
3 administration. We were unfortunately unable to hold
4 any classes between the last class we held -- we held
5 a class in January 2020 -- and then we were not able
6 to hold another class until November of 2021. During
7 that period, obviously, attrition continued.

8 Prior to that moratorium on hiring that was
9 imposed by the prior administration, we had
10 approximately 5000 school safety agents. Now we're
11 down to approximately 4000. We are working in
12 continuous conversation with the Office of Management
13 and Budget with regard to, as we are able to hire up,
14 to make adjustments as necessary to the headcount.

15 CHAIRPERSON HANKS: Thank you. Do you have a
16 breakdown by borough?

17 DEPUTY COMMISSIONER RYAN: I do not have that
18 with me.

19 COMMISSIONER SEWELL: We can get back to you with
20 that.

21 DEPUTY CHIEF LARIN: Chair Hanks, I don't have
22 that with me either. Good morning. Deputy Chief
23 Marion Larin, School Safety. But the way that we
24 determined the assignment of our agents is by campus,
25 really by the population size of the students. So

2 naturally, our high school campuses that have up to
3 six schools within that campus, that will receive the
4 most of our agents. Also the sites that have full
5 time scanning every day, they also need a higher
6 number of agents. And as you go down in terms of
7 population size and age, our elementary sites are the
8 ones that you would see with a solo post,
9 unfortunately, but we are working to staff that up
10 with the new hires as they come in.

11 CHAIRPERSON HANKS: So with 282 Less school
12 safety agents, what steps are being taken to ensure
13 the safety of our students?

14 COMMISSIONER SEWELL: The resources of the police
15 department. We have YCOs that are being redeployed
16 to our areas in and around the school to be able to
17 make sure that our students are safe at dismissal,
18 and in going into school.

19 The precincts are responsible for making sure
20 that those students are safe as well. Chief Larin--
21 I'm sorry, Chief Chell joins us.

22 CHIEF CHELL: Good morning. Chief Chell, Chief
23 of Patrol. Good afternoon. So a couple of things.
24 We redid all our school plans. Obviously we've had
25 some issues around school violence this year. We've

1 COMMITTEE ON PUBLIC SAFETY 88

2 identified problematic locations where kids hang out,
3 McDonald's, Chipotle. We set up a better corridors
4 to parallel with our transit brothers and sisters so
5 there is safe passage for the kids.

6 Communication: We mentioned earlier, all our
7 commanding officers are responsible now for their
8 plans, but they are communicating weekly with the
9 principals to make sure if they need anything,
10 anything they need to help them with, whatever they
11 need.

12 Our correspondence with the Chancellor's Office
13 and borough safety coordinators has been fantastic.
14 We also include that in the weekends, when we see
15 kids and a victim of violence on the weekends, we try
16 to identify which schools they go to, to mitigate
17 school violence. We also have our violence
18 interrupters, and out now going into our schools, and
19 helping us with this endeavor. So we talked about--
20 We talked about Monday, the three incidents up in
21 Manhattan North. Our violence interrupters were out
22 there right away, boots on the ground, at the
23 hospital and locations that we thought we might have
24 retaliation from incorporating them. The
25 Commissioner mentioned the YCOs. Each precinct now

2 has six YCOs to help us with the schools. We went
3 back to a school Sergeant for each precinct, and
4 sergeants and borough coordinators to help in this
5 endeavor. So we kind of changed our approach, and so
6 far-- so far it looks like it's working pretty well.

7 CHAIRPERSON HANKS: Yesah. We know how important
8 our-- our CBOs and those programs. And many of those
9 programs are being cut in this budget. And so how do
10 you foresee, you know, the cut-- budget cuts to
11 education in some of these programs that we can
12 continue having this kind of success and partnership?

13 CHIEF CHELL: So like I mentioned earlier, the
14 CMS violence corridors. I just met with-- I met with
15 all of them last week in East New York, and we are
16 trying to really focus on children, youth, truants.
17 So truancy is something-- with Commissioner Howard,
18 we're starting to looking at in terms of identifying
19 truants, and why they're not going to school in terms
20 of, "What can we do as a city, as an agency, about
21 violence interrupters?" To figure out why kids are
22 in trouble or went-- why they're not going to school.
23 I've been working with Commissioner Howard on this--
24 this endeavor.

2 We're also identifying kids who are maybe in
3 trouble with train surfing, where we incorporate the
4 violence interrupters into that. So we're doing a
5 lot of different things to help engage the children
6 from a holistic point of view.

7 CHAIRPERSON HANKS: Thank you.

8 [BACKGROUND NOISE (SNEEZE)].

9 Bless you. Thank you so much. So recently NYPD
10 officers were mobilized to address gun violence in
11 several schools. With 282 fewer school safety
12 agents, does the NYPD plan to address incidents such
13 as this? And does this impact the overtime budget?

14 CHIEF LARIN: I can answer that question as it
15 relates to our force figures. So since I presided
16 over the school safety division last February, I've
17 presided over at least three classes that graduated.
18 And we do anticipate another graduation next month,
19 and a hire of 250 agents.

20 We also got approved from the Chief of Department
21 to absorb 50 police officers (we're in the interview
22 stages right now) to deploy as our youth response
23 team, and we want them as high-visibility posts,
24 coupled with school safety agents. So we're
25 interviewing the best of the best agents so that they

1 COMMITTEE ON PUBLIC SAFETY 91

2 can be paired up with police officers, because we do
3 believe that our agents are masters of deescalation.
4 They know the kids and the kids know them. And we do
5 believe that they'll be able to divert young people
6 to positive and better outcomes. So we are looking
7 forward to roll that out in the coming weeks.

8 CHAIRPERSON HANKS: Okay, well that answers my--
9 my other question. So what is the attrition rate of
10 school safety officers? And what do you think
11 contributes to this attrition?

12 CHIEF LARIN: So the attrition rate has been
13 growing since the year 2020 exponentially. The top
14 two reasons in 2020 and 2021 was to join the police
15 department as police officers. In 2022 the top
16 reason was "personal", and this year so far,
17 unfortunately, we're hearing "salary".

18 CHAIRPERSON HANKS: Okay. Thank you so much. So
19 before I pass it along to my colleagues, I just want
20 to touch on the SRG and the CCRB. My question is:
21 The Commissioner testified that they-- that you look
22 into an officer's experience.

23 Do we look at CCRB complaints and see if an
24 officer is-- it's appropriate for an officer with
25 several CCRB complaints to be an SRG officer?

2 ASSISTANT DEPUTY COMMISSIONER TALANSKY: So,
3 Chair as we as I mentioned earlier, we have been
4 advised by our counsel that we cannot answer these
5 detailed questions about SRG. Because this is a
6 budget hearing, we are trying to answer budget-
7 related questions, but unfortunately, because of the
8 pending litigation and the confidentiality agreement
9 that is in place, we have been advised that we are
10 unable to answer this question at your time-- at this
11 time.

12 As the Police Commissioner mentioned earlier, we
13 would like to answer these questions. We always want
14 to be as transparent as possible. So we hope that
15 once these litigation is over, that you will invite
16 us back and that we will be able to answer all of
17 these questions.

18 CHAIRPERSON HANKS: Thank you so much, and you
19 can count on us inviting you back.

20 I'm going to pass it along to my Committee
21 Counsel.

22 COUNSEL: Sure. Thank you. Next we'll head to
23 councilmembers for questions.

24 Before doing so. I just wanted to kind of alert
25 the committee that the police department has said

1 COMMITTEE ON PUBLIC SAFETY 93

2 that they have to leave at 1 p.m. So we have a five-
3 minute timer for the councilmember questions and we
4 ask that you keep to that time.

5 For questions, first we'll hear from
6 Councilmember Joseph followed by Holden and Cabán.

7 COUNCILMEMBER JOSEPH: Thank you and good
8 morning. I had a couple of questions regarding young
9 people.

10 Do NYPD officers go through de-escalation
11 training?

12 COMMISSIONER SEWELL: Yes, we do. Actually
13 officers go through a number of different types of
14 training: de-escalation, dealing with our youth. I'm
15 going to ask our Deputy Commissioner of Community
16 Affairs to come up, Mark Stewart.

17 COUNCILMEMBER JOSEPH: Thank you.

18 COMMISSIONER SEWELL: We take very seriously that
19 we need to get to our young people before they have a
20 negative interaction with the police department

21 DEPUTY COMMISSIONER STEWART: Good morning.
22 Deputy Commissioner Mark Stewart.

23 COUNCILMEMBER JOSEPH: Good morning, Mr. Stewart.

24 DEPUTY COMMISSIONER STEWART: For employees, we
25 have in place an option program that we have that

1 COMMITTEE ON PUBLIC SAFETY 94

2 turns out of 127 Pennsylvania. Their main objective
3 is to take our youth and teach them skills de-
4 escalation and...

5 COUNCILMEMBER JOSEPH: Is the is the training
6 altered to young people? I'm over here.

7 DEPUTY COMMISSIONER STEWART: Oh. Hi.

8 COUNCILMEMBER JOSEPH: Hi.

9 DEPUTY COMMISSIONER STEWART: Hey, how you doing?
10 Um, yes. It's altered to young people, and it's been
11 a great success in our options and our program. The
12 success has been so great that we're going to spread
13 it to four-- four boroughs now.

14 COUNCILMEMBER JOSEPH: When was the last time you
15 revised it or revamped it?

16 DEPUTY COMMISSIONER STEWART: Excuse me?

17 COUNCILMEMBER JOSEPH: When was the last time you
18 revised it, or revamped the training? The de-
19 escalation training?

20 DEPUTY COMMISSIONER STEWART: We revised it
21 probably about a month ago.

22 COUNCILMEMBER JOSEPH: Also, this question is for
23 YCO-- YCOs. What was the rationale behind increasing
24 the YCOs? Can you share what caused the NYPD to
25 increase the number of Youth Coordinators--

2 Coordination Officers, and what data did you use to
3 make that decision?

4 CHIEF MADDREY: Well, we looked at some of the
5 incidents involving our youth. We looked at some of
6 the incidents involving our schools, and we wanted
7 officers that were, you know, who would get
8 additional training, and work directly with the young
9 people. We wanted officers who were going to build
10 that connectivity with young people, get to know them
11 on a very personal level. And I've seen this,
12 throughout my career: When we know young people, we
13 have a relationship with them, we're able to better
14 help them. A lot of times, we think it's something
15 on the surface, but it's something much deeper, and
16 the only way we get to that is by really building a
17 relationship with them.

18 So by having YCOS dedicated in certain precincts,
19 in certain neighborhoods, that would have the
20 opportunity to really get out there and get to know
21 the young people, we think we'll be able to help
22 bring down crime and help them on a more personal
23 level.

24 COUNCILMEMBER JOSEPH: Was that a decision put
25 together with you and the Chancellor, in order to

2 have YCOs in schools? And how would they introduce
3 to the school community?

4 CHIEF MADDREY: Well, definitely, we spoke to the
5 Chancellor about it. It was a decision that was made
6 up here, by the team up here, of course, with the
7 permission of the Police Commissioner, and the YCOs
8 did not specifically assigned inside of schools,
9 alright? What they do is they'll go to the after
10 schools. If the principal or someone from a school
11 community asks them to come inside and assist with
12 the matter, we'll do that. If we're called to a
13 matter, we'll do that. But they're not specifically
14 assigned inside a school. They'll be the school in
15 the mornings. They'll be in the school at
16 dismissals. They'll be a long safe corridors.
17 They're-- They're supposed to go to places where
18 young people frequent, and try to build a
19 relationship with the young people there, as well as
20 the people at the places where they frequent to make
21 sure we're talking with them and understanding what's
22 affecting the young people. Parks. And then all the
23 YCOs, we want them to be involved in programs that
24 bring them together with the young people.

2 COUNCILMEMBER JOSEPH: How much does this cost
3 NYPD?

4 CHIEF MADDREY: I mean the YCOs themselves is--
5 they're just-- they're regular officers. There was
6 no additional-- there was no additional money that
7 needed to be spent on. They go-- They come in. They
8 do their regular patrol functions. And that's it.

9 COUNCILMEMBER JOSEPH: And we're spending about
10 \$106.2 million on YCOs. Is that correct?

11 CHIEF MADDREY: I don't have that figure. I can
12 get back.

13 COUNCILMEMBER JOSEPH: Can you get that to me?
14 That would be appreciated.

15 CHIEF MADDREY: Yes.

16 COUNCILMEMBER JOSEPH: Thank you so much. Also,
17 can you confirm how many officers are confirmed-- are
18 in pending investigations and abuse of force,
19 especially with young people?

20 COMMISSIONER SEWELL: Are you referring to how
21 many open complaints there are?

22 COUNCILMEMBER JOSEPH: Can you share data on how
23 many young people YCOs are arresting, or giving
24 summons? And what young people are being charged
25 with? And if these arrests are happening in schools?

2 CHIEF MADDREY: I'll get back with you on that
3 data.

4 COUNCILMEMBER JOSEPH: I would appreciate that.
5 I have a question for crossing guards. This just
6 came in to me. I visit schools as the Education
7 Chair, and I'm finding that principals are crossing
8 guards at schools. So can somebody address that, and
9 how do we get princ-- crossing guards? And we talked
10 about-- And that's one of the things that
11 Commissioner talked about: traffic violence. And we
12 know that a lot of our young people, especially in my
13 district, traffic violence is serious. So crossing
14 guards are-- how do we-- how does a school apply for
15 one, how do they get one to locations, and how many
16 do you have per borough?

17 CHIEF CHELL: Good afternoon. Currently--
18 Currently as of 2023, we are budgeted for 2702
19 crossing guards, and we currently have 2007. So
20 we're down about 695 crossing guards. We do do
21 recruiting. We do Build a Block meetings on our city
22 websites to recruit. If we have to move a crossing
23 guard to a more-- a place that has more incidents, we
24 will do so, but we certainly-- we are certainly down
25 crossing guards. The starting salary is one of the

1 COMMITTEE ON PUBLIC SAFETY 99

2 complaints. It's \$15.45. That's a-- that's a factor
3 also.

4 COUNCILMEMBER JOSEPH: Thank you. Chair Hanks,
5 I'll come back in the second round. Thank you.

6 CHAIRPERSON HANKS: Thank you.

7 COUNSEL: Next, we'll hear from Councilmember
8 Holden, Cabán, and Ariola.

9 COUNCILMEMBER HOLDEN: Thank you, Chair, for this
10 hearing. And thank you all for your excellent
11 testimony. And I just want to touch upon staffing
12 levels in the precincts. A recent New York Post
13 article reported that NYPD officers are leaving the
14 force in record numbers, with a disturbing 117% jump
15 in 2021, and a 36% jump since last year.

16 So what steps are-- is the department taking to
17 recruit and retain highly qualified officers?
18 Because personally, you know, I listen to the
19 scanner, in-- and I've done that for quite some time
20 to know what's going on in my local precincts. And
21 what we're seeing is units holding five and six jobs
22 when responding to 911 calls. And, you know, how is
23 this affecting response time? Because we have fewer
24 officers in our precincts. And we have to-- We have
25 to know that. We have fewer officers on-- on the

1 COMMITTEE ON PUBLIC SAFETY 100

2 streets as we had just a few years ago. And that
3 doesn't seem like a good formula to address crime,
4 rising crime, or at least to maintain a safe city.

5 So what are we doing to try to recruit officers and
6 really keep the officers we have, Commissioner?

7 COMMISSIONER SEWELL: As I stated in the
8 beginning, one of the things we looked at with our
9 Innovation Steering Committee was recruitment. And
10 we recognize that with the attrition that we've seen
11 that we needed to get a little bit more imaginative
12 when it comes to recruitment. And that includes
13 going to military bases to be able to recruit members
14 of service who are leaving the military, being able
15 to go to colleges, just really diversifying our
16 methods of showing people that the NYPD is a viable
17 career, and joining us.

18 We put out a number of different videos. We have
19 people who are responding to a number of locations,
20 basically really getting the word out, since the
21 pandemic, that we're open for business. We are
22 putting in a number of classes. We have put in 500--
23 500 people I believe in the last class, and I think
24 Chief Jones will have those numbers, 600. But we
25 continue to recruit. It is a significant issue.

2 Depending on the generation that we're speaking of,
3 some people want to work from home, and police work
4 doesn't really lend itself to Zoom.

5 So we really have to make sure that we are
6 targeting the right people and showing them that the
7 NYPD is something that's available.

8 COUNCILMEMBER HOLDEN: But since this is a budget
9 hearing, and this is what I want to focus on, because
10 we're seeing-- In the newspapers every day, we're
11 seeing ads from other states and cities trying to
12 grab our officers and recruit them at a higher salary
13 and much better working conditions.

14 So what I-- You know, again, I look at the
15 precincts, you know, our local precincts. Mine are--
16 Many are over 100 years old. There's cramped
17 quarters. And we tried to, even before the pandemic,
18 tried to revamp a precinct and we still haven't done
19 it. These were-- These were built at the turn of the
20 last century. And so you have these horrible
21 conditions. Then they go out in the street. Like
22 you mentioned that there was an incident, or
23 incidents, where somebody was riding an ATV, and the
24 officer attempts to get them off the ATV, which are
25 very dangerous, and I'm seeing all over the city, and

2 we're-- especially in my district, and yet they're
3 damned if they do, and damned if they don't. Because
4 if they if they try to arrest the person, the person
5 refuses and resists, they have to obviously use
6 force, or try to get them off the ATV. And they're
7 not being backed up by New York City, we're seeing.
8 And I'm glad that you've addressed this, but we need
9 to hear more of this from the department.

10 When the officers are doing their jobs, they are
11 still criticized, they're still-- they still have to
12 go through discipline-- disciplinary actions, and
13 it's frustrating. Low-- Low salary. All these
14 things that they have to work on. If they happen to
15 make a split-second mistake, qualified immunity is--
16 they have to worry about their own resources, their
17 house, their salaries, their pension. It-- it is
18 very difficult. We're going to continue to lose
19 officers unless we raise their salaries, unless we
20 recruit very, very good officers, but keep the ones
21 we have. And I appreciate your the work that you're
22 doing. But I don't know if we're going to get
23 anywhere unless we increase the starting pay at--
24 What is it \$42,000?

25 COMMISSIONER SEWELL: Mm-hmm.

2 COUNCILMEMBER HOLDEN: How do you-- How do you
3 live in New York City on \$42,000? How do you buy a
4 home in New York City? How do you expect to save
5 with a \$42,000 salary? And a dangerous job at that?

6 COMMISSIONER SEWELL: So councilmember, I'm glad
7 you brought these things up. Because all of the
8 things that you mentioned, the challenges that you
9 mentioned, we can still point to: That every day,
10 the women and men of the NYPD are doing their job.

11 Arrests are up,--

12 COUNCILMEMBER HOLDEN: Exactly.

13 COMMISSIONER SEWELL: --shootings are down, the
14 number of victims are down, we're seeing numbers that
15 we have driven down in the past year with all the
16 conditions that you just described.

17 The precincts are a concern of ours. I walked
18 around to a number of the precincts as well. I
19 visited some transit districts, and some of the
20 conditions are deplorable for them to work in. And
21 we made it a priority to address that.

22 COUNCILMEMBER HOLDEN: I have-- I'm just-- I'm
23 sorry to interrupt; my time is up.

24 COMMISSIONER SEWELL: No, please.

25

2 COUNCILMEMBER HOLDEN: I went into the 110
3 precinct to do a roll call, to actually try to, you
4 know, say that, "We have your back."

5 COMMISSIONER SEWELL: Thank you.

6 COUNCILMEMBER HOLDEN: I went up to the detective
7 squad. I had one detective-- last year, 600 jobs,
8 this detective had. I mean, the stress on the
9 detective, the stress on the officers, the stress on
10 the family life is ridiculous. And to hear criticism
11 of the men and women that protect us, is disgraceful.
12 And I'm sick of it. Because we need-- we need to
13 have the backs of our offices. They keep us safe.
14 Anybody saying they don't is delusional.

15 But let me just get to-- just one other question,
16 if I may. I have some schools that have only one
17 school safety officer. And that's impossible,
18 because then a teacher has to come out, an aide, a
19 counselor has to come out and sit and protect the
20 school. Are we going to get-- Chief, are we going to
21 get at least two safety agents per school because you
22 need that if there-- one is out, and if one goes to
23 lunch, you know, there has to be somebody there.

24 CHIEF LARIN: Councilmember, thank you for the
25 question. I do believe that with our most recent

2 recruitment efforts, we did something different this
3 time. We partnered with the Personnel Bureau to have
4 our community outreach agents go out and sell the job
5 and promote it to potential candidates.

6 We have north of 5000 persons that signed up for
7 the next exam. So I am hopeful that we will get back
8 to that.

9 We also want to retain the talent that we have
10 now, by just giving them better working conditions.
11 I think they're seeing that. They're getting better
12 training, better equipment, and we're showing them
13 that they matter.

14 So the morale within the school safety agents is
15 improving, and we also have an enhanced deployment
16 strategy where we rotate the agents who work in
17 administrative capacities to visit the schools. In
18 the event that there's more volume that we're
19 expecting that day, or if somebody calls out, or to
20 just pair them off and to show more presence.

21 So we are mindful of that and thank you for the
22 question, but we are working towards it.

23 COUNCILMEMBER HOLDEN: Thank you. Thank you,
24 Chief. Thank you, Chair.

25 CHAIRPERSON HANKS: Thank you.

2 COUNSEL: Thank you, Councilmember. Next we'll
3 hear from Councilmember Holden, Ariola, Brewer, De La
4 Rosa. Right... Cabán, Ariola, Brewer, De La Rosa.
5 Sorry, Cabán.

6 COUNCILMEMBER CABÁN: I'm going to jump right in.
7 When asked about the budgets of specific units, you
8 often cite only the expense budget for those units.
9 However, those numbers don't include fringe and
10 benefit costs that come out of central costs, and
11 therefore don't show the true cost of what police is
12 costing the city. So according to FY 24 financial
13 plan, NYPD is budgeted to spend \$4.9 billion in
14 salaries and wages, and \$5.5 billion on fringe and
15 pension costs that come out of central costs. So
16 it's approximately a 112% fringe rate, far higher
17 than any other city agency. Can you just, yes or no,
18 confirm that these numbers are correct, and that the
19 NYPD fringe rate is in fact 112%.

20 DEPUTY COMMISSIONER RYAN: The fringe rates are
21 established by OMB, so I'll have to confirm that for
22 you.

23 COUNCILMEMBER CABÁN: Okay, please do. And next,
24 the Council has obviously been very focused on
25 curbing overtime spending. Yet the NYPD continues to

2 make false promises about curbing that spending, and
3 disregard the Council's oversight role.

4 I'm going to give an example: In this-- in last
5 year's budget, we passed a term and condition
6 requiring NYPD to submit quarterly reports on uniform
7 overtime spending by precinct and category. The
8 first report was supposed to be submitted on December
9 15^{the}, and the NYPD just released those reports over
10 this past weekend. That's three months late. It's a
11 blatant disregard of the authority of the Council to
12 play an oversight role. Can you tell us why those
13 reports were late, and commit to getting us the next
14 report that's due on June 15 on time?

15 DEPUTY COMMISSIONER RYAN: We do commit to get
16 the next report to by June 15. This was the first
17 time we published that report. We wanted to make
18 sure all the numbers were right. There's obviously a
19 lot of commands, a lot of codes, and a \$5 billion
20 budget. So we wanted to make sure the information
21 was accurate. But we will absolutely get you the
22 report on time in June.

23 COUNCILMEMBER CABÁN: Good. Thank you. So the
24 NYPD has misconduct settlement fees totaled \$121

1 COMMITTEE ON PUBLIC SAFETY 108

2 million last year. What do you anticipate this
3 year's total will be? Anyone?

4 COMMISSIONER SEWELL: We're going to-- bear with
5 us.

6 ASSISTANT DEPUTY COMMISSIONER TALANSKY: Sorry.

7 COUNCILMEMBER CABÁN: Excuse me?

8 ASSISTANT DEPUTY COMMISSIONER TALANSKY: I'm
9 sorry, Councilmember. So-- The law-- For the last
10 several years, actually since 2017, the lawsuit
11 payouts have been trending down.

12 COUNCILMEMBER CABÁN: But what do you anticipate
13 this year's total will be? The number.

14 ASSISTANT DEPUTY COMMISSIONER TALANSKY: So those
15 numbers are actually not tracked by the NYPD. Those
16 are numbers that are tracked by both the Comptroller
17 and the Law Department. So they would be better
18 suited to answer that question.

19 COUNCILMEMBER CABÁN: Right. Well, my question
20 is, how much should we budget for next year's
21 projected total of NYPD misconduct settlement fees?

22 ASSISTANT DEPUTY COMMISSIONER TALANSKY: Well, I
23 think it's important to note that cases are settled
24 for a variety of reasons. And they're not always
25 indicative of wrongdoing. And that settlement

2 amounts have been trending down for many years. But
3 again, these are not numbers that are tracked by the
4 NYPD or the comptroller.

5 COUNCILMEMBER CABÁN: Thank you. \$121 million is
6 nearly four times what the mayor is proposing we cut
7 from libraries next year, for example, which
8 Manhattan Brooklyn and Queens Library System say
9 would severely impact their ability to provide
10 critical services, resources, and programs to
11 patrons, or to stay open for their regular hours.

12 So it seems like the people in New York City at
13 least deserve an estimate or perhaps a range of
14 estimates. But I'm hearing that you are unable to
15 offer that. I'm going to move on.

16 At one of last year's budget hearings,
17 Commissioner Sewell testified that the NYPD cannot be
18 the sole agency responsible for keeping the public
19 safe. That the city needs to take a comprehensive
20 approach to public safety, complete with fruitful
21 collaboration with other agencies. What other
22 agencies, do you consider the key pillars of
23 successful collaborative approach to public safety?
24 And my follow ups to that are: Do you believe that
25 those agencies are adequately funded? Because I

1 COMMITTEE ON PUBLIC SAFETY 110

2 would venture to say that most of those agencies are
3 currently slated for significant budget cuts.

4 COMMISSIONER SEWELL: I'm glad you brought this
5 up. Because I think we have to take every single
6 agency's role in public safety seriously, and we do
7 so.

8 We collaborate with every city agency at the
9 Mayor's demand, really, and it's absolutely the
10 rightful demand. We work with social services, we
11 work with sanitation--

12 COUNCILMEMBER CABÁN: Well, let me clarify my
13 question, because I can hear that you're not
14 answering my question. I don't-- do not want to know
15 who you work with. I want to know which agencies you
16 believe contribute to the public safety of the city.

17 COMMISSIONER SEWELL: The ones that we work with:
18 Sanitation. We work with social services. We work
19 with-- We even work with advocates groups. NYPD will
20 partner with everyone. It's a holistic approach to
21 public safety.

22 COUNCILMEMBER CABÁN: And so is your contention
23 that if you don't work or collaborate with them, they
24 don't contribute to public safety?

25

2 COMMISSIONER SEWELL: I'm sorry, I missed your
3 question.

4 COUNCILMEMBER CABÁN: So is-- is your contention
5 that if the-- if the agency does not collaborate with
6 NYPD, then that agency is therefore unable to
7 contribute to public safety? Because my question
8 was, specifically: What agencies contribute to
9 increasing public safety?

10 CHIEF CHELL: So let me--

11 COUNCILMEMBER CABÁN: Now whether you-- and your
12 answer, to be clear was, "The ones we collaborate
13 with."

14 COMMISSIONER SEWELL: Unh-unh. That's not what I
15 said. Public safety, we say it all the time, is a
16 shared responsibility. [TO CHIEF CHELL: I'm going
17 to let you talk for just a moment.] Public safety is
18 a shared responsibility. It is a responsibility of
19 all of us to keep our neighborhoods safe. There are
20 agencies in this city that we partner with a lot more
21 than others, but we will consistently partner with
22 outside agencies as well.

23 CHIEF CHELL: So let's talk about--

24

25

2 COUNCILMEMBER CABÁN: I didn't ask about
3 partnerships. Again, to be clear, I would just like
4 an answer to my question.

5 COMMISSIONER SEWELL: A partnership is a working
6 relationship. Am I mistaken?

7 COUNCILMEMBER CABÁN: No. My specific question
8 was, simply, can you just list--

9 COMMISSIONER SEWELL: I was doing so. I'm sorry,
10 you interrupted me.

11 COUNCILMEMBER CABÁN: -- not whether you
12 collaborate, not whether you collaborate, not whether
13 you work with them. What agencies, outside of the
14 convention that that yours does, contribute to an
15 increased public safety in our city. Lists those
16 agencies, please.

17 CHIEF MADDREY: Councilmember. All the all of
18 the city agencies play a role in public safety,
19 whether we partner with them or not. I mean, if you
20 look at what the DOE's role is. If you look at what
21 DOH's role is-- role is, DHS, DCWP.

22 COMMISSIONER SEWELL: Sanitation.

23 CHIEF MADDREY: Everyone plays a role in public
24 safety and helping out-- keeping-- helping to make
25 the city better.

2 COUNCILMEMBER CABÁN: Great. So do think that--
3 Do you believe then that the budget cuts to those
4 agencies you just mentioned will have a negative
5 effect on public safety outcomes in our city?

6 COMMISSIONER SEWELL: Councilmember, we have no
7 say-so over the budgets of other agencies. We are
8 focused on the--

9 COUNCILMEMBER CABÁN: I asked about your belief,
10 whether you think that the agencies you just named
11 increase safety in our city, whether cuts to those
12 agencies would have a negative effect on public
13 safety outcomes in our city.

14 COMMISSIONER SEWELL: We work collaboratively
15 with the agencies across this city. We have no say-
16 so over the budgets of other agencies.

17 COUNCILMEMBER CABÁN: That's-- That's not my
18 question. I just want to-- I just want to say for
19 the rest of you that my question is not being
20 answered. Thank you. I apologize for going over my
21 time.

22 CHAIRPERSON HANKS: Thank you.

23 COUNSEL: Next we'll hear from Councilmembers
24 Ariola, Brewer, and De La Rosa.

2 COUNCILMEMBER ARIOLA: Thank you. Thank you,
3 Chair. Thank you, everyone for coming to testify
4 today. And I have seen you collaborate, the police
5 department collaborate with other agencies. I've
6 worked with the police department that collaborates
7 with agencies like DSNY, like the DOE, like Breaking
8 Ground, and many others social and city agencies to
9 get the job done. And I want to thank you for that.
10 I've collaborated with you on ATVs and shoplifting.
11 The new recruits are doing an amazing job. First day
12 on the job in my district. They arrested a
13 recidivist-- a recidivist. There are recidivists in
14 this city for shoplifting. Our schools-- the
15 violence in the schools. Thank you for addressing
16 the school safety agents, and the need for more, and
17 the need for more crossing guards. Our SRG units are
18 integral to keeping our city safe from gun violence.
19 Gun violence on the young people of our city, because
20 some are-- are committing the crimes and others are
21 the victims of the crimes. So lowering the age is
22 tantamount to stopping gun violence.

23 What we're talking about is overtime. Overtime.
24 Each and every person mentioned it. But that's
25 because we have so many of our experienced member of

2 service leaving, and others not wanting to come-- to
3 become a police officer for the very reasons that
4 Councilmember Holden stated.

5 So what steps are being taken to expand members
6 of service without negatively impacting recruit
7 quality?

8 COMMISSIONER SEWELL: So we recognize the need to
9 get quality candidates into the NYPD and to retain
10 those candidates as well. And thank you for your
11 observations. Morale, as the Councilmember stated
12 before is something that we are focused on.
13 Renovating the precincts. Trying to do what we can
14 to mitigate the forced overtime. We started--
15 Actually, it went live today citywide, a portal for
16 officers to be able to volunteer for overtime
17 positions. Why have someone work mandatory overtime,
18 when some when someplace else is willing to do it
19 voluntarily?

20 Being able to make sure that our standards are in
21 place, that they are valued members of this police
22 department, and they see it and feel it every day
23 with the leadership of this police department is
24 important. We have to encourage them in these very
25 challenging times, to see beyond the moment, and see

2 beyond the challenges that face them, and recognize
3 that there's work to do in the city, and that the
4 leadership is supporting them.

5 COUNCILMEMBER ARIOLA: And-- and you say we have
6 standards. We do. And the police department
7 standards are high. Are they remaining high for the
8 new recruits that are coming in? Have they decreased
9 in any way?

10 COMMISSIONER SEWELL: As we saw recently, we did
11 a change where the 1.5 mile run was excluded. But I
12 want to make clear that the law is consistent with
13 our JST physical fitness requirement. There was a
14 change in law that did not include the 1.5 mile run.
15 So the state has determined that the JST, the Jobs
16 Standards Test, is consistent and sufficient for
17 graduation from the Police Academy.

18 COUNCILMEMBER ARIOLA: Are there any other
19 requirements that are being decreased, such as the
20 college-- the college requirement?

21 COMMISSIONER SEWELL: At this time the 1.5 mile
22 run is the item that was excluded from training.

23 COUNCILMEMBER ARIOLA: Thank you. And the
24 department-- what is the department doing to curb the
25 retirement, resignation, and recruitment issues? And

2 do you believe that pay and pension inequities are
3 the main issues for experienced members of service
4 leaving the department?

5 COMMISSIONER SEWELL: So like Councilmember
6 Holden said, we do have other agencies that are
7 offering our members lucrative contracts. But it's
8 also important to note that they are coming to the
9 NYPD, the premier law enforcement agency in the
10 world. They want what we have. They want the
11 training, they want the dedication, the hard work of
12 the women and men of the NYPD.

13 But we have to treat our members like the
14 valuable commodity that they are. And that goes back
15 to morale. That goes back to better working
16 conditions, and the support that they need to do
17 their jobs.

18 COUNCILMEMBER ARIOLA: Agreed. And just to my
19 colleague, fringe benefits would be up if you have a
20 rash of retirements, and have to pay them out. So I
21 just want to make that point clear. And again, thank
22 you for doing more with less. I appreciate it.

23 COMMISSIONER SEWELL: Thank you, Councilmember.

24 COUNSEL: Thank you, Councilmember Ariola. Next
25 we'll hear from Councilmembers Brewer and De La Rosa.

2 COUNCILMEMBER BREWER: Thank you very much. And
3 I want to thank you, Commissioner, for answering
4 letters. I appreciate that. And also I want to
5 thank Oleg Chernyavsky, because he's always very
6 responsive. Thank you Oleg very much.

7 COMMISSIONER SEWELL: He is.

8 COUNCILMEMBER BREWER: Starting with Special
9 Victims. I know the speaker asked about this, but I
10 want to know if your DV numbers are up or down, and
11 then I want to know if Safe Horizon, or other groups
12 what their contribution is, and do you need more of
13 the human services to address some of these DV
14 issues? I know you said 260 detectives, 62 cases,
15 but how many unfortunate victims?

16 CHIEF ESSIG: Yeah, so rapes and sexual assaults
17 were down last year, were down this year 242 versus
18 286.

19 Last year our misdemeanor crimes were up. And as
20 I talked about before with our special victims office
21 is 280. I mean, there is a great concern in Special
22 Victims. That's one of our units where other units
23 within the detective bureau have had to shrink. The
24 Special Victims division actually has grown. So we

2 take Special Victims very seriously. We're aware of
3 the sensitive nature of assault-- sexual assaults--

4 COUNCILMEMBER BREWER: Okay.

5 CHIEF ESSIG: And we do keep that properly
6 staffed.

7 COUNCILMEMBER BREWER: And then do you work with
8 the nonprofits? Like Safe Horizon, are they 24
9 hours? Are they less hours? How does it work in
10 terms of support from those who are not police
11 officers in the precincts?

12 CHIEF ESSIG: They're-- Oh, in the precincts-- In
13 the Special Victims Divisions at each location,
14 they're co-located with us. They're not 24 hours.

15 COUNCILMEMBER BREWER: Would that help if they
16 were 24 hours? Because I hear that people would
17 prefer that they are 24 hours.

18 CHIEF ESSIG: In-- In the detective bureau, in
19 the Special Victims, I don't think we need them 24
20 hours. In the precinct--

21 COUNCILMEMBER BREWER: In the precinct, I'm
22 talking about.

23 CHIEF ESSIG: Yes, that would--

24

25

1 COMMITTEE ON PUBLIC SAFETY 120

2 COUNCILMEMBER BREWER: Is that something that
3 you're considering? Because it's all part of the
4 same issue of getting 242 down to zero.

5 CHIEF ESSIG: That would be something we'd be
6 willing to consider.

7 COUNCILMEMBER BREWER: All right. Next question:
8 BEHERD is something that we hear a lot about. What
9 does it-- how-- Of course, I think I must admit,
10 maybe this would help in terms of budgeting. But
11 more caseworkers, more people addressing some of
12 these issues that maybe police officers are not as
13 capable? How do you look at BEHERD? Do you
14 contribute to the budget at all? How does it work?

15 CHIEF TOBIN: So good afternoon.

16 COUNCILMEMBER BREWER: We like you very much, by
17 the way. I just want to let you know. Everybody
18 loves you.

19 CHIEF TOBIN: So the BEHERD.

20 COUNCILMEMBER BREWER: So this woman in
21 particular, she's very good. I want her to know. Go
22 ahead.

23 CHIEF TOBIN: The BEHERD, as you know, is two
24 paramedics and an H+H behavioral health specialist
25 that respond to 911 calls, that there is no weapon

2 present, and there's no risk of violence. So they
3 are, as of today, being expanded. I believe that
4 that notice was sent out. They started out with a
5 pilot of five, and they are now currently as of this
6 month in 25 precincts citywide.

7 COUNCILMEMBER BREWER: Okay. And who's doing
8 that evaluation of whether it's working? Could it be
9 expanded to even have more that would be primarily
10 casework?

11 CHIEF TOBIN: So I believe that's the Office of
12 Community Health in City Hall.

13 COUNCILMEMBER BREWER: Okay. All right. Thank
14 you. And then now smoke shops. I don't want anybody
15 arrested in terms of the staff there. I know that
16 the legislation in Albany talks specifically about
17 Sheriff, cannabis management in Albany, ugh, DA,
18 corporate counsel. Everybody's trying to get rid of
19 these things. Kids are using them inappropriately.
20 I could go on. I'm like the smoke shop antagonist.
21 However, what's the role of police? It's a-- it's a
22 conundrum. Go ahead.

23 CHIEF ESSIG: Good afternoon. So I was down here
24 two months ago, Councilmember, talking about smoke
25 shops.

2 COUNCILMEMBER BREWER: Yes.

3 CHIEF ESSIG: The number of smoke shops are
4 increasing.

5 COUNCILMEMBER BREWER: That I know. Go ahead.

6 CHIEF ESSIG: When I was down here last, it was
7 about 1300. Now about 1590.

8 COUNCILMEMBER BREWER: Okay

9 CHIEF ESSIG: We work-- we work in conjunction
10 with the sheriff on this, as you as you well know.

11 We've upped our new-- the topic last time we came
12 up was the turnaround type of nuisance abatement.

13 COUNCILMEMBER BREWER: Yup.

14 CHIEF ESSIG: We've gotten a little better at
15 that. We have 18 nuisance abatements at work right
16 now, 4 in litigation, 14 are pending. We've had 28
17 operations around smoke shops, 114 arrests, 175
18 summonses.

19 Again, in terms of smoke shops in general, again,
20 one of the one of the problems we're having on the
21 crime side is the amount of smoke shops that have
22 been robbed in the city. I brought it up at the last
23 hearing: For 2022, an increase of 130%, with 599
24 smoke shops robbed against 251 for the prior year.
25 Right now, the trend continues. We're up 10% in

2 smoke shop robberies. In addition, we're starting to
3 track AD cards as it relates to people getting sick,
4 when they reference a smoke shop and an AD Card. So
5 we are focused on smoke shops that are hurting our
6 children, vis-a-vis AD cards. We are looking at
7 smoke shops around schools. We are looking at smoke
8 shops that generate the most 311 complaints in and
9 around, and working with the sheriff we just won't
10 stop doing this until-- until we fix this issue.

11 Again the smoke shops are getting more and more,
12 but we're still going after them.

13 COUNCILMEMBER BREWER: Okay, thank you. And one-
14 -

15 CHIEF ESSIG: We always said we support-- we
16 support small business. We just want to do it right.

17 COUNCILMEMBER BREWER: Yeah, and I don't want
18 people arrested, unless there's a real need, as you
19 described. Just really quickly, something small, but
20 around police precincts there are barricades. Cars
21 are parked parallel as opposed to along the curbside.
22 I don't know if we can pay for parking, if you have
23 extra cars that need it, but I will say if you want
24 to look at the way in which the police are reviewed,

2 and seen, to have those kinds of cars all over the
3 place, and the barricades is a challenge.

4 So I'm suggesting that you have-- and you're
5 doing your recommendations for innovation -- I'd love
6 to see those recommendations, by the way -- I'm all
7 about innovating, that one of them should be, "Let's
8 look at the police parking around precincts." At
9 least in Manhattan. We don't have much land in
10 Manhattan. So we would love to see less parking of
11 police and private cars. And I won't even get into
12 placards. And I understand there are only three tow
13 trucks. So when a car is abandoned, obviously,
14 because of some kind of an arrest or seizure, or
15 whatever, it sits there for months and months and
16 months, and then I get months and months of emails
17 and complaints. So just that whole innovative idea
18 around the precincts would be helpful. It's a budget
19 issue. But it's also a practical policy issue.
20 Thank you, Madam Chair. Unless you have an answer to
21 that, Maddrey.

22 CHIEF MADDREY: Yes, ma'am. Good afternoon. Of
23 course, we listen to our communities. We know that
24 it's a problem. We're trying our best in terms of

2 just, you know, making sure our officers park as
3 appropriately as possible.

4 COUNCILMEMBER BREWER: They don't. I'm just
5 saying, they don't.

6 CHIEF MADDREY: I know it's difficult. You know,
7 this is-- A lot of people work in the precinct and
8 there's not enough parking spots.

9 COUNCILMEMBER BREWER: I know.

10 CHIEF MADDREY: And then in terms of vehicles
11 that are-- that were seized. We're trying to do a
12 better job of the car-- If we have the ability to
13 drive the car, we will drive them down and get them
14 there a lot faster. It's a little bit of a
15 challenge. But we're doing our best to keep them off
16 the streets, to open up parking for everybody.

17 COUNCILMEMBER BREWER: You need to add it to your
18 recommendation, innovation, because right now it
19 ain't innovative.

20 CHIEF MADDREY: Yes, ma'am.

21 COUNCILMEMBER BREWER: Thank you.

22 COUNSEL: Thank you, Councilmember.

23 Councilmember De La Rosa.

24 COUNCILMEMBER DE LA ROSA: Thank you.

25

2 COUNSEL: De La Rosa, Stevens, Kagan, and
3 Brannan.

4 COUNCILMEMBER DE LA ROSA: Thank you. I'm going
5 to plus-one our colleague, Gale Brewer, on the street
6 parking. Especially-- I represent Washington
7 Heights. We have a lot of crushed up cars sitting in
8 the streets, and I get a lot of emails and calls
9 about that. So I'm going to plus-one Gale on that.
10 I also want to just say for the record, that I am
11 disturbed by the by the data point that 47% of the
12 folks who have been involuntarily removed for a
13 mental health crisis are black, 18% white, and 17
14 Hispanic. That means that 64% are people of color.

15 And I just want to say for the record, which, you
16 know, given the-- what you answered to Councilmember
17 Cabán, you know that our other agencies are critical
18 in creating infrastructure for folks who are in
19 crisis. But that-- that right there, to me, seems
20 like it is a symptom of-- of a system that continues
21 to target people of color.

22 And so I want to dig in a little bit more on the
23 CCRB and the payouts. As you know, we are getting
24 \$241 million a year in payouts from the Independent
25 Budget Office. That is the stat that we're-- that we

2 are seeing for police misconduct-- misconduct cases,
3 where officers are involved in this cases, many who
4 have often had multiple charges and previous
5 misconduct.

6 Earlier today, you said that the CCRB recommended
7 an officer be fined \$3,000 as part of the discipline
8 that was fined for misconduct. The CCRB to my
9 knowledge does not recommend financial penalties on
10 officers.

11 So can you confirm that you converted vacation
12 days into a monetary amount for that answer?

13 COMMISSIONER SEWELL: So yes. So we have a
14 tendency to throw around, and we fine the person 5
15 days or 10 days. We converted the amount of days to
16 the monetary amount the officer would lose based on
17 where they are in the salary structure. So that's
18 what we did in those instances.

19 COUNCILMEMBER DE LA ROSA: So, indeed, those were
20 vacation days, not a monetary fine.

21 COMMISSIONER SEWELL: That is a-- Well, this is
22 accrued time that these members have. This is-- This
23 is what they've earned. So it is a monetary value
24 attached. Of course, but they were fined because of
25 misconduct. So they lost vacation days based on

2 their misconduct, not an additional fine levied on
3 the officer. Well, we're talking about, in some
4 instances, where the misconduct was not substantiated
5 in the end after review by the NYPD.

6 But I want to just make sure that we're clear
7 here: The vacation days or something these officers
8 are entitled to so they are convertible to a monetary
9 amount.

10 And when we're talking about administering
11 discipline, it has to be fair. So just say there are
12 5 days or 10 days, it sounds like an arbitrary
13 number, but they have real consequences in the lives
14 of these police officers.

15 And I just want to make sure that we're clear
16 here again: Substantiating charges that can not be
17 supported does not make the public have more
18 confidence in the police department. It makes them
19 less safe, because an officer should feel confident
20 that they will be treated fairly when they face
21 discipline, when they face misconduct charges.

22 COUNCILMEMBER DE LA ROSA: Okay. So speaking
23 about trust, building trust: You also testified that
24 you've complied with the CCRB recommendation of
25 discipline in 80% of cases.

2 Can you explain how you got to those numbers and
3 share the data with the Council? I'm looking at--
4 We looked at an analysis from the Legal Aid Society
5 based on data obtained by a FOIL request that was
6 recently reported by the New York Times that stated
7 that you deviated from CCRB recommendations in 425
8 cases, which adds up to 70% of the time, either by
9 throwing out a case or disagreeing with disciplinary
10 recommendations. How do you explain that
11 discrepancy? And-- Because it looks like the NYPD
12 is, you know, manipulating statistics to downplay
13 disciplinary departures here. So can you explain the
14 discrepancy?

15 COMMISSIONER SEWELL: So that's absolutely
16 incorrect.

17 COUNCILMEMBER DE LA ROSA: Okay.

18 COMMISSIONER SEWELL: I understand and appreciate
19 the mission and the need for the Legal Aid Society.
20 In forming that letter, they are either ill-informed
21 or ill-intentioned, and I choose to believe the
22 former. They are ill-informed.

23 So we did not deviate the number of times that is
24 described in that letter, and I'm going to ask my
25 Deputy Commissioner, Amy Litwin, to go into a little

2 bit more detail. But when the cases were presented
3 to me, the ones that I reviewed, I agreed with the
4 CCRB over 84% of the time. So I'll ask Commissioner
5 Litwin to describe exactly what those numbers mean.

6 DEPUTY COMMISSIONER LITWIN: Yes. Thank you so
7 much for the question asking for some clarification.
8 I spoke about this a little bit earlier as well.

9 COUNCILMEMBER DE LA ROSA: Mm-hmm.

10 DEPUTY COMMISSIONER LITWIN: So in terms of the
11 numbers, because you're asking for some numbers, in
12 2022, there were a total of 503 disciplinary cases.
13 There were 57 cases that involved a departure from
14 CCRB's penalties. We calculated that at 84% of the
15 cases, the Police Commissioner agreed with CCRB's
16 outcome. In 2023, again, out of 117 cases 13 cases
17 involving 17 different members of service, but there
18 were 13 letters stating a departure for the case,
19 resulted in an 85% concurrence rate with CCRB's
20 penalties.

21 The letter written by the Legal Aid Society is
22 speaking about something very different. This is not
23 a penalty departure. These were in essence cases
24 that were declinations by the department. So I spoke
25 extensively, and I can get into it a little bit

2 again, as well: There were short timeframes by which
3 the CCRB sent us cases. They were aware about the
4 time that we need for our process for these cases.
5 The disciplinary process does not just include CCRB's
6 investigation, and their submission to the board, and
7 a board determination. The process also includes our
8 internal-- our internal process, which involves my
9 office, the Department Advocate's Office, the First
10 Deputy Commissioner's Office, the Police
11 Commissioner's office, and ultimately the Police
12 Commissioner making the decision.

13 COUNCILMEMBER DE LA ROSA: Mm-hmm.

14 DEPUTY COMMISSIONER LITWIN: We communicated with
15 CCRB extensively in the fall of 2021 about the
16 timeframe that we felt we needed for these cases. We
17 relaxed that timeframe in an effort to work
18 collaboratively, but they chose not to meet that
19 timeframe, which was only 30 business days for us to
20 turn the cases around an imposed discipline, because
21 the discipline also has to be imposed (either charges
22 served or CD adjudicated) within that 30 day time
23 frame that we were asking for, which was really
24 intended to be a temporary measure. The hope was
25 that CCRB would work to expedite their case

2 timeframes. They have almost 17 months to
3 investigate a case and get it to the board with this
4 request. And under COVID, with the tolling
5 provision, they had upwards of two years to-- to
6 implement their processes and resolve their cases and
7 get them to us.

8 So we think that what we're asking for something
9 very small. And we expected that CCRB would look
10 internally figure out how to expedite case movements.
11 We're doing the same things around our case movement
12 within the department with disciplinary matters that
13 are not related to CCRB. And we were simply asking
14 them to join us in that effort so that we can-- we
15 can ensure all cases, both our investigative cases as
16 well as CCRB's investigative cases, have all of the
17 time and attention for the analysis so that the right
18 outcome can come.

19 COUNCILMEMBER DE LA ROSA: So basically, you're
20 saying that you didn't-- that it was past the
21 timeframe that is required.

22 DEPUTY COMMISSIONER LITWIN: Yeah.

23 COUNCILMEMBER DE LA ROSA: But in those cases, if
24 there was evidence of wrongdoing, could the
25 department take a measure?

2 DEPUTY COMMISSIONER LITWIN: So what we did--

3 Thank you for that clarifying question. There were a
4 number of cases where the timeframe had expired by
5 the time we got it. Expired completely when the case
6 was sent that sent to us. Then there was a large
7 number of cases that did not meet our cutoff, which,
8 which as I mentioned, was just the 30 days.

9 COUNCILMEMBER DE LA ROSA: Yes.

10 DEPUTY COMMISSIONER LITWIN: During that time
11 period, though, there were some concerns by CCRB --
12 because again, this was an ongoing communication with
13 them about what was what was transpiring, the short
14 turnarounds and the backlog -- and they expressed
15 concern over cases that they deemed as higher
16 priority. And when they expressed that to us --
17 where it was a case that they thought was a high
18 priority case, or under cases that we knew they were
19 deeming as high priority cases, which were protest-
20 related cases (even though they weren't meeting our
21 deadlines) -- we were still actually working to
22 process those cases. We had to rush and were
23 funneling and rechanneling resources so that we can--
24 we can move these cases as quickly as possible
25 through a process to meet the statute of limitations

2 deadline. But with all the protest-related cases, we
3 moved those regardless of the deadline. And cases
4 where they were asking for charges and
5 specifications.

6 Initially, in our timeframe, we requested 90 days
7 to process those cases. We actually relaxed that
8 timeframe to almost nothing, enough time to actually
9 look at it and serve the charges and specifications.
10 And those cases are the more serious cases. They're
11 asking for formal discipline as opposed to informal
12 discipline, which would be, you know, an ACD, or BCD,
13 or training.

14 So we actually work to prioritize those cases.
15 That final objective was, as we work to prioritize
16 certain categories of cases, they would work to
17 deprioritize others, because every case can't be
18 prioritized with these timeframes and with this
19 backlog. But we did make those efforts, and
20 actually, I think every protest-related case that
21 they flagged to us, that was related to the protest,
22 we process those cases, and almost every case
23 involving charges and specifications, we worked--
24 because the department serves those charges, we
25 worked to get those charges served.

2 COUNCILMEMBER DE LA ROSA: Thanks. I'll just say
3 -- and I know I'm out of time -- I'll just say that I
4 think that it's important for us, when we talk about
5 building trust, to make sure that the CCRB can remain
6 an independent body that can actually do thorough
7 investigations, especially on these cases that are
8 coming up in our communities every single day.

9 I know that I spoke to some of you about a case
10 in my district with the neighborhood safety officers,
11 where a person was murdered in my community. And I
12 know that there is cases like that, that are still
13 ongoing, and families that are still waiting for
14 answers. So I look forward to continuing to work
15 with you all. But I think it's important for us to
16 understand that the CCRB should be a tool for
17 accountability and transparency in this work.

18 DEPUTY COMMISSIONER LITWIN: And they are, and
19 you know, speaking to that timeframe for cases, when
20 it comes to some of the more serious cases where
21 charges have been served, they have hundreds of open
22 cases. And we-- You know, we-- They are their own
23 independent agency, and we're simply waiting for them
24 to negotiate settlements or schedule those cases for
25 trial so that the community can have a final

2 resolution to those cases. It's actually not
3 something that's within our control.

4 COUNCILMEMBER DE LA ROSA: We can talk about that
5 offline. Thank you.

6 COUNSEL: Thank you, Councilmember. Next, we'll
7 hear from Councilmember Stevens, Kagan, Brannan.

8 COUNCILMEMBER STEVENS: Good afternoon. So a
9 couple of things: I would like to second, or third,
10 the parking. We definitely do some about the
11 parking. The officers-- my council office is across
12 the street from a precinct, and it becomes very
13 difficult. And not just for me. I'm just saying,
14 like, even to drive down. So definitely something we
15 want to make sure we look at. Because I know
16 Manhattan representatives have talked about it. But
17 in the Bronx, it's a real issue.

18 The other thing is also 47% of black folks being
19 locked up for mental health is a problem for me. And
20 I'm not sure why everyone else is not outraged. But
21 that is a real problem for me, because we're talking
22 about people with mental health issues. And it just
23 does not correlate. And so for me, it's thinking
24 about how are we addressing this? And what does that
25 really look like? Because 47% and 67% people of

2 color being locked up for mental health issues is a
3 problem. And this is a symptom of our society that
4 we don't invest in them. Because the reality is you
5 shouldn't be dealing with that. We should be having
6 better mental health services, which we don't. And
7 so we really need to be thinking about the city as a
8 whole mental health services plan, because that is
9 100% unacceptable for me.

10 So I have a couple of questions to just get into.
11 I know we've constantly heard about, like, the
12 headcount and how we need to get down the headcount.
13 But through some conversations, I'm also hearing that
14 it's not necessarily a headcount issue. That a lot
15 of uniformed officers are doing administrative work,
16 and they don't want to do patrol work. And that's
17 how we've, kind of, sort of, got into this place.

18 So can you talk about-- Do you guys have a plan
19 to get more civilians to do more of the
20 administrative work, and getting police officers back
21 to doing the work? Because I think that when we talk
22 about recruitment and all those things, that's--
23 that's a strong possibility, but also talking about
24 what does it look like to get more civilians into the
25 police department?

2 COMMISSIONER SEWELL: So-- So what you're talking
3 about is our civilianization plan, which we began
4 last year.

5 So you're right. There were-- we recognize that
6 there are a number of officers in positions,
7 administrative positions, that could be better
8 utilized in a patrol capacity, or to help us
9 obviously make safe the city.

10 So we embarked on a review across boroughs, which
11 is still ongoing at this time-- excuse me, across
12 bureaus, that is still ongoing at this time to
13 identify positions that we can put civilians in those
14 positions, and also positions that don't need to have
15 an officer in them at all, or even a civilian replace
16 them. So there are face-to-face replacements that
17 we've identified. But I'll ask Chief Jones to go
18 into our civilianization plan and where we stand now.

19 COUNCILMEMBER STEVENS: Just so you know, we have
20 very limited time. So I need a quick-- quick, couple
21 more answers. Thank you.

22 CHIEF JONES: Good morning. We've identified 498
23 positions that were identified as being
24 civilianizable. We've moved 274 civilians into those
25 positions, and we've moved 243 officers. We

2 redeployed them back to enforcement actions. And we
3 still have another 224 of those identified positions
4 as civilianizable. We're in the process of hiring.
5 For those. We've submitted some of the position
6 requests to OMB for hire.

7 COUNCILMEMBER STEVENS: Okay. Thank you.

8 Because, like I said, I'm down to two minutes, so if
9 you can get also into writing, I think that'll be
10 really important, because I-- like, I hear that you
11 guys are working on it. But definitely want to get
12 to some of my other questions.

13 And so the other question is, I-- Everyone
14 knows, every time I'm here, and I'm in front of you,
15 I always talk about YCOs, because I have a huge issue
16 with it. I worked in youth development for 20 years.
17 And to say that, like, "Oh, anyone can just work with
18 kids," is a huge problem for me. Like, training is
19 great, but like it takes dedication and passion to do
20 that work. And the reality is you should be
21 partnering with nonprofits who already are doing this
22 and have youth services, people in there and doing
23 that. Because even when I get explanations around
24 it, I often hear, like, "Oh, they're supposed to do
25 referrals." That sounds like a social worker.

2 So the reality is, we should be thinking about
3 how are we working with these organizations that are
4 already doing that work, so that you guys can focus
5 on what you need to get to?

6 I'm a big proponent of police officers to do the
7 work of police officers, and social workers do the
8 work of social workers. Like we should not be
9 crossing the two.

10 But my question is about the YCOs and Saturday
11 Night Lights, because I know police-- the Police
12 Department actually gets allocations from DYCD for
13 the Saturday Night Light Program, which is SNL. How
14 much was it in overtime last year? Because I know
15 it's an overtime allocation. And I'm not really sure
16 what-- then why aren't we using the YCOs who are
17 already supposed to have additional training to work
18 with young people, and not have to pay overtime and
19 just have them doing that work opposed to paying
20 additional overtime for this program? And I believe
21 it's like for four-point-something million, or
22 something like that.

23 DEPUTY COMMISSIONER RYAN: No. The-- The
24 overtime is about \$2 million.

2 COUNCILMEMBER STEVENS: Hold on. I'll check,
3 because they just sent it to me, because that's not
4 what I heard.

5 DEPUTY COMMISSIONER RYAN: But our expenditure
6 levels is about \$2 million.

7 COUNCILMEMBER STEVENS: Okay. So-- But Council
8 sent me \$4.5 million. So those numbers are not the
9 same.

10 COMMISSIONER SEWELL: Councilmember, I just
11 wanted to add something before we end your time. You
12 said something in the beginning about how we handle
13 the removals. They are being removed for a medical
14 evaluation. We're not locking them up. I just
15 wanted to make that clear.

16 COUNCILMEMBER STEVENS: Okay. They're still
17 being removed and detained against their will. So
18 it's still a problem. It is 47% of people of color.
19 I mean, black people, because let's be clear, we said
20 black people. That's a problem for me. Like even if
21 for a medical evaluation, it's still not-- it does
22 not make sense that it's just this specific group.
23 So it definitely looks targeted.

24 And I'm saying it's not your fault, because the
25 reality is, the City doesn't have a mental health

2 plan. And that's where we should be going. And you
3 should not have to remove anyone to do that. That's
4 the reality. And so that's why I'm a person who
5 believes you guys shouldn't be in things that you
6 don't need to, because it puts you in these awkward
7 situations.

8 So back to the SNL? No? No one has those?

9 DEPUTY COMMISSIONER PARKER: So Councilmember,
10 I'm Chauncey Parker, Deputy Commissioner for
11 Collaborative Policing. Saturday Night Lights is a
12 program that started-- a police officer came with the
13 idea that gyms should never be closed on Saturday
14 nights in the most underserved communities. It is
15 now 140 programs across the city, and expanding. It
16 is exactly, I think, your vision, which is that the
17 police officers, the YCOs, are deferring to these--
18 these community-based organizations who are the
19 experts with the with the young people, serving and
20 helping in whatever way they can help them in each
21 one of those gyms year round.

22 COUNCILMEMBER STEVENS: So-- So like I said,
23 that's not true. Typically, they're parked outside
24 and not interacting with the kids, and it's not
25 typically a collaboration. But it's not-- it's also

2 an overtime allocation. So when we're talking about
3 you guys having overtime, it's not making sense to me
4 why you wouldn't just use YCOs as opposed to having
5 overtime. I don't think they should be in the
6 program at all, because we need to do a lot of work
7 around trust with young people, and those things
8 that-- and we haven't done that.

9 So for me, the question is, why are we still
10 using this as an overtime allocation?

11 DEPUTY COMMISSIONER PARKER: Well, the-- I think
12 it's to be able to provide those officers, to be able
13 to have the time, to be able to engage with those
14 kids in addition to their regular duties.

15 I respectfully disagree in the sense that the--
16 they are-- these YCOs are engaging. The sites that I
17 go to and am seeing across the city--

18 COUNCILMEMBER STEVENS: Well, the sites that I go
19 to, that's not the case.

20 DEPUTY COMMISSIONER PARKER: Well it's-- we're--
21 it's a real strong partnership, as you know, with the
22 DYCD and the DA's offices, and everyone. What we're
23 doing is evaluating, of the 140 sites, is constantly
24 pushing the envelope to make sure where we're-- where
25 if the-- if a community based organization is not

2 getting enough kids into the program, and of the 140
3 sites, I think there are probably about 15 or 20 that
4 DYCD is working on engaging more kids. They-- or
5 replacing them with new programs like we have in the
6 Bronx, where there's a tennis program, and a baseball
7 program, and other things like that. But these YCOs
8 and these community-based organizations are really
9 working together, building trust, building those
10 relationships, and there's a steady presence. It's
11 the same officers week after week. So they get to
12 know those young people, and the young people get to
13 know those police officers.

14 COUNCILMEMBER STEVENS: So I'm going to tell you
15 this now. That is not happening at most of the
16 programs. I've worked in these programs myself.
17 This is not like-- even before I started, because I
18 was in the program when it first really started. And
19 even now, 90% of the time, the officers are outside
20 and not interacting with the kids.

21 I'm just saying, one, I think-- I think it's a
22 terrible waste of resources, because we're using
23 overtime. That doesn't make sense to me. So that's
24 where my issue is. But then, two, we need to do a
25 lot of work in the community to build trust with

2 young people. And to just say that, like, "Oh, the
3 YCOs are in there to build this relationship." When
4 they walk out of that that building, you have regular
5 officers who still don't respect them and still have
6 these issues. So we need to-- for me, it's about how
7 we're working together to build a trust with young
8 people before we're saying, "We're going to go play
9 basketball and baseball." And that work needs to be
10 done, and it needs to be substantial, which is why I
11 don't understand why we have this program. Because
12 it's-- it hasn't been helping with the trust of young
13 people.

14 When you ask any young person, they're often
15 still saying they don't like the cops. They don't
16 mess with the cops.

17 So we have to do the work before we just say
18 we're going to be here in these programs. And I'm
19 telling you: 90% of the programs that I've went to,
20 to do-- because let's be clear, I'm the Youth
21 Services Chair. I actually go to my programs. They
22 are outside the buildings while the kids are going
23 in. And there's no real interactions.

24 So that's just my experience. So we can continue
25 to have this conversation of what it looks like, to

2 how-- how we can do this work, but I'm a big
3 proponent of saying, like, "We got to do the work to
4 earn the trust of our young people, and not just
5 expect it," because that's what's happening with this
6 program. Thank you.

7 CHIEF MADDREY: Councilmember, whatever--
8 wherever you see these challenges and these problems,
9 and the officer is not doing right. Please, can you
10 just let me know afterwards? And that way we can
11 make adjustments and work better.

12 COUNCILMEMBER STEVENS: Absolutely. I'm always
13 here to work on collaborative.

14 COUNSEL: Thank you, Councilmember Stevens. We
15 will hear from Kagan and Brannon. And then we're
16 going to go for a second round with Councilmembers
17 Joseph and Cabán, and the Chair first. I'm sorry.

18 Councilmember Kagan, you may go ahead, sir.

19 COUNCILMEMBER KAGAN: Thank you so much. Thank
20 you, Chair, for hosting this very important hearing.
21 And thank you for coming, Commissioner, every--
22 everyone. Thank you for coming and testifying here.

23 First of all, I would like to say that I have
24 nothing but gratitude to police officers who risk
25 their lives every day to protect our safety. And

2 just recently, one of the police officers in the 60th
3 precinct committed suicide. Because he was under the
4 stress. He came-- It was a 911 call, and he came to
5 save lives, and he was attacked, because it was a
6 shooting. Then there was one investigation, another
7 investigation. He had received the mail from AG, the
8 state AG that there was another investigation. He
9 was a young officer. He took his life by the end of
10 the day.

11 So my point is like we need to appreciate every
12 day police officers who risk their lives really to
13 protect us. That's to begin this.

14 Now it's a budget hearing. So I have a few
15 questions. I totally agree with my colleague,
16 Councilman Holden, about starting salaries of police
17 officers and also school safety officers. \$35,000
18 starting salary for school safety officers. That's
19 why I have a problem with recruiting them. I believe
20 that's a huge issue. Am I right? About \$35,000
21 starting salary?

22 DEPUTY CHIEF LARIN: Salary is the top issue this
23 year Councilmember, but school safety agents, we do
24 have overtime available for them when necessary. So
25 whoever feels the need to volunteer, if they have to

2 try to make ends meet, we have after school
3 programming, where the school safety agents can sign
4 up and just earn a little more money in the time
5 being, until we see a new contract rolled out
6 whenever that may be.

7 COUNCILMEMBER KAGAN: I would like you to know
8 that every time I have meetings with principals in my
9 district, every time this topic is brought-- brought
10 up to me, because they say that one police-- one
11 school safety officer, especially for the large
12 schools, is clearly not enough. It should be at
13 least two, especially for large schools, and we have
14 a lot in Southern Brooklyn.

15 DEPUTY CHIEF LITWIN: Absolutely, Councilmember.
16 We're aware of that. We also use our mobile patrol
17 agents to supplement when necessary.

18 COUNCILMEMBER KAGAN: Another issue that
19 constantly is also like, practically daily
20 occurrences, about towing derelict cars, cars without
21 plates, cars with paper plates, illegally-parked
22 overnight tractor trailers is one. I know it's a big
23 issue, but supposedly issues like locations, because
24 you need the space for them to tow them. And also
25 it's also money, because you need dedicated officers

2 for this. And I know you work with the Sheriff's
3 Office, but I would like to know what is the budget
4 for it? And do we have enough resources to do this
5 every day?

6 COMMISSIONER SEWELL: So we recognize this is a
7 significant issue. We've had a number of targeted
8 enforcement operations to be able to move those cars
9 off the streets. Locations to tow them is an issue.
10 The tow trucks to tow them is also something that we
11 have to focus on. But I'm going to ask Chief Royster
12 from the Transportation Bureau to discuss it.

13 CHIEF ROYSTER: Good afternoon everyone. Chief
14 Royster, Chief Of Transportation, and I'm responsible
15 for the executive NYPD for Vision Zero. And under
16 that responsibility, the traffic enforcement district
17 is under my portfolio.

18 Vehicles that are parked illegally, or parked
19 with paper plates, or parked with what we call ghost
20 plates are towed by the traffic enforcement district.
21 We work with the precinct. We also work with the
22 Sheriff's Office to make sure these vehicles are
23 taken off the street and also taken from the
24 precincts when they arrive at the precinct.

2 I just want to say that our towing enforcement
3 efforts have increased this year because of what
4 we're seeing on the streets, the vehicles with no
5 plates, ghost plates. So we have increased our
6 towing capability.

7 COUNCILMEMBER KAGAN: I just would like to
8 mention that in Southern Brooklyn, this is an ongoing
9 issue. Every day, people complain to our office.
10 Even today, it's an ongoing issue in Southern
11 Brooklyn. All three precincts, I believe their
12 personnel, I believe they're overwhelmed with it,
13 because there's so many of these cars. That's why
14 I'm asking how much money and officers can you even,
15 like, allocate to this issue, or for the Sheriff's
16 Office? I don't know. It's an ongoing issue.

17 CHIEF ESSIG: Councilmember, I just want to let
18 you know for the last year, we removed 15,800
19 combination of ATV, illegal bikes, and autos. The
20 autos were 5300 with those paper plates.

21 Our initiative goes further than that. We're
22 looking at license plate covers: We have a 250%
23 increase in plate covers. Obviously, those are the
24 plate covers that are dark. They sometimes double up

2 so that we can't see the plates. We've got 129%
3 increase in moving violations.

4 So, yes, it is tough. We are doing some issues
5 with the Department of Transportation and even
6 Sanitation. We've partnered up with Sanitation to
7 start removing cars from identified areas in
8 different boroughs. I haven't gotten to Brooklyn
9 South yet. But in terms of overall picture, where
10 we're going, but we-- we've worked with other
11 boroughs, with heavy tows to get those buses out of
12 there, tractor trailers out of there, campers out and
13 there. So it's a big initiative from the Chief of--
14 the Chief of the Department, Chief of the Patrol, and
15 our Police Commissioner. It is one of my number one
16 quality of life issues for last year, and getting
17 better at it this year.

18 COUNCILMEMBER KAGAN: Thank you. And then also
19 the Commissioner visited the 60th precinct, the next
20 time you visit the 60th precinct, please go to the
21 basement. This building suffered after Superstorm
22 Sandy, and the basement is in horrible condition, and
23 police officers should not work on such conditions.

24 COMMISSIONER SEWELL: I am aware of it. Thank
25 you.

2 COUNCILMEMBER KAGAN: Thank you.

3 COUNSEL: Can you just state your name for the
4 record? The lady who just answered that question. I
5 just missed your name. I'm sorry.

6 CHIEF ROYSTER: That's Chief Kim Royster.

7 COUNSEL: Okay. Thank you so much.

8 Councilmember Brannan, go ahead.

9 COUNCILMEMBER BRANNAN: Thank you. Chief
10 Royster, I want to commend you and your team,
11 especially Inspector O'Sullivan, who has been very,
12 very responsive and helpful. The illegal tractor
13 trailer issue in my area is a big problem. So we
14 work-- we sort of play a game of Whack-a-Mole until
15 we can figure out a more holistic solution. But I
16 appreciate your-- your team's help on that.

17 CHIEF ROYSTER: Thank you very much.

18 COUNCILMEMBER BRANNA: Commissioner, it's good to
19 see you again. I want to congratulate Chief Kemper.
20 Anytime you could promote someone from Brooklyn
21 South, I support that.

22 Really quick. I wanted to talk-- I saw that
23 there is-- In the budget, there's a capital
24 commitment of \$59 million for upgrading and replacing
25 police radio and communication equipment and systems.

2 Could you-- could you update the Council on the
3 current state of the department's communication
4 system, and describe the planned upgrades to the
5 system?

6 COMMISSIONER SEWELL: Sure. I'm going to bring
7 up our ITB. That's Inspector Pagan[ph], who is going
8 to say something.

9 INSPECTOR PAGAN[ph]: Good afternoon.

10 COUNCILMEMBER BRANNAN: How are you?

11 INSPECTOR PAGAN[ph]: So when it comes to radios,
12 we're upgrading our radios to the APX NEXT radios.
13 Now one of the things that that we had issues with--
14 with the old radios is that we can't update them
15 unless we have them in front of us, like we're
16 actually physically touching the radio.

17 Now with this APX NEXT, that's no longer the
18 issue. We can update them over the air, and that
19 makes it much safer for our officers in the field.
20 For radios deployed as of as of last week, 9532
21 radios have been changed out, 5700 we have in stock
22 and we're pushing out weekly, and a total of 15,272.
23 For FY 22, we spent \$4.6 million, or \$4,060,000. For
24 FY 23. That number is going to shoot up to \$49.9

2 million. In FY 24, \$34.7 million is what we're going
3 to be looking to replace another 7000 radios.

4 COUNCILMEMBER BRANNAN: Okay. The Council-- With
5 regard to encryption, obviously, the council cares
6 very much about this. I think it's important to find
7 a way to thread the needle with the transparency for
8 the press, but also for any bad actors that might be
9 out there as well. So is-- The encryption, I assume
10 as part of the-- the updating?

11 INSPECTOR PAGAN [ph]: Yes.

12 COUNCILMEMBER BRANNAN: Okay. So yeah, the
13 Council wants to be a partner on that. Obviously, we
14 hear a lot from the press about being able to, you
15 know, tune into, you know, transmissions, as they've
16 been able to, I guess, since the 40s. But also, you
17 know, making sure that we are keeping the cops safe.
18 And if there are, you know, different apps and stuff
19 that are out there that are basically just designed
20 to scare the crap out of people. That's something
21 we're concerned with as well.

22 And if there-- If there's-- And I guess, in
23 addition to that, if there are any contracts or RFPs,
24 or requests to change police radio policy, that's

2 something we'd like to know about as well and to work
3 with the with as well.

4 INSPECTOR PAGAN [ph]: Okay.

5 COUNCILMEMBER BRANNAN: Okay. Thank you.

6 INSPECTOR PAGAN [ph]: Thank you.

7 COUNSEL: Great. Thank you. Thank you,
8 Councilmember Brannan. Next, we're going to go back
9 to the Chair for additional questions, followed by
10 some other councilmembers. Thank you.

11 CHAIRPERSON HANKS: Thank you. And thank you to
12 all my colleagues for the great questioning. And I'd
13 be remiss if I didn't thank the Police Department
14 and-- for all of your well thought out ques-- answers
15 to our questions, and I really appreciate that.

16 So without further ado: I wanted to go back to
17 the commissioners testimony. And we were talking
18 about data that points to the shoplifting issues.
19 When it comes to recidivism in New York City, 30% of
20 all of the 6000 Plus retail theft arrests has been
21 committed by a small group of people.

22 Do you have any demographics on this small group
23 as far as age and other demographics that you could
24 enlighten us?

25 CHIEF LIPETRI: Good afternoon.

2 CHAIRPERSON HANKS: Good afternoon. State your
3 name.

4 CHIEF LIPETRI: Chief Michael Lipetri. I'm the
5 Chief of Crime Control Strategies. So for the 327
6 people that have been arrested over 6000 times last
7 year, no, I do not have the demographics. But we can
8 get that too.

9 CHAIRPERSON HANKS: I think that that's
10 important, because as I move into my next question,
11 and really kind of getting more into what
12 Councilmember Stevens was talking about is we-- you
13 also testified that 75 shooting victims were under
14 the age of 18 in 2017. You went on to testify that
15 many of the crimes are now being committed by
16 juveniles that are under the age of 18, and they're
17 representing the bulk of the shooting victims and the
18 shooters; correct?

19 So what community partners are you working with
20 to address this issue? And what is it that you think
21 is needed to address this issue? Because for me, the
22 shoplifting, understanding the small group that may
23 be committing crimes, but also we're seeing the
24 decrease in in crimes being-- excuse me the decrease
25 in age of crimes being committed? What resources do

2 you have? What resources do you need? And more
3 importantly, what community-based organizations are
4 you working with? Because what we're trying to get
5 at is that many of those organizations are-- have
6 been-- and those resources are being cut in this
7 budget. So we kind of want to have the public, you
8 know, we paint a picture of what's actually
9 happening, what is needed to rectify and mitigate
10 this-- this deeply, deeply troubling issue, because
11 we are going to be having a hearing just on
12 shoplifting and retail crime. So thank you.

13 COMMISSIONER SEWELL: I'll start with the youth
14 first. Just as Councilmember Stevens pointed out, we
15 have to engage our youth in positive ways. We have
16 to have the people, the resources, and the locations
17 in place so that we can intervene before they either
18 get influenced or go down a path of criminality.

19 So while we have our own programs inside the
20 police department, we are partnering with other
21 agencies because we recognize that it's not just us.
22 It has to be a holistic response to address what
23 we're seeing on the streets.

24 But I'll let Chief Maddrey talk about some of the
25 other programs that we have. But the recidivism

2 issue -- and I'll let Chief Lipetri talk about some
3 of the initiatives that we have as it relates to
4 recidivism -- we're encouraged by the idea of the
5 possibility of aggregating the crimes of recidivists
6 to be able to come to in an amount that we can charge
7 a felony.

8 There are a number of initiatives that we put in
9 place to be able to identify repeat offenders that
10 are targeting the same locations as well. And we're
11 working with our DA's office to be able to charge
12 them appropriately.

13 CHIEF MADDREY: Just in terms of-- When you look
14 at some of the groups that we work with. Of course,
15 CMS, you know, they're right there. The work we do
16 with CMS is very crucial.

17 I look at last Friday, for example, we had the
18 PSAL championship games, boys-- boys and girls
19 basketball games at the Barclays. We had thousands
20 of kids out there, and they were running all over the
21 place. It was very encouraging to see a lot of our
22 CMS groups out there. Some were-- some that were
23 called directly by the precinct to come out there and
24 assist with keeping the young people in check and

2 making sure that they enjoyed the games without--
3 without getting hurt.

4 We had a young person out there run in the
5 street, hit by a car out there. We had a couple of
6 arrests that we had to make that day of young people
7 for fighting. They were just fighting all over the
8 place. But our CMS counterparts really helped us
9 keep the young people under control.

10 So this is a group that we've been working
11 closely with to mitigate some of the youth violence.
12 We have regular meetings with them. Chief Chell met
13 with the entire CMS body, the leadership last week.
14 I go out and I meet with a lot of the CMS groups
15 individually, and we've been really plugging them
16 into the what's going on in the violence. And we're
17 trying to create a better system. We're trying to
18 create a better system where they're getting more
19 real time-- where they're receiving more real time
20 information of the violence that occurs in our
21 community, so that they can respond quicker, and do
22 more work with our young people.

23 CHIEF ESSIG: So like I said earlier, I met-- I
24 met with them all last week, and to redirect your
25 question, I want them more in the schools. I want

2 them to mitigate issues in school before they hit
3 after school and hit our corridors. We want to do a
4 better job of identifying kids at risk, truancy--
5 through to Commissioner Howard's office, truancy,
6 kids who need help. How can we better assist them
7 with the problems they're having.

8 And then sharing of information. Andre Mitchell
9 and Commissioner Howard, how do we share information-
10 - information back and forth about kids that might be
11 in trouble, or things you might be hearing in school,
12 and get the CMS-- CMS groups out there before we even
13 respond to mitigate that. I referenced Monday with
14 the incidents in Manhattan north with the three
15 shootings and five hours, they were at the hospitals
16 for us, and they were on the ground for us.

17 So just from-- from our point of view, from an
18 agency point of view, we want them more involved in
19 what they are doing. And they are doing a lot, but
20 we want to kind of take a fresh look at it, and see
21 if we can do better.

22 CHAIRPERSON HANKS: Thank you. I also want to
23 ask, you know, what are we doing with young people?
24 And this is to-- to pick up Councilmember Stevens
25 with the bill that she recently passed last week,

2 which really, you know, put an emphasis on juvenile
3 advocacy and understanding and hearing their voice.

4 So how can we work closer together? What can we
5 be doing to really, you know, make sure that young
6 people are in the forefront of this, you know,
7 because I believe a lot of these-- these issues are
8 facing our young people. So even though we're
9 working with community partners, you know, what ways
10 can we do better at engaging our young people to be
11 part of this process?

12 COMMISSIONER SEWELL: So clearly, there is a need
13 to do better. And I think Mayor Adams has made that
14 clear, because he has been at the forefront of making
15 sure that we reach out to our youth and show them
16 there's a different path. So we're always willing to
17 collaborate. We're always willing to look at other
18 new ideas in advancing our mission. But as
19 Councilmember Stevens said: It's a bit more. You
20 have to do it before you put the basketball courts
21 up. There's other things that we have to do to be
22 able to reach our youth, and we're constantly looking
23 at new ways to collaborate and innovate in ways that
24 are going to show our youth that there's another way,
25 to let them see that there's another path that we can

2 all go on. And we look forward to working with this
3 body to be able to come up with more of those
4 suggestions.

5 CHAIRPERSON HANKS: Thank you. And I'm just
6 going to shift a little bit and kind of going to go
7 back since I have you here. A blueprint followup.
8 The Neighborhood Safety Team check-in. Where have
9 the Neighborhood Safety Team been deployed, and have
10 we seen a decrease in violent crimes and shootings
11 since these Neighborhood Safety Teams, by borough, by
12 precinct-- Do we have any stats on that?

13 CHIEF ESSIG: So the NST teams still stand at 30
14 for-- 30 for precincts and 4 PSAs. Their main
15 mission is gun violence in targeted areas for people
16 who carry guns. You know, shootings were down last
17 year citywide. Shootings are down now, going lower
18 overall. And 23% of their arrests involve firearms.
19 They've made 507 fire-- firearms arrests since the
20 inception in March-- exactly this time last year.
21 They removed 496 guns from-- guns from our streets.

22 So what do you do when as a collective, what this
23 agency does, I think is definitely contributing to
24 our reduction in shootings, in shooting violence as
25 compared to the rest of the country.

2 And how have communities received-- I know in the
3 120 Precinct that the then-inspector made it very--
4 did a great job of making sure that our NST teams
5 were properly introduced to the community
6 stakeholders.

7 So how has the communities-- How have they, you
8 know, reacted? And how are they working with,
9 currently, the NST teams?

10 CHIEF ESSIG: Well, I think the community likes
11 the crime fighting officers. Like I said, they're
12 taking guns off the street. And at the end of the
13 day, they're making-- making the community safer.
14 They went through extensive training at the at the
15 inception. And part of that was a community base
16 where people come to the precinct and speak with
17 them.

18 But we're always open to more suggestions as how
19 to get them more community orientated.

20 Also, we'll-- Also our Community counseled--
21 precinct counseled me that we bring them over to
22 introduce them to the community, and to show their
23 face.

24 CHAIRPERSON HANKS: Thank you so much. I just
25 wanted to thank you, the men and women who put on a

2 uniform. We really appreciate what you do. And
3 thank you so much for your, your testimony today.

4 Thank you.

5 COUNSEL: Next, we'll have a second round of
6 questions from Councilmember Joseph.

7 COUNCILMEMBER JOSEPH: Thank you. As my
8 colleague had mentioned, as the Education Chair, last
9 week, we had a hearing on Education. It was a 13
10 hour hearing. And we centered our young people. And
11 one of the things they talked a lot about was the
12 fact that they do see a lot of school safety versus
13 seeing mental health support and restorative justice.

14 Have you ever thought about training your school
15 safety in restorative justice practices?

16 COMMISSIONER SEWELL: So school safety agents,
17 they're really the unsung people in those schools.
18 They are social workers, they are mentors, sometimes
19 they are parents. So the ways that we can assist
20 them in de-escalation-- Training is always important,
21 but they must be able to assess the needs of the
22 students in those schools and be able to be an extra
23 person or really another-- another set of ears for
24 them to be able to vent the frustrations or what's
25 happening in their lives, challenging or not.

2 So I'll let Chief Larin talk about some of the
3 other training programs we have with school safety.

4 COUNCILMEMBER JOSEPH: Thank you.

5 CHIEF LARIN: Hi, Councilmember Joseph. Chief
6 Larin again. Just to address the question that you
7 had earlier about arrests. Comparing last school
8 year, 21-22, to the last full school year, the total
9 arrests went down. So it was 459 versus 882. That
10 declined by 48%. Youth only was 329 versus 710.

11 That was down 54%. And we also experienced a
12 reduction in crime last school year by almost 100.

13 The school safety agents, they do get a portion
14 of restorative justice training by the Department of
15 Education. But we do acknowledge that it could be
16 more robust at the entry level, at the police
17 academy, but that is something that we would be open
18 to, to introduce. They also receive therapeutic
19 crisis intervention, and I believe that we see that
20 with the mitigated incidents. We have many incidents
21 where restraints were not used, and the situation was
22 mitigated. The increase was by 56%. So last school
23 year, the number was 8261, as opposed to 5291. And
24 these are situations where it could have ended up
25 with the young person being court involved, but we

1 COMMITTEE ON PUBLIC SAFETY 166

2 deferred to the Department of Education to deal with
3 their disciplinary code, or to see how best they can
4 resolve the issue with the young person.

5 But that is something that our agents do do,
6 because the escalation is just emphasized so much at
7 the entry level.

8 COUNCILMEMBER JOSEPH: And you said the
9 restorative justice, you will make it a little bit
10 more robust?

11 CHIEF LARIN: It's just the component that the
12 DOE trains them in. But it's not something we're
13 seeing, that we do ourselves.

14 COUNCILMEMBER JOSEPH: Commissioner, is that
15 something you possibly will look into? Having
16 restorative justice become part of the training force
17 for school safety agents? Remember, these are the
18 first set of people. I was an educator for 22 years
19 before I became a Councilmember. So I just left
20 schools last year. So the-- School safeties are the
21 first person I interact with when I walk in, that's
22 the first person I say good morning to, and that's
23 the first person the young people see too. So
24 restorative justice is very important to myself. We

25

2 have them in public schools, but we would love to see
3 our agents have that set skills as well.

4 COMMISSIONER SEWELL: I'm all for having our
5 agents trained in every possible discipline, and I
6 will look into it.

7 [BELL RINGS]

8 COUNCILMEMBER JOSEPH: Schools-- can I? I
9 usually get a lot of-- As the Education Chair, I
10 usually get a lot of questions about school scanners.
11 Yeah. So how many agents do you have as part of the
12 special group that perform the unannounced scanning
13 at schools?

14 CHIEF LARIN: So it's about 100 agents that they
15 rove around the city daily. And depending on the
16 size of the school. If it's a large-- If it's large
17 schools, they do two. If it's smaller schools, they
18 can do four.

19 COUNCILMEMBER JOSEPH: Okay.

20 CHIEF LARIN: And to date, the unannounced
21 scanning operation is by far where we recover the
22 most amount of weapons and dangerous instruments.

23 COUNCILMEMBER JOSEPH: Do you have a number?

24 CHIEF LARIN: Yes.

25 COUNCILMEMBER JOSEPH: Thank you.

2 CHIEF LARIN: Our-- stay with me. Our total
3 amount so far is 4468 as opposed to 3687 last school
4 year. We are on pace, if we continue this trend, to
5 be last school year's record of 6389.

6 COUNCILMEMBER JOSEPH: Okay. How many-- How many
7 schools do you do per day, and how many are needed
8 per school.

9 CHIEF LARIN: So with the unannounced scanning,
10 we would like to see it at six. That's the ideal
11 number. That's what it was when we had better
12 staffing levels with this team, with the unannounced
13 scanning team. But we also supplement with the full-
14 time scanning sites. We have 80 full-time scanning
15 sites and eight part time scanning sites. That's
16 where the school has the equipment already. And the
17 principal and the level three on site, they'll
18 confer, and they'll decide which day is best to stand
19 it up.

20 And most recently, we've been doing that
21 Tottenville High School with some regularity because
22 they did experience a shooting several months ago.

23 COUNCILMEMBER JOSEPH: Correct. Can you tell us
24 which borough and neighborhood in New York City has
25 the most scanners in the schools?

2 CHIEF LARIN: Right now, I can tell you that
3 Brooklyn North has 16. Brooklyn South has 18.

4 COUNCILMEMBER JOSEPH: The schools that have the
5 scanners in them, do they have a decrease in
6 incidents that occurs within the school building, or
7 outside throughout the neighborhood? Where are the
8 incidents happening?

9 CHIEF LARIN: So what we're seeing with these
10 schools is that they're-- they're historical.
11 Because of just the-- the amount of young people that
12 attend the schools. Also, they travel from other
13 places. One of the things that-- that we're
14 observing is that even within the schools we're
15 [inaudible] worries, depending on what school the
16 young person goes to.

17 So at this time, if we were to remove a full-time
18 scanning site to another school, that would be done
19 with input from the school principals, from the
20 school community, and it's a joint decision with the
21 Department of Education.

22 So where it stands right now, just because of the
23 incidents around the school, and therein, we're
24 comfortable with what they are right now.

2 COUNCILMEMBER JOSEPH: How long does it take for
3 a scanner to be removed? Or are they ever removed at
4 a school?

5 CHIEF LARIN: Full time? I can tell you that we
6 have some schools here on this list that go back to
7 the 90s. So it is something that that we could
8 conduct a comprehensive review over, but for right
9 now, I think it's just stay put.

10 COUNCILMEMBER JOSEPH: Okay. Thank you.

11 COUNSEL: Councilmember Cabán?

12 COUNCILMEMBER CABÁN: Thank you. As you know,
13 Kawasaki Trawick was a black man killed by officers
14 Brendan Thompson and Herbert Davis in 2019. CCRB
15 substantiated fireable charges against both officers
16 in 2021. A disciplinary trial was finally scheduled
17 last year to start next month. Recently, PBA lawyers
18 requested that the charges be dismissed and that CCRB
19 be blocked from prosecuting the officers. Last week.
20 A letter was sent by 40 elected officials including
21 Speaker Adams, Councilmember Pierina Sanchez, myself,
22 and it was addressed to you Commissioner, as well as
23 the Mayor asking the NYPD to decline the request and
24 allow the trial to move forward on 4/24 without
25 interference.

2 The NYPD's systemic failure to fire officers who
3 kill and abuse New Yorkers is a major budgetary
4 issue, because abusive officers continue to get paid
5 for years before there's a disciplinary action, if
6 any. In fact, Brendan Thompson, the officer who
7 tased and shot Kawasaki Trawick has seen his annual
8 take home pay increased by \$40,000 since he killed
9 Kawasaki.

10 We are weeks before the April 24 trial.
11 Commissioner, will you commit to making a decision
12 and rejecting the unreasonable request from
13 Thompson's lawyers by the end of this week, so that
14 the Trawick family can move forward with confidence
15 that the discipline trial will-- will move forward as
16 planned on 4/24.

17 COMMISSIONER SEWELL: Councilmember Cabán, that
18 letter has not come to me as yet. I will review that
19 letter and make my determination, and I will make
20 sure that you are notified of that.

21 COUNCILMEMBER CABÁN: Okay. I'm very surprised
22 that the letter has not arrived on your desk. It
23 certainly arrived on the Mayor's as well. That's
24 deeply concerning.

2 COMMISSIONER SEWELL: Was it an e-mail. It's
3 entirely possible. I will make sure I look for that
4 letter when I return.

5 COUNCILMEMBER CABÁN: Okay. I'm going to move
6 on, because I know I have limited time. Earlier you
7 testified that the Legal Aid Society's analysis
8 reported by the New York Times was quote
9 "uninformed." So I'd like to get to the bottom of
10 this here.

11 You said the 346 cases of misconduct in which the
12 CCRB recommended discipline, and that you
13 Commissioner declined to impose penalties but did not
14 report as a departure, that this was because the
15 complaints got to you late.

16 So my first question is, in the 346 complaints in
17 Legal Aid's analysis, had the statute of limitations
18 actually passed? Yes or no?

19 COMMISSIONER SEWELL: So in some of those they
20 did. But I'll ask Deputy Commissioner--

21 COUNCILMEMBER CABÁN: And when we say "some of
22 those" we're talking about maybe a handful; correct?

23 COMMISSIONER SEWELL: We're going to give you
24 that information shortly.

2 COUNCILMEMBER CABÁN: Maybe a handful? Out of
3 the over 300.

4 DEPUTY COMMISSIONER LITWIN: So those-- those
5 cases that were cited in that letter were some of the
6 cases that were provided to-- provided to us with a
7 short turnaround time. As I mentioned, we had a 30-
8 day cut-off.

9 COUNCILMEMBER CABÁN: Yes or no? Many of those
10 cases-- The majority of those cases, the statute of
11 limitations had not passed.

12 DEPUTY COMMISSIONER LITWIN: I don't have a yes
13 or no for you. Some of them had passed. Others did
14 not meet our requirements.

15 COUNCILMEMBER CABÁN: Okay. So for the ones that
16 had not passed, and we can get into the numbers
17 later, Commissioner, you could have imposed
18 discipline in those cases, or at least some of those
19 cases, but you chose not to; correct?

20 COMMISSIONER SEWELL: That is incorrect,
21 Councilmember.

22 COUNCILMEMBER CABÁN: You're-- So it's incorrect
23 that you could have imposed discipline in cases that
24 the statute of limitations didn't expire?

2 COMMISSIONER SEWELL: You asked me a question.

3 I'm going to answer your question, Councilmember.

4 COUNCILMEMBER CABÁN: Well, I would like my-- my
5 question answered.

6 COMMISSIONER SEWELL: That's what I'm going to do
7 if you will allow me to answer the question.

8 So the reality of it is, these cases have to be
9 reviewed. There has to be fairness in the
10 administration of discipline. We cannot determine
11 what discipline will be administered if we do not
12 have the amount of time necessary to give them the
13 thorough that review that they deserve.

14 COUNCILMEMBER CABÁN: Again, so you had three
15 months to do.

16 COMMISSIONER SEWELL: Three months.

17 COUNCILMEMBER CABÁN: It did not get-- get done.
18 In some of those cases the statute of limitations had
19 not passed. So you could have imposed-- imposed
20 discipline.

21 COMMISSIONER SEWELL: I do not impose discipline
22 without reviewing the case.

23 DEPUTY COMMISSIONER LITWIN: And it is
24 inaccurate. There were not three months on those
25 cases.

2 COUNCILMEMBER CABÁN: For some of them.

3 DEPUTY COMMISSIONER LITWIN: 30 business days,
4 from the time that we received CCRB's investigative
5 file. That is the cutoff.

6 COUNCILMEMBER CABÁN: And is the average three
7 weeks, usually, that you process these?

8 DEPUTY COMMISSIONER LITWIN: Is the average three
9 weeks that it takes to process the cases? Absolutely
10 not.

11 COMMISSIONER SEWELL: No.

12 DEPUTY COMMISSIONER LITWIN: It takes-- It takes
13 months for us to process the cases. We've expedited
14 the process to intake cases that have more than 30
15 days prior to the expiration date of the statute of
16 limitations. And that's business days from the date
17 we received the investigative file from the CCRB.

18 COUNCILMEMBER CABÁN: So on many of these cases,
19 the statute of limitations has not actually passed,
20 and there is still an opportunity for you,
21 Commissioner, to impose discipline in those cases.

22 DEPUTY COMMISSIONER LITWIN: So you've asked the
23 same question multiple times. Some of the cases the
24 statute of limitations has passed--

2 COUNCILMEMBER CABÁN: I've actually adjusted my
3 question. It's not the exact same question.

4 DEPUTY COMMISSIONER LITWIN: --others did not
5 pass. And when the flow of cases is in the hundreds,
6 and you know, this is one small sample of the cases,
7 if we go back to 2019, 83% of CCRB's cases arrived at
8 the department with more than 90 days left to process
9 the cases. In 2020, it became 63%. In 2021, only
10 12% of all of CCRB's cases arrive to the department
11 with more than 90 days to process the case, and 73%--

12 COUNCILMEMBER CABÁN: Even if we accept that
13 every--

14 DEPUTY COMMISSIONER LITWIN: 73% of the cases
15 arrived with less than 45 days to process. And in
16 2022, only, again, 2% of the cases, 2% of the cases
17 in that year arrived to the department with less than
18 90 days-- with, excuse me, more than 90 days in order
19 to process the cases. It is something that is not
20 sustainable. And it is something that we have been
21 in conversation with the CCRB about to resolve these
22 issues. It is incredibly unfortunate. We take
23 discipline very seriously. But there is a process
24 the department has. It is not only a CCRB process
25 where they can get us the cases a day before the

2 statute of limitations expires. And actually one
3 day--

4 COUNCILMEMBER CABÁN: You are attesting that
5 you're getting cases the day before the statute of
6 limitations expired? When you when your Commissioner
7 just testified that actually-- and you all both
8 actually just testified that many of the cases, in
9 fact, are not beyond their statute of limitations. I
10 think that's a little bit disingenuous.

11 DEPUTY COMMISSIONER LITWIN: It isn't. We do get
12 cases with one day left.

13 COUNCILMEMBER CABÁN: I will say-- I will say to
14 the record, I know that I'm out of time--

15 DEPUTY COMMISSIONER LITWIN: We do actually, it's
16 a fact.

17 COUNCILMEMBER CABÁN: -- is that even if we
18 accept the answers that you just gave, as-- as
19 testimony here today, when the earlier testimony--
20 even if we accept what you said is true. The earlier
21 testimony given that you have only departed 70 times
22 and complied 80% of the time, that could not be true.

23 DEPUTY COMMISSIONER LITWIN: It is true.

24 COMMISSIONER SEWELL: It is true.

2 DEPUTY COMMISSIONER LITWIN: It's a fact. It's a
3 fact. Cases that are being declined because we are
4 unable to process them due to CCRB's inefficiencies
5 and their own internal process is not an evaluation,
6 and inability to impose appropriate discipline.

7 COUNSEL: Okay. Stevens is good. So we can wrap
8 up here.

9 CHAIRPERSON HANKS: Okay, once again, thank you.
10 I thank my colleagues for their incredible questions.
11 I thank the NYPD department, Commissioner Sewell, for
12 your answers and joining us today. Thank you so
13 much.

14 COMMISSIONER SEWELL: Thank you.

15 CHAIRPERSON HANKS: And we will take a five
16 minute recess.

17 UNKNOWN SPEAKER: Why don't you stick around for
18 the citizens testimony? You didn't come on 3/1. You
19 might want to stick around today, but I doubt it.

20 [19 MINUTES SILENCE]

21 SERGEANT AT ARMS: Good afternoon at this time we
22 are ready to pick back up if ever we can please find
23 their seats. Thank you

24 CHAIRPERSON HANKS: Good afternoon. So, next we
25 will be hearing from CCRB the fiscal 2024 budget is

2 22 point 4 million, most significantly for the CCRB
3 is ensuring they have enough resources to effectively
4 investigate the hundreds of complaints they receive
5 each month. They must be an effective check on the
6 police department and we commend them for their work,
7 through the challenges of investigating complaints
8 to-- to their expanded oversight in racial profiling
9 and bias-based policing.

10 I look forward to hearing about the developments
11 and your budget, your outlook for the next year and
12 about your recommendations on how to improve police
13 oversight. Thank you to the CCRB Interim Chair, Arva
14 Rice, and the Executive Director, Jonathan Darche, as
15 well as your staff for being here today. Thank you
16 so much.

17 COUNSEL: Great. Before you begin, can you just
18 repeat after me? Affirm-- That you confirm to tell
19 the truth, the whole truth, nothing but the truth and
20 answer honestly to Councilmember questions?

21 ALL: I do.

22 COUNSEL: Great. Go ahead. Thank you.

23 CHAIRPERSON HANKS: Can you put on your
24 microphone? There you go. Red means go.

1 COMMITTEE ON PUBLIC SAFETY 180

2 CHAIRPERSON RICE: Thank you. Chairperson Hanks,
3 members of the Public Safety Committee. Thank you
4 for the opportunity to appear before you again today.
5 I am Arva Rice. I use she/her pronouns. And I am
6 the Interim Chair of the Civilian Complaint Review
7 Board, the CCRB. I am joined by the CCRB's Executive
8 Director, Jonathan Darche.

9 I have been proud to lead this agency for over a
10 year now and have witnessed firsthand the exceptional
11 level of work being produced by our small team. He
12 and I are here today to explain that in order to
13 adequately do its work, the historic underfunding of
14 the CCRB needs to be corrected.

15 Currently, the CCRB's current budget is
16 \$23,548,261, of which \$18,952,568 is allocated to our
17 personnel services, or PS budget.

18 Our current headcount is 259 individuals, and the
19 proposed budget for FY 24 would cut the CCRB's budget
20 to \$22,412,497, almost all of which is coming from
21 the agency's PS budget.

22 If the proposed budget is enacted, our headcount
23 will fall to 237 positions. While this number
24 comports with the minimum funding level established

25

2 in the city charter, it does not allow the CCRB to
3 function properly.

4 Our current full-time equivalent headcount is 223
5 positions, but costs \$17,990,968. That number does
6 not include compensation for board members or
7 overtime.

8 When the proposed budget reduced our headcount to
9 22 positions, it also cut \$930,000 from our budget,
10 leaving the CCRB with a proposed FY 24 PS budget of
11 \$18,022,126, to pay for a roster of \$17,990,968.
12 That would leave the CCRB with \$31,157 to pay board
13 members and overtime. Investigative overtime is
14 consistently more than \$200,000.

15 Under prior administrations when the Council
16 added positions to the CCRB's headcount, those
17 positions were funded at the lowest possible salary.
18 In addition, prior budgets did not account for
19 promotions given to investigators. That is why the
20 total compensation owed to CCRB staff exceeds the
21 amount budgeted per position. That is also why there
22 was often a difference between the number of
23 positions filled at the CCRB and the number of
24 positions in our allotted headcount.

2 Furthermore, these cuts deny the important part
3 that civilian oversight plays in public safety. For
4 people to trust in the police, they must have faith
5 that there is a system that holds police officers
6 responsible for misconduct.

7 The CCRB is the independent civilian voice in the
8 police disciplinary system, and failing to adequately
9 fund the CCRB shortchanges public safety in the city.
10 We are calling for the City to increase the CCRB's
11 budget to \$30,421,570, of which \$24,534,199 would be
12 PS, and to increase the CCRB's authorized headcount
13 to 315 positions.

14 The CCRB was established in its current form 30
15 years ago. Since then, it has grown in power and
16 size and this Council has been instrumental in
17 enacting some of the most meaningful changes in the
18 CCRB's jurisdiction.

19 In 2021, this Council passed a bill giving the
20 CCRB the power to investigate racial profiling and
21 bias-based policing. In 2020, the City Council even
22 passed a resolution calling on Albany to give us
23 final disciplinary authority in the complaints that
24 are substantiated by the Board.

2 The Board consists of 15 members appointed by the
3 Mayor, the City Council, and the Public Advocate.
4 Having members appointed by such a diverse group
5 avoids having one interest group, including the
6 unions that represent members of the Police
7 Department, dominate the Board, no matter who is the
8 mayor.

9 The CCRB also voted internally to change the
10 rules that define our jurisdiction. In 2021, we
11 voted to begin investigating untruthful statements
12 and sexual misconduct as abuses of authority.

13 In 2022, we voted to implement the charter
14 changes regarding profiling and bias-based policing
15 and investigate body worn camera misuse as an abuse
16 of authority. These challenges are all steps towards
17 improving accountability in New York City and
18 ensuring all police misconduct is addressed. Yet
19 with these expanded powers, some of which are
20 charter-mandated responsibilities, comes the need for
21 more budget and staff.

22 In 2021 and 22, we investigated 139 allegations
23 of untruthful statements. Additionally, the agency
24 received 160 allegations of sexual misconduct during

2 that time. Since October, we've investigated 153
3 allegations of body-worn camera misuse.

4 Currently, the agency has 154 Open investigations
5 into racial profiling, or bias-based policing.

6 When this Council passed the bill giving us the
7 power to investigate racial profiling and bias-based
8 policing, the Council also agreed that a dedicated
9 team would need to be created for those
10 investigations. The CCRB's testimony before the
11 council regarding the bill explained the agency would
12 need a team of 50 investigators, attorneys, and data
13 scientists to conduct this work properly.

14 The FY 2020 budget funded a new unit for these
15 investigations with 33 positions. Today's staffing
16 levels allow for 13 people.

17 In the last few years, we've faced the highest
18 volume of the most complicated cases that have come
19 through the agency, largely stemming from the 2020
20 protest. In the first 48 hours of the protest,
21 hundreds of complaints streamed in. The agency spent
22 the next two years doing its utmost to complete these
23 cases along with the nearly 7000 other cases that
24 came into the agency. Investigation timelines
25 expanded making the process longer and less efficient

2 for all parties involved. Officers and civilians
3 alike benefit from a quick process.

4 Shortening investigation timelines has been a
5 priority for the agency since 2020, and the length of
6 time decrease decreased by 17% from the first half of
7 2022 to the second half of 2022. We are working hard
8 to continue this trend. Part of the reason for the
9 longer timelines is the increase in body worn camera
10 footage. 48% of cases in 2022 included some form of
11 body worn camera footage, compared with 29% in 2021.

12 In 2020, body-worn camera footage requests were
13 taking months to be fulfilled and often needed to be
14 re-requested. We have worked closely with NYPD to
15 improve the request and fulfillment process for body-
16 worn camera footage. And the turnaround for a
17 request is now down to seven days. At its worst the
18 backlog was 1012 at the end of the 2020 fiscal year,
19 and today it is at 137. This was achieved working
20 closely with the NYPD and by creating an internal
21 team dedicated solely to the management and tracking
22 of these requests.

23 A few weeks ago the City Council introduced a
24 bill that would give us direct access to body-worn
25 camera footage. This would be revolutionary to the

2 efficiency of our investigations and agency as a
3 whole. Investigators who have the most detailed
4 understanding of what footage they're looking for
5 should be the ones to search for the video they need.

6 It should be noted that although the CCRB's
7 review of body-worn camera footage is time consuming,
8 it is extremely important and allowing us to
9 determine what happened especially because of the
10 software investigated our investigators use to
11 analyze body-worn camera footage.

12 The ability of the CCRB to continue to license
13 the software and train investigators to use the
14 software will be severely limited by the proposed cut
15 of \$200,000 from the agencies other-than-personal
16 services or OTPS budget.

17 Other cities such as Chicago and Washington DC
18 have already given direct access to their oversight
19 bodies. Relying on the police department for all
20 documents and BWC footage necessary to completing our
21 investigations compromises our independence. We are
22 supposed to be a completely independent entity from
23 the NYPD. Yet we are dependent on them for access to
24 any paperwork, transcripts, evidence, and footage.
25 With direct access into investigations, and the

2 agency as a whole would be more efficient with its
3 time and resources.

4 We appreciate the City Council taking this issue
5 on and in the meantime, we will continue to advocate
6 for direct access to all NYPD evidence.

7 Another form of legislation that would speed up
8 our investigation is a bill that would exempt the
9 CCRB from sealing statutes.

10 The CCRB currently does not have a legal right to
11 sealed records, even if the sealed record contains
12 evidence of police misconduct. Just this month, we
13 were granted access to a sealed case after waiting a
14 year and a half for a judge to make a decision. Even
15 though the decision has been issued, union attorneys
16 filed an appeal causing further delays.

17 While we appreciate the judge's ruling, this
18 should not happen on a case-by-case basis. The CCRB
19 should have direct access to the evidence it needs to
20 determine or rule out possible police misconduct in
21 an incident. Administrative delays like these are
22 harmful to both the civilians and officers involved.

23 The agency's Investigations Division currently
24 has 15 squads of investigators to handle non-
25 profiling cases. In order to adequately and rapidly

2 investigate the growing number of non-profiling
3 cases, the CCRB needs an additional two squads of
4 investigators. In addition, the agency needs to
5 attract and retain experienced investigators. Not
6 every investigator who the agency employs can be a
7 level one investigator.

8 The APU has faced a significant jump in the
9 number of cases since the implementation of the
10 NYPD's disciplinary matrix. The APU takes on all
11 substantiated cases that receive the highest level of
12 discipline, charges, and specifications.

13 Since the implementation of the matrix, the
14 number of cases that receive charges jumped from 8%
15 to 48%. This has increased the APU's workloads six
16 times over and left them with a backlog of hundreds
17 of cases. While OMB approved four new prosecutors
18 this fall, we need at least four more to keep up with
19 this increase workload.

20 The APU currently has one chief prosecutor, two
21 deputy chief prosecutors, and ten prosecutors. This
22 leaves the average prosecutor with a docket of 71
23 cases. This results in the delay in the resolution
24 of APU cases, which is harmful both to the victims of

2 misconduct and the members of service who commit
3 misconduct.

4 The CCRB regularly conducts its board meetings at
5 locations around the city, in an effort to hear from
6 people who might not be able to come downtown to make
7 their voices heard. One of the concerns regularly
8 voiced by community members who attend our board
9 meetings is that they and their families, friends,
10 and neighbors do not know what the CCRB does or that
11 it even exists.

12 The CCRB's outreach team has grown over the last
13 few years and implemented outstanding programs to
14 reach New Yorkers in all five boroughs. In 2022, the
15 outreach team conducted nearly 900 presentations to
16 help raise awareness of the agency, and inform New
17 Yorkers of the resources available to them and their
18 rights when interacting with police officers. The
19 outreach team is currently working with five outreach
20 coordinators to reach a city of more than 8 million
21 people.

22 This fiscal year the CCRB used \$100,000 in city
23 funds to provide public education on radio stations
24 and online to raise awareness about the CCRB. While
25 the city funded \$100,000 for the CCRB. To use for

1 COMMITTEE ON PUBLIC SAFETY 190

2 paid media in the next fiscal year, the proposed
3 budget eliminates \$200,000 In other OTPS funding that
4 would present the CCRB from giving its investigators
5 the training and software they need to do their jobs.

6 Under the proposed budget, the CCRB will use the
7 YMI funding to make up that deficit. In order to
8 properly inform civilians of their rights and
9 resources, the CCRB needs greater support from other
10 agencies and an expanded budget for more events and
11 promotions.

12 Another new resource that CCRB now offers is the
13 Civilian Assistance Unit, or the CAU. The CAU is
14 staffed by victims advocates, licensed social
15 workers, and trauma service professionals who provide
16 free and confidential assistance. They work
17 consistently to connect our most vulnerable civilians
18 with desperately needed city resources such as social
19 and psychological support services.

20 In 2022, the CAU made 2154 referrals, helping 200
21 victims seeking support. Yet this unit does not have
22 the staff to respond to the ever-increasing demands
23 as quickly as they would like to. Currently one
24 third of the staffing of the CAU is supported by
25 state funding which may expire in fiscal year 26.

2 In order to adequately support the most
3 vulnerable victims coming to the CCRB we need
4 additional headcount for this unit.

5 We have also made a specific effort to connect
6 with young New Yorkers. The agency is about to
7 launch its fifth class of the Youth Advisory Council.
8 The YAC is a group of young New Yorkers who engage
9 with the CCRB for a year to learn about city
10 government and share their experiences interacting
11 with officers. We also took part in the Summer Youth
12 Employment Program this year, hosting over a dozen
13 interns. Our SYEP interns work with our outreach
14 team to engage with the community and help lead a
15 collection of supplies for unhoused New Yorkers.

16 In the last two years the agency has also
17 undertaken a substantial transparency initiative. In
18 2021, we published a member of service database that
19 allows anyone to look up an officer's complaint
20 history. We have become routinely redacting and
21 publishing closing reports and NYPD disciplinary
22 decisions to ensure the public can examine the
23 agency's work, and the department's willingness to
24 follow CCRB recommendations.

2 Currently, the CCRB has three staff members
3 working full time to respond to the public's FOIL
4 request and data requests from state and federal
5 prosecutors. In order to keep the CCRB actions
6 visible to the public, the agency needs six
7 additional staff members.

8 The CCRB is expected to conduct oversight of the
9 largest police force in the United States. There are
10 over 34,000 members of the NYPD. Other cities such
11 as Chicago and Miami have their budget tied to their
12 local police department's budget. They are
13 guaranteed to maintain at least 1% of the budget of
14 the entity they are overseeing. If New York were to
15 adopt the same rule, the CCRB's projected budget for
16 fiscal year 24 would be over \$51 million, more than
17 double what the proposed budget is.

18 While we are often looked to as a national leader
19 and police oversight, we fall starkly behind when it
20 comes to direct access and budget. We continue to
21 look for ways to improve the disciplinary process and
22 expand our relationship with the public. But as our
23 powers and initiatives continue to grow, we need more
24 budget and headcount to fulfill our mandate.

25 Thank you.

2 Thank you so much, Speaker Adams, for joining us.

3 CHAIRPERSON HANKS: Thank you so much. I would
4 like to have speaker Adrienne Adams ask questions
5 first. Thank you.

6 SPEAKER ADAMS: Thank you, Madam Chair.

7 Likewise, Chair and Executive Director. Thank you
8 both for being here today. I don't know if you
9 listened to the NYPD's testimony early today, but I
10 think I'm just going to ask this question to you.
11 What do you make of the NYPD's assessment of
12 information coming to them very slowly. In other
13 words, and I'm paraphrasing, CCRB dragging their feet
14 when it comes to getting information to the NYPD in a
15 timely manner for them to conduct the work that they
16 are tasked to do.

17 CHAIRPERSON RICE: I will have our Executive
18 Director provide some of the facts and figures on
19 that process. But as I stated, we have shortened the
20 length of time that it takes for us to complete
21 investigations. As you know, during the-- the
22 protests, we had a record number of cases that came
23 before us. And so we had to-- to expedite-- expedite
24 those. There were also some issues in regards to the
25 police department itself getting us the information

2 in order for us to propose and to complete those--
3 those investigations. And that was part of the of
4 the story that they did not tell. But I did want to
5 be very clear in this-- in stating that the Civilian
6 Complaint Review Board is here to represent the needs
7 of our community members who feel like they have
8 negative interactions with-- with the police
9 department. We're not the enemy in this place. And
10 so we want to make sure that the work that we do is
11 positive, and that we continue to have a positive
12 relationship and move forward with the police
13 department.

14 SPEAKER ADAMS: Thank you. It was reported that
15 Commissioner Sewell has rejected more than half of
16 the disciplinary recommendations made by the CCRB for
17 officers who've engaged in police misconduct,
18 including use of force and abuse of authority. I
19 would just like to know your thoughts on that,
20 whether or not you feel that that assessment is
21 correct or not.

22 MR. DARCHE: That's correct. That is a correct
23 assessment.

24 SPEAKER ADAMS: It is a correct assessment. NYPD
25 ties that, along with what we just said, as far as

2 the two entities going hand in hand, I guess, in
3 working together, but as we hear today, there are
4 definitely discrepancies and in the manner that this
5 work is being conducted, and the way that the
6 information is coming down the pike.

7 I want to take a look at--

8 MR. DARCHE: Madam Speaker, I was wondering if I
9 could go back to your initial question.

10 SPEAKER ADAMS: Please.

11 MR. DARCHE: So I think it's important that we
12 have some context about why CCRB investigations were
13 taking longer, especially in 2020.

14 When the pandemic started, the CCRB tried to
15 transition to remote work. And we set up a system to
16 remotely interview members of service. The members
17 of service and the police unions did not want to
18 cooperate with that process. It took many months for
19 us to get the members of service to participate in
20 those remote interviews. That caused a significant
21 delay in many of our investigations.

22 In addition, as you heard in the Chair's
23 testimony, in June 2020, there were over 1000
24 Outstanding Requests for body-worn camera footage.
25 This led to cases being extremely delayed because we

2 were unable to complete our investigations. Because
3 not only do you need to get the body-worn camera
4 footage, which is often extremely valuable when
5 you're assessing what happened in an incident, but
6 you need to analyze that footage. That requires
7 members of the CCRB, our investigators, often
8 reviewing frame-by-frame, the body-worn camera
9 footage, which was denied to us because of the
10 backlog.

11 While the NYPD has cleared that backlog -- as the
12 Chair said, there are like 130 cases where we are
13 waiting back for body-worn camera footage -- that
14 impact is still felt throughout the pipeline of our
15 investigations.

16 We knew this was going to be an issue. We met
17 with NYPD many times trying to figure out solutions.
18 The CCRB offered to give them the closing reports
19 that had been prepared before the cases were voted so
20 they can have an opportunity to review the cases
21 before the SOL expired, and they felt-- You know, I
22 don't want to characterize why they didn't want to do
23 it. But they felt that-- They did not choose that
24 option.

2 The NYPD has its own process for analyzing CCRB
3 cases. They put our cases through three levels of
4 review. The department advocate reviews the cases,
5 often from scratch. The First Deputy Commissioner's
6 Office reviews our cases, it seems to me from-- from
7 scratch as well. And then the Police Commissioner
8 and her team review our cases. So it is-- There was
9 never a-- There was-- Despite our efforts to try and
10 reach an accommodation into some way to have the
11 process start earlier for them to review the cases,
12 our efforts were not responded to positively. And so
13 we kept going with our cases. But we were not going
14 to NOT investigate these cases and make
15 determinations based as the facts lead the Board.

16 And I think it's important to note that many of
17 the cases with-- where the investigation time went
18 long, but the CCRB still substantiated misconduct,
19 there would have been an exception to the statute of
20 limitations. Under civil service law section 75,
21 there is an exception to the statute of limitations
22 in disciplinary cases when the conduct that was
23 committed could be charged as a crime.

24 And so many of the cases where the CCRB found
25 that there was excessive force used, or found that

2 there was an improper entry, the crime exception can
3 apply to those cases. And therefore there was no
4 hurry for the department to not reach a final
5 determination. All they have to do is serve the
6 member of service.

7 And it should be noted that in hundreds of these
8 cases, the department made a determination not to
9 review them at all. They could have reviewed the
10 cases and said, "Well, we don't want to issue formal
11 discipline here. We can-- We see that this officer
12 needs training," and have the officer undergo further
13 training. But the department refused that. They
14 decided to just not look at the hundreds of cases
15 where this agency found misconduct occurred and not
16 take any further action.

17 SPEAKER ADAMS: Okay. It sounds like there's a
18 lot of bureaucracy within bureaucracy that's keeping
19 us from doing the right thing and getting our work
20 done.

21 Executive Director you were with us last session
22 when we worked on this-- this document, this
23 disciplinary matrix that I brought to the NYPD's
24 attention earlier this morning, which is a
25 combination of Local Law 69 of 2020. As a former

2 Public Safety Chair of the City Council, many of the
3 bills that you have-- well, some of the bills that
4 have been noted here today, and some of the bills
5 that have been noted in the press of late came out of
6 that committee, several of which were my own pieces
7 of legislation, of which I'm very proud of.

8 I read to the NYPD's hearing the letter that is
9 inserted into this document from the former Police
10 Commissioner Dermot Shea, in which he speaks about
11 the great work, and the great information, all of the
12 good work that is put inside of this disciplinary
13 matrix.

14 In reviewing some of the work of the NYPD, the
15 Council has noted that the NYPD has deviated from
16 this disciplinary matrix on numerous occasions.

17 In the CCRB's estimation, how often does the NYPD
18 deviate from the recommendations made based off of
19 their own disciplinary matrix?

20 MR. DARCHE: Madam Speaker, I think I'd have to
21 get back to you on that. And I'd also like to note
22 that there-- there is a new version of the matrix
23 from 2021 where Police Commissioner Sewell's letter
24 is now the-- what's on the website. If you go to
25 NYPD--

1 COMMITTEE ON PUBLIC SAFETY 200

2 SPEAKER ADAMS: I will.

3 MR. DARCHE: --it's her-- it's her matrix now.

4 SPEAKER ADAMS: Okay. I will definitely check
5 that out. That said, and I'm glad that you mentioned
6 that, do you believe that there should be further
7 changes then to the disciplinary matrix to more
8 accurately reflect the actual, if any, disciplinary
9 actions taken by the NYPD?

10 CHAIRPERSON RICE: We do believe that there is
11 additional work that can be done on the disciplinary
12 matrix. And the members of our board have-- have
13 taken great notes that we've shared with the with the
14 staff around some of the recommendations that need
15 to-- the alterations and modifications that we think
16 that need to be made.

17 SPEAKER ADAMS: Can you give us some examples,
18 Chair Rice, of what those recommendations would be?

19 CHAIRPERSON RICE: I think some of the
20 recommendations are around the-- around the charges.
21 That if a person is found guilty of-- of a
22 discourteous word, maybe an example of the-- the
23 recommendation, there might be a difference in what
24 we think should be the penalty. So I think that
25 there's some-- some challenges around the penalties

2 that are there. And we also believe that there
3 should be some gradations as well in the penalties,
4 and so some of the things that-- that we've talked
5 about.

6 SPEAKER ADAMS: Jonathan, you look like you want
7 to add to that.

8 MR. DARCHE: So one of the specific areas that
9 we-- that staff spoke to the police department about
10 after consulting with the Board is in the area of
11 offensive language. There-- There are certain-- So
12 courtesy is just regular cursing or behaving
13 courteously, but offensive language is a
14 courtesy plus a protected class. So if you take
15 into account someone's race, gender, ethnicity,
16 religion, that is what gets you to offensive
17 language. It also includes gender expression, it
18 includes mental state-- mental illness, and housing
19 status. And so there are sometimes things that we
20 plead as offensive language that-- that might not
21 deserve the full penalty board members feel as-- as
22 using the N-word, for example.

23 And so we propose certain categories of offensive
24 language for the matrix, in the same way that now the
25 matrix has different rows for entries, because there

2 are different levels of-- in which entering a premise
3 is more or less egregious. Even though they're still
4 inappropriate, there are certain times where
5 offensive language might not be as egregious and
6 maybe more akin to a courtesy than it is to using
7 the N-word against someone in a malicious way.

8 SPEAKER ADAMS: Okay, thank you. I've just got a
9 couple of other questions, since you bring it to my
10 attention that there may or may not have been
11 revisions to the matrix. To your knowledge is
12 failure or refusal to provide name or shield number
13 still part of the disciplinary matrix?

14 CHAIRPERSON RICE: Yes.

15 MR. DARCHE: Yes.

16 SPEAKER ADAMS: Is failure or refusal to provide
17 Right to Know business cards still part of the
18 disciplinary matrix?

19 MR. DARCHE: Yes.

20 SPEAKER ADAMS: Is failure to comply with a Right
21 to Know Act regarding consent to search still a part
22 of the disciplinary matrix?

23 MR. DARCHE: I believe so.

24

25

2 SPEAKER ADAMS: Is interfering with the
3 recording-- or a recording device still a part of the
4 disciplinary matrix?

5 MR. DARCHE: Yes.

6 SPEAKER ADAMS: Is courtesy still part of the
7 disciplinary matrix.

8 MR. DARCHE: Yes

9 SPEAKER ADAMS: Is offensive language still a
10 part of the disciplinary matrix?

11 MR. DARCHE: Yes.

12 SPEAKER ADAMS: Okay, I'm going to stop there,
13 because those are the most complaints that I believe
14 are the most common complaints that are not followed
15 through, or not complied with, when it comes to the
16 NYPD, when-- when it comes to compliance with this
17 disciplinary matrix document. I am going to look
18 forward to those revisions coming from you, coming
19 from the NYPD, and everyone else including my
20 colleagues that has a part.

21 And-- And I do take this, as you know, it's-- I
22 take this document very personally. It took a lot of
23 blood, sweat, and tears to come up with this and to
24 see it, you know, basically, not adhered to in too
25 many-- too many cases, is extremely disturbing to

2 me. Thank you for your testimony. I might come back
3 for another round, Madam Chair.

4 CHAIRPERSON HANKS: Thank you, Madam Speaker.

5 Thank you so much. So I'm going to start my line of
6 questioning when-- with staffing and budgetary
7 requests.

8 Your budgeted headcount for the next year is 237
9 positions, but you have over 30 vacancies currently.
10 It's what you've testified. The charter requires you
11 to have at least 228 positions. So technically, with
12 respect to your active positions, this is not in
13 compliance with the City Charter of 0.65% of NYPD,
14 uniform headcount, which is 35,030.

15 Can you talk about the issues that you're having
16 with respect to hiring limitations from the
17 administration? Does OMB have your plan to hire for
18 more-- for your vacancies?

19 CHAIRPERSON RICE: I'm going to have our
20 Executive Director handle that.

21 MR. DARCHE: So the Office of Management and
22 Budget does have our plan for additional hires. It--
23 And for our new needs. The vacancy issue is
24 difficult for us to answer, because our vacancies,
25 many of them were not caused by people leaving the

2 CCRB. It was caused by the city expanding our
3 jurisdiction and adding an entire new unit to the
4 agency. And so when the city gave us that new unit,
5 especially spearheaded by this Council, the-- the we
6 were at that under a three-for-one hiring freeze.

7 But if it's a brand new unit, then there's no one
8 to leave from it to hire new people. And it made it
9 extremely difficult for us to staff up that unit.
10 And so it creates almost artificial vacancies in our
11 headcount, but also hid the fact that the off-- the
12 prior budgets, underfunded the agency to-- to pay the
13 people who are on our staff, because since those--
14 those additional heads were never going to be filled,
15 because of the hiring freeze. The additional money
16 that was given didn't have to be enough to pay for
17 everybody, because we were never going to hire all
18 those people anyway.

19 CHAIRPERSON HANKS: Thank you so much. And just
20 for the record, how can we help you fix this?

21 MR. DARCHE: So the-- the agency's new needs are
22 to have an agency with 315 people, which is an
23 increase-- it's an increase to almost 80 slots, and
24 we make our PS budget \$6,512,073. And our Other-

2 Than-Personnel Services new needs is a total of
3 \$1,497,000.

4 CHAIRPERSON HANKS: Okay. Thank you. So when is
5 your next class of investigators being hired? And if
6 so, and how many?

7 MR. DARCHE: So it's-- it's tough to know,
8 because of the uncertainty with the budget. We
9 would-- We would like to have a class this summer of
10 10 to 20 people. We have-- Just this this morning,
11 OMB approved a PAR for us to post for that position.

12 But if we don't have additional money in our
13 headcount. If the proposed budget is enacted, we
14 won't have a new class.

15 CHAIRPERSON HANKS: Right. Right. So what
16 positions have you submitted in your Request For Hire
17 that you've been-- been declining?

18 MR. DARCHE: We've asked for 4 investigative
19 managers, one to be assigned to the racial profiling
20 unit, 7 supervising investigators, 3 to go to the
21 racial profiling unit, 22 level three investigators
22 (most of those investigators will be on our staff
23 already, it just includes a path to promotion for
24 them, and then replacing them with level one
25 investigators), 20 level two investigators, 6 agency

2 attorneys, agency attorneys, 3 to go to the racial
3 profiling unit, 3 for our FOIL unit. We just had a
4 FOIL request come in a couple of weeks ago that we
5 had to say, "We will respond to in three years,"
6 because of how backed up we are in-- with our FOIL
7 requests.

8 We are looking for one additional trainer to be
9 on staff for our investigators, 2 people for the
10 Human Resources unit, one person for our policy unit,
11 2 document specialists for that unit that the Chair
12 mentioned, where we work to request documents in a
13 more efficient manner from the NYPD, 4 additional
14 prosecutors that the Chair mentioned for the
15 administrative prosecution unit, 11 outreach
16 coordinators, and 3 media services technicians, and
17 maybe a few other administrative positions. But
18 essentially, that's what we need to be able to do the
19 work that the City, this Council has asked us to do.

20 CHAIRPERSON HANKS: Thank you. So what is the
21 reason OMB had gave you for the-- for declining the
22 approval to hire?

23 MR. DARCHE: So I don't know that we get reasons
24 from OMB. We just keep asking. And then they keep
25 asking for further clarification, further

2 justifications. And then things don't get approved,
3 rather than them saying no. That's my understanding
4 of what's happening.

5 CHAIRPERSON HANKS: So you mean to tell me that
6 you're putting in four requests to hire, and OMB is
7 just simply not giving you a reason as to why you
8 cannot staff properly.

9 MR. DARCHE: So I think the Administration has
10 taken action to move things quicker, especially
11 recently. The agency was asked to appoint a
12 recruiting-- recruiting czar to help fill empty
13 positions. But as I said earlier, we don't have
14 right now the money to fill empty positions based on
15 the current budget. And then we also have these
16 outstanding needs that we need met in order to
17 properly do the job and investigate cases in a rapid
18 manner.

19 CHAIRPERSON HANKS: So what is your recruiting
20 process?

21 MR. DARCHE: So right now, the agency has a full-
22 time recruiter who goes to colleges, and meets-- and
23 meets with folks in student groups to try and make
24 them aware that the CCRB is hiring. We are focused
25 on CUNY and SUNY, but the recruiter actually goes all

2 over. And trying to bring in people, not just to be
3 investigators, but also prosecutors, and outreach
4 coordinators. And it's-- it's something that
5 recruiter works closely with our outreach team, so
6 that when our outreach team is going places and
7 meeting with folks, and telling them about the
8 agency, we also make them aware of the fact that the
9 agency is hiring, because it's very important to the-
10 - I know, to the Chair and to the Board, and to me
11 personally, that the agency reflect the city that we
12 represent. And we want people to feel that they're--
13 they're-- when they look at the Board, and when they
14 look at the people who they're talking to and
15 interacting with, that they're reflected back at
16 themselves.

17 CHAIRPERSON HANKS: 100%. Thank you so much.
18 That concludes my first line of questioning. You
19 could have Josh ask some of my colleagues if they
20 have--

21 COUNSEL: Yeah, for sure. First we'll hear from
22 Councilmember Cabán, followed by Councilmember
23 Holden. If any other councilmembers have questions,
24 let me know.

2 COUNCILMEMBER CABÁN: Thank you. Thank you for
3 your testimony. You already started answering some
4 of the questions that I had in response to Madam
5 Speaker's questions. But I want you to dive in a
6 little bit deeper here. You-- You heard the
7 exchange, the last exchange I had with the NYPD
8 panel; correct?

9 CHAIRPERSON RICE: Mm-hmm.

10 COUNCILMEMBER CABÁN: And so you've covered a
11 little bit already around sort of timeline and delay
12 tactics, and kind of bearing out some of the
13 inconsistencies or fallacies around the CCRB process,
14 but I'd love you to lean in a little bit more,
15 anything that you haven't covered in relation to the
16 300-plus cases, the statute of limitations, and just
17 bearing out anything that we missed or important
18 context or information that you think that we should
19 know.

20 CHAIRPERSON RICE: I will let our executive
21 director speak specifically about the 300 cases. But
22 I did want to say that there were basically four
23 things that were happening at the-- at the time, that
24 led to the delays, and there was only one that you
25 heard in the representation-- in the testimony from

2 the NYPD. The first that you heard about was the
3 increase in the volume of cases that we received
4 after the-- the protests that happened.

5 And so we-- we received at that time, a record
6 number of cases. And there's no acknowledgement by
7 the NYPD that we had a particularly specific time.
8 Also that happened during COVID. And so as our
9 executive director mentioned, we did ask for a change
10 in the way that the police department was able to--
11 to make their-- their testimony, and they refused to
12 do so. And so as a result, there was a delay because
13 of a-- of a policy that the NYPD decided not to
14 adhere to.

15 Then the third issue was the CCRB process itself.
16 And so we are always looking for ways in which to
17 improve that. But that is-- that is the third of the
18 of the three issues.

19 And then the fourth is the NYPD process, which
20 our executive director talked about, that's at three
21 levels, before they're able to approve what they had
22 agreed to in our disciplinary matrix.

23 So we look at the disciplinary matrix, we had a
24 memo-- memorandum of understanding that said once we
25 came to an agreement, that we would make those

2 recommendations based on that. That they would go to
3 the NYPD, and there will be a level of approval. But
4 instead, they go through another three levels of
5 approval. And so to me, there's four things that
6 are-- that are at issue. You heard about one in the
7 testimony.

8 COUNCILMEMBER CABÁN: And actually, I do have
9 some point-- Could I interject with some pointed
10 questions, and then I'll kind of let you go on.

11 One, I just have to comment that I think it's
12 interesting that not only are y'all not trusted to do
13 the job that you do, but that there are three levels
14 of de novo review while folks stay on the job, get
15 paid, and I can't imagine everyday New Yorkers
16 charged with a plethora of crimes -- many borne of
17 poverty, mental health, substance use, and the
18 failures of our government -- I don't think that they
19 are afforded three layers of de novo review on their
20 cases. And in fact, instead end up on Rikers Island
21 throughout that process. I just think that that
22 needs to be named.

23 But some of the direct questions I have, or more
24 pointed questions, is: We went back-- I went back
25 and forth with NYPD on statutes of limitations, but I

2 just want to get clarity on this. Statute of
3 limitations isn't a barrier; right? Like I know that
4 the statute is 18 months unless the offense can be
5 tied to an analogous penal code violation. But the
6 reality is is that no cases that get charges and
7 specs, but they usually are not, or don't have
8 analogous penal code charges, but that they could do
9 this even outside of the SOL. Is that correct?

10 CHAIRPERSON RICE: Mm-hmm.

11 MR. DARCHE: So if the NYPD wants to issue
12 training, it can do so, even past the expiration of
13 the SOL. If the NYPD is going to go through the
14 formal disciplinary process, it must serve a member
15 of service prior to the expiration of the statute of
16 limitations, unless there is-- the misconduct that is
17 alleged to have occurred, could be charged as a
18 crime.

19 COUNCILMEMBER CABÁN: And then you-- and then how
20 this works out also in practice, then, comes into
21 play, the sort of the delay tactics, or the things
22 that y'all experienced that kind of make it so that
23 it-- it eventually will get to them in time, the
24 statute of limitations is almost up; correct?

25 MR. DARCHE: Correct.

2 COUNCILMEMBER CABÁN: Okay. And now I will just
3 like-- I will leave it open for you if there are
4 things that we missed here, important information
5 that we should have.

6 MR. DARCHE: So with-- with regard to the dates,
7 like how long the department had. In 2022, there
8 were eight cases that they received, between three
9 and five days before the statute of limitations
10 expired. There were 16 cases they received between 6
11 and 10 days of the statute of limitations expiring.
12 There were 140 days-- 149 cases where they had
13 between 10 and 20 days. There were 69 cases where
14 they had between 20 and 30 days. There were 64 cases
15 where they had between 30 and 40 days. [BELL RINGS]
16 Those are all cases that they closed as being too
17 close to the statute of limitations. I know my time
18 ended, but there are--

19 COUNCILMEMBER CABÁN: No. Go ahead.

20 MR. DARCHE: There are-- There were 31 cases that
21 they closed as too close to the statute of
22 limitations, where they received it between 40 and 50
23 days of the statute of limitations. And there were 6
24 cases that they closed as being too close to the SOL,

2 where it was between 50 and 60 days of the statute of
3 limitations.

4 COUNCILMEMBER CABÁN: Thank you.

5 CHAIRPERSON RICE: And the only thing I wanted to
6 add to that is-- is all of those cases that were
7 presented had gone through the disciplinary process,
8 the disciplinary matrix in which we had agreed upon.

9 And so then at that point, when she-- when you
10 received-- when you heard testimony today saying
11 they're not able to get through that process, it was
12 an additional three levels of-- of process that they
13 want to go through, after we have gone through the
14 agreed upon process that the CCRB undertakes.

15 MR. DARCHE: And then with regard to concurrence
16 rates between the CCRB's recommendation and NYPD
17 discipline: So far in 2023, we have received
18 notification that the department has closed 114 cases
19 in which they have concurred. Those are complaints
20 against individual members of service, and they have
21 concurred with our recommendations and 41 of those
22 cases. That's a concurrence rate of 36%.

23 If you just look at whether they impose
24 discipline, out of the-- out of the 114 cases, they

2 imposed discipline in 43 cases. And that improves
3 the discipline rate to 38%.

4 COUNCILMEMBER CABÁN: Thank you. It's-- it's
5 really helpful information when-- and I'm wrapping
6 here, but I just appreciate the-- the clarity.

7 I think what I take away from this is that parts
8 of the testimony previously were mischaracterized,
9 disingenuous, deceiving, and that also a lot of this
10 bureaucracy exists specifically to shield officers
11 from any level of accountability when-- when they are
12 engaged in misconduct. And so thank you for your
13 testimony. Thank you for the information. Thank you
14 for the clarity.

15 COUNSEL: Thank you, Councilmember. Next, we'll
16 hear from Councilmember Holden, followed by
17 Councilmember Joseph.

18 COUNCILMEMBER HOLDEN: Thank you, Chair Rice, for
19 your testimony. Thank you both, actually. You were-
20 - your offices were working remotely in 20 and 21?

21 MR. DARCHE: Primarily, yes.

22 COUNCILMEMBER HOLDEN: Primarily, meaning? How
23 many? Was it 100%? Or was it 50% of your workers?

24 MR. DARCHE: It was probably 80% There were
25 always people who had to be in office to make sure--

2 COUNCILMEMBER HOLDEN: What about 22?

3 MR. DARCHE: The people who are in the office--
4 who are out of the office now have reasonable
5 accommodations, based on health.

6 COUNCILMEMBER HOLDEN: Based on health in 23?

7 MR. DARCHE: Yes.

8 COUNCILMEMBER HOLDEN: So what percentage of your
9 workers are working remotely now?

10 MR. DARCHE: I'd say like, 5% or 6%?

11 COUNCILMEMBER HOLDEN: 5% or 6%. What are the
12 some of the challenges that you faced during the
13 pandemic in working remotely, other than the union,
14 the police union, the PBA not approving that, or not
15 wanting their officers to do that?

16 What are-- I mean, obviously, you, you know,
17 working in an office, you can talk to other fellow
18 workers, you can you can communicate quicker, things
19 would happen faster if you were in the office.

20 MR. DARCHE: I'm a big believer in MS Teams,
21 Councilmember Holden, and I-- I kind of feel like,
22 once the system was up and running, and we had the
23 number of licenses to accommodate folks, that remote
24 work worked. But we have complied with the
25 requirements to bring people back.

2 COUNCILMEMBER HOLDEN: So there's-- there were no
3 disadvantages, no delays in working remotely with the
4 CCRB?

5 MR. DARCHE: Once-- Once the agency got the
6 system worked out, then there were no-- no--

7 COUNCILMEMBER HOLDEN: How long did that take?

8 MR. DARCHE: Probably six months, seven months.

9 COUNCILMEMBER HOLDEN: So the delays were also
10 due to the pandemic, obviously--

11 MR. DARCHE: Well--

12 COUNCILMEMBER HOLDEN: --and working remotely,
13 getting it set up.

14 MR. DARCHE: So I-- So I'm including-- If you're
15 including those delays, that is-- there were-- there
16 were issues with getting the-- That time period
17 includes having members of service consent to be
18 interviewed remotely. And so that was probably the
19 last piece of the puzzle.

20 COUNCILMEMBER HOLDEN: So that slowed everything
21 down too?

22 MR. DARCHE: Yes.

23 COUNCILMEMBER HOLDEN: All right. And so there
24 were a built-in problems with transferring over to

2 remote, remotely, but now you say you could you could
3 be 100% remote, and that would be fine.

4 MR. DARCHE: 100% is-- There-- There are some--
5 There are some--

6 COUNCILMEMBER HOLDEN: I'd like to share-- The
7 Chair was shaking her head. Do you have an answer
8 for that?

9 CHAIRPERSON RICE: Oh no. I was-- I was agreeing
10 with the Executive Director--

11 COUNCILMEMBER HOLDEN: You were agreeing. You
12 were shaking--

13 CHAIRPERSON RICE: --with the executive director
14 that 100% would be would be challenging, right?

15 COUNCILMEMBER HOLDEN: Okay.

16 CHAIRPERSON RICE: So that we need to have some
17 some members in the office.

18 COUNCILMEMBER HOLDEN: All right, but you could--
19 Let's say you were 90% remote, that would be okay?

20 MR. DARCHE: So the city has a policy, and we are
21 complying with that policy. But other-- other than--
22 other than that policy, there's no-- For what we do,
23 having-- having the remote office that we have set
24 up, there are really no barriers to--

2 COUNCILMEMBER HOLDEN: So what's the advantage of
3 working remotely? Can you get more work done?

4 MR. DARCHE: So there are some people who have
5 work situations and home situations where they need
6 an office, right? Like, where they can't work
7 remotely at all and be effective.

8 But for the people who can, then working remotely
9 is-- is better for them.

10 COUNCILMEMBER HOLDEN: So these-- The salaries
11 that-- Because I list-- you list 92 positions you
12 need, and I'm all for that, fulfilling that-- that
13 need. And the salaries: Are these are the current
14 salaries of-- or you would-- could you draw a more
15 qualified pool and have more people apply if we raise
16 these salaries?

17 MR. DARCHE: So I'm fairly certain those
18 salaries, especially for the union positions, are set
19 by contract.

20 COUNCILMEMBER HOLDEN: And so-- so it's not a
21 raise of people that are there in those positions to
22 get additional money. Yeah, that's not built into
23 the budget ask.

24 MR. DARCHE: Correct.

25 COUNCILMEMBER HOLDEN: Okay.

2 MR. DARCHE: So the-- In the-- So the exception
3 for that is for the level two and level three
4 investigators. Because if I was given authorization
5 to hire a level three investigator most likely, it
6 would be-- I was promoting a level two investigator.
7 And then-- And then--

8 COUNCILMEMBER HOLDEN: But if-- But just speeding
9 up, because I have only a few seconds left. But
10 just-- if we offered people more money to live in New
11 York City, you could draw a better pool of talent.
12 And so we wouldn't have many-- if we got approval for
13 these lines, we could draw people that could-- would
14 be more qualified, maybe, right? And that's goes--
15 That's kind of a basic situation, isn't it?

16 I mean, the higher the salary--

17 MR. DARCHE: I think higher salaries would make
18 retention, and hiring, and recruitment easier.

19 COUNCILMEMBER HOLDEN: Okay, just one question.
20 You have listed here \$45,000, a fleet facilities
21 coordinator? What does that person do?

22 I mean, just anybody.

23 MR. DARCHE: So-- So we have-- We have vehicles
24 at the CCRB for our operations unit and for our field
25 team. The fleet facilities coordinator would be in

1 COMMITTEE ON PUBLIC SAFETY 222

2 our operations team managing the cars, making sure
3 they were used properly, that they had come back to
4 the agency--

5 COUNCILMEMBER HOLDEN: And they make-- that's
6 \$45,000. That's higher than a police officer
7 starting salary in the city of New York.

8 MR. DARCHE: That person needs to be able to use
9 our-- the city's budgeting software.

10 COUNCILMEMBER HOLDEN: So do you think that a
11 police officer's starting salary should be more than
12 \$42,000? Anybody?

13 MR. DARCHE: Councilmember Holden, I-- I am not
14 going to give my personal opinion about--

15 COUNCILMEMBER HOLDEN: Why not? Could we draw a
16 better pool of-- of officers if we raise their
17 starting salary to say something liveable in New York
18 City? That's it. Just, you know, you don't have to
19 answer it or-- I mean, if--

20 CHAIRPERSON RICE: I'm not going to register an
21 opinion.

22 COUNCILMEMBER HOLDEN: You're not going to
23 register an opinion? You might draw a better
24 qualified officers with a higher salary. You're

25

2 going to-- You're not going to offer that opinion?

3 And you're the CCRB Chair?

4 CHAIRPERSON RICE: No. No, I'm not going to
5 register an opinion on that.

6 COUNCILMEMBER HOLDEN: Okay. Thank you. Thank
7 you.

8 CHAIRPERSON RICE: Yeah. What I'm going to
9 register an opinion on is the fact that once they
10 become a police officer that they interact with the
11 public in a way in which they do not have CCRB--

12 COUNCILMEMBER HOLDEN: Right. But all your
13 workers are-- all 92 additional should make more
14 than-- than the starting of a salary police officer.
15 Thank you, Chair.

16 COUNSEL: Next, we'll hear from Councilmember
17 Joseph.

18 COUNCILMEMBER JOSEPH: Thank you. Good
19 afternoon. Last time I was here brought, I up this
20 case again, but I couldn't get an answer. Hopefully
21 I can get something this time. This is in reference
22 to my Senator, Senator Zellnor Myrie. I'm going to
23 read a few things, and then I'm going to ask my
24 question.

2 "The judge ruled that the officer charged
3 with threatening to pepper spray Senator Myrie
4 was not guilty of any misconduct. He ruled
5 despite body camera evidence showing the officer
6 holding the pepper spray over his shoulder and
7 next to his head, it was a reasonable action.

8 The judge is the Deputy Commissioner of the
9 NYPD. How could this be an independent review
10 of abuse of power towards a civilian, if the
11 person tasked to do so as a member of the force
12 that is abusing its power in this situation?"

13 So do you think that having the Police
14 Commissioner of the NYPD having the final say on if
15 discipline should be issued allows the CCRB to fully
16 live up to its mission of serving accountability to
17 everyday people?

18 CHAIRPERSON RICE: No, I do not believe it does.

19 COUNCILMEMBER JOSEPH: So what can we do in that
20 situation, where accountability and responsibility
21 should be to different bodies, but yet you have the
22 same person who's abusing me-- That's just like I'm
23 in a relationship, and I'm the-- I'm being abused.
24 And then you're telling me, I should stay there and
25 this abuser gets to make decisions for me.

2 So talk to me a little bit about that.

3 CHAIRPERSON RICE: Sure. The CCRB has been very
4 consistent in our requests that-- that we have the
5 final authority when it comes to disciplinary
6 decision making. And we have never wavered from that
7 opinion. And we look forward to being able to work
8 in partnership with the City Council in order to make
9 that a reality.

10 COUNCILMEMBER JOSEPH: Yeah. How do we make it a
11 reality? Through legislation? What-- what's the
12 process? Talk to me about that.

13 MR. DARCHE: So the way it has been explained to
14 me is that the portions of the city charter that
15 would need to change were actually created by the
16 State when they first implemented a charter for the
17 City of New York. And so it would have to be through
18 state legislative action, whether it is to change the
19 law, or to change-- the State would need to change
20 the charter itself to take the final disciplinary
21 authority away from the Police Commissioner and would
22 also need to do that in a way that would not cause
23 the Taylor Act-- One of the complications that has
24 been explained to me by the law department is that is
25 right now, the union's of the police department

2 cannot grieve the disciplinary process, because the
3 disciplinary process is a sunset from the Taylor Act.
4 And if the charter were to be changed by the
5 legislature, it would also need to do so in a way
6 that would not then make the disciplinary process, as
7 created, subject to the Taylor Act.

8 COUNCILMEMBER JOSEPH: From what I understood,
9 the Senator has a bill in this in the Senate to
10 challenge this, and we would love to champion it here
11 on the council level.

12 CHAIRPERSON RICE: Thank you.

13 COUNCILMEMBER JOSEPH: Thank you.

14 CHAIRPERSON HANKS: Thank you so much for your
15 testimony today. We're ready to close out. Thank
16 you to my colleagues, and we're going to take a five
17 minute recess. Thank you.

18 [12.5 MINUTE SILENCE]

19 CHAIRPERSON HANKS: Good afternoon. Next we will
20 be hearing from the district attorneys and special
21 narcotics prosecutor. The fiscal 2024 preliminary
22 plan did not include major changes for our five
23 district attorneys and special narcotics prosecutors,
24 The fiscal 2024 budget of \$512 million.

25

2 I look forward to learning about your budget
3 needs, including funding to support reform, mandates
4 regarding discovery, and how the Council can promote
5 equitable funding to provide programming and services
6 throughout the city.

7 And I also want to mention today's prosecutors
8 play a greater role in our communities promoting
9 criminal justice reform efforts and diverting people
10 from incarceration and/or involvement in the justice
11 system around the city.

12 So I'd like to thank the NYC DA, Meg Reese.
13 She's here representing. Bronx County District
14 Attorney Darcel Clark, Queens District Attorney
15 Melinda Katz, Richmond District Attorney Michael
16 McMahon, special narcotics prosecutor Bridget G.
17 Brennan, Chief Assistant District Attorney for Kings
18 County, Nancy Hoppock, and all their additional staff
19 for being here today. I will bring-- bring it over
20 to Josh.

21 COUNSEL: Thank you Chair.

22 Before we begin testimony, can you just all just
23 affirm the following: That you affirm to tell the
24 truth, the whole truth and nothing but the truth and
25 answer honestly to Councilmember questions?

1 COMMITTEE ON PUBLIC SAFETY 228

2 ALL: I do.

3 COUNSEL: Thank you. And we can begin with Ms.
4 Clark.

5 DISTRICT ATTORNEY CLARK: Good afternoon, Public
6 Safety Committee Chair Kamillah Hanks and the
7 committee members of the public safety committee as
8 well as Finance Committee Chair Justin Brannan, and
9 committee members of the Finance Committee. And of
10 course, I like to have a shout out to the Bronx
11 delegation of which I see Councilmember Althea
12 Stevens here.

13 I am here in part as the Bronx District Attorney
14 to request resources to enable my office to keep the
15 people of the Bronx safe, to ensure justice for the
16 community, and to hold accountable with fairness and
17 integrity those who commit crime.

18 I will outline my funding needs to
19 address expanding discovery obligations, to enhance
20 victims assistance, to acquire new technology, and to
21 stem rising attrition. I will tell you we are losing
22 so many ADAs. We are seeing a rise in violent crime,
23 an increase in cases dismissed, and other reasons
24 that demonstrate why we desperately need funding.

25

2 But first I want to say I am also here as a
3 lifelong resident of the Bronx witnessing firsthand
4 the devastation brought about by insufficient
5 resources to my beloved borough. The Bronx has the
6 highest percentage of children living in poverty, the
7 highest rate of housing issues like overcrowding and
8 lack of affordability, the highest rate of
9 unemployment in the city, the most overdose deaths, a
10 low rate of obtaining a high school level education,
11 and we are ranked the least healthy of New York
12 State's 62 counties with high rates of asthma,
13 diabetes and hypertension. Our mental health is in a
14 state of crisis given the rise of mental health
15 related cases. Yet the Bronx still does not have a
16 stand alone mental health court.

17 These root causes of crime have grown into weeds
18 that are blotting out the light of hope and health in
19 our community. The precincts with the most violence
20 are the same ones with high violence back in the 80s,
21 which still suffer from the same lack of resources
22 today.

23 The Bronx has been neglected for a long time, but
24 now is the time to reverse course and take corrective
25 action. If we invest in people, we can reduce the

1 COMMITTEE ON PUBLIC SAFETY 230

2 population of those who need to be held accountable
3 for crime. I am pleading with you, our elected
4 officials to see the Bronx, to see what is happening
5 and to be inspired to act.

6 I am requesting a total of \$50.4 million for
7 personnel and crucial discovery technology. \$42.2
8 million is expensed funding for ADAs, paralegals,
9 information technology staff, and additional staff to
10 serve crime victims. A portion of this expense
11 request is for non-personnel discovery needs \$15.4
12 million represents the total fiscal year for 2023
13 through 2027 expense and capital funding requests for
14 crucial technology tied to discovery, which will need
15 expense support in the baseline.

16 Comprehensive details are provided in my written
17 submission. But in short, this funding is needed to
18 perform expanding discovery obligations, which has
19 extended the length of pretrial incarceration, leads
20 to technical dismissals, and play a major role in the
21 attrition of experienced prosecutors during a public
22 safety crisis.

23 We suffered 131 killings of people last year, 83
24 of them by gun violence. Six homicide victims were
25 16 years old or younger, including an 11-year-old

2 girl who was allegedly killed by a 15-year-old boy
3 who was aiming at a 13-year-old boy. We know there
4 are profound structural flaws to correct when we see
5 a child who was arrested at 13 for slashing, arrested
6 again at 14, 15, and 16 years old for gun possession,
7 and then the same child was shot dead. There were
8 opportunities to put that child on a path to success,
9 but he did not receive the necessary support.

10 My office recently convicted someone for killing
11 this child. That defendant is only 21 years old and
12 facing decades in prison.

13 We need resources to prevent the loss of both
14 lives.

15 We are losing a generation to violence.

16 Last year, there were 401 people wounded by
17 gunfire, 50 of them was 17 years old or younger. Or
18 New Year's Day 2022, we drafted 23 gun possession
19 cases. And by the close of 2022, there were a total
20 of 1,323 gun possession arrests in the Bronx. 31
21 kids 17 years and under were charged with either a
22 fatal or non-fatal shooting.

23 Throughout this rise in violence, we are
24 struggling to meet our discovery obligations and to
25 establish case readiness despite the challenges. The

2 short timeframe and expansive category of what is
3 discoverable -- thousands of documents from numerous
4 city agencies, hospitals, hours of body-worn camera
5 footage surveillance video, et cetera -- for even the
6 most straightforward case has proven to be an
7 unsustainable burden for our ADAs. The failure to
8 obtain a single document or body-worn camera video
9 may, under discovery and speedy trial laws, result in
10 a violent defendant's release from jail, the
11 preclusion of vital evidence, or even a dismissal of
12 all charges.

13 For example, in an attempted murder case caught
14 on video involving a man who fired shots point blank
15 at police officers responding to a robbery call in
16 broad daylight. The ADA turned over body-worn camera
17 videos from 28 police officers, 50,000 other video
18 files, and 238,000 pages of documents. He filed a
19 certificate of compliance.

20 Because the ADA was unable to provide 46 pieces
21 of material that we sought from NYPD and CCRB, but
22 did not yet receive it or have in our custody, the
23 judge invalidated our certificate of compliance. The
24 case is next on for compliance, April 11. And it is

2 possible it could be dismissed because of the speedy
3 trial laws.

4 Our dismissal rate for felony cases has risen 18%
5 Since 2019, resulting in half of the felony cases
6 being dismissed, and three quarters of our
7 misdemeanor cases are dismissed. Discovery was
8 reformed for all the right reasons: To provide
9 greater procedural justice and greater access to
10 information for an intelligent defense. However, in
11 2022, we saw a step back in procedural justice since
12 it took 487 days, which was 140 days longer for the
13 average trial-ready felony case to resolve than it
14 did in 2019, and an extra 43 days for trial ready
15 misdemeanor case to resolve for a length of 141 days.

16 Another collateral impact of the expanded
17 discovery obligation is reflected in attrition. In
18 fiscal year 2022 (that is from July 2021 to June
19 2022) we lost 152 attorneys. Since July 2022, 79
20 Assistant District Attorneys have separated from our
21 office. High levels of attrition prevent the office
22 from carrying out vertical prosecution, which is
23 where one ADA sees the case through from the
24 complaint room through disposition. But cases are
25 handed off multiple times when ADAs leave the office.

2 As a result, caseload have increased. In our
3 homicide bureau, for example, the ADAs each have an
4 average of 31 cases, up from 20 from 2019. They are
5 at crime scenes at night. They are on trial during
6 the day for weeks at a time, but still they remain
7 resolute. They resolved 74 cases last year. 18 were
8 convictions after trial and 51 were pleas.

9 Domestic violence crimes were up 21% last year.
10 The Bronx suffers the highest domestic violence rate
11 in the city per capita. In 2022 we handled more than
12 3500 domestic violence cases. The Early Victim
13 Engagement Program, which is called EVE aims to make
14 initial contact with a DV victim within 24 hours
15 after a defendant's arraignment. Because the program
16 is understaffed, they can't make that vital
17 connection for about two days. To keep our promise
18 to victims of DV that we are here for them, and will
19 provide wraparound services that save lives, we are
20 asking for baseline funds to hire additional liaisons
21 and DV advocates.

22 Last but not least, another paramount request is
23 our need for a fast, accessible, digital system
24 capable of managing the tidal wave of discovery
25 material. After an exhaustive search and thorough

2 review of proposals by various vendors, we believe
3 that the NICE system offers the best option. Other
4 New York City DA offices have agreed to use the NICE
5 system and the company has a considerable history
6 with the city's criminal justice system. It has the
7 capacity to create a citywide solution to the
8 burgeoning technology crisis that we face.

9 \$15.4 million is the negotiated total expense and
10 capital costs for the Bronx for the NICE system as
11 well as other critical technology to support it. I
12 cannot emphasize how critical this funding is. The
13 technology will provide seamless access to documents,
14 videos, and other materials necessary for discovery.

15 NICE creates simple portals to move this
16 discovery through our systems, which substantially
17 cuts the time it takes to provide this information to
18 the defense and the court. I believe it will
19 transform my office's ability to continue pursuing
20 justice with integrity.

21 I implore you to fund this system and avoid the
22 devastating results we have seen in our criminal
23 justice system.

24 I appreciate the opportunity to speak with you
25 today. I know I have put forth a lot of statistics

1 COMMITTEE ON PUBLIC SAFETY 236

2 and significant numbers for your consideration. And
3 my written submission has even more. But please bear
4 in mind when you are deciding our funding requests,
5 these numbers represent an investment in the lives of
6 our people, of our community, and our ability to
7 provide safety and fairness. Please act now to save
8 the Bronx from further desperation, despair, and
9 decay. Thank you very much.

10 CHAIRPERSON HANKS: Thank you very much. DA of
11 Richmond County, Mike McMahon. It's good to see you,
12 brother.

13 DISTRICT ATTORNEY MCMAHON: Thank you, Madam
14 Chairwoman. As a fellow Staten Islander I want to
15 say how proud we are to see our North Shore
16 Councilwoman Chairing the Public Service Committee
17 here at the New York City Council, and I thank you
18 and your staff as well as Councilmembers Bottcher,
19 Joseph, Stevens, Ariola, and Holden, for putting the
20 time in to listen to the important concerns that we
21 district attorneys have. And as someone who's sat in
22 that chair a long time ago, this hearing process is
23 indeed very important. And so we thank you for
24 giving your time to us.

25

2 And I'm also honored to sit here with my
3 incredible colleagues, the incredible Darcel Clark,
4 and incredible DA Katz, and incredible Special
5 Narcotics Prosecutor, Bridget Brennan, and the
6 leaders from the Brooklyn and Manhattan offices as
7 well, representing the great DAs Gonzalez and Bragg.

8 As they say, it's a privilege and honor to be
9 here with you today. And I hope you and your
10 families are well and safe, and we look forward to
11 continuing our work together to improve the criminal
12 justice system in line with our shared goal of better
13 protecting and serving the people of the City of New
14 York, and in my case, the people of Staten Island,
15 with COVID-19 finally in the rearview mirror,
16 hopefully, I am optimistic that our city is on the
17 rebound. However, I, and you'll hear from my
18 colleagues at this table, we're deeply concerned that
19 the public safety challenges facing all five
20 boroughs, and particularly those unique to Staten
21 Island, are not being addressed with the seriousness,
22 urgency, and outside-the-box thinking to restore
23 safety and a sense of security for all New Yorkers.
24 And while I am extremely proud of all the work we
25 have done in my office, together with our partners in

2 the NYPD, neighboring law enforcement agencies, and
3 communities across the borough, the simple fact is
4 that we need more police officers, more assistant
5 district attorneys, and more support for those of us
6 charged with the essential mission of government:
7 Keeping people safe.

8 This need is especially acute as I sit before you
9 today, because while the other four boroughs have
10 seen a reduction in crime during the first few months
11 of this year -- and I no way say anything about the
12 incredible testimony that they give and the issues
13 that they face. But Staten Island has not been as
14 fortunate. Grand larcenies and grand larceny autos
15 continue to sit at unacceptably high levels with
16 increases of 18% and 78% respectively from 2021 to
17 2022. And Staten Islanders from shore to shore are
18 feeling and experiencing an unease they have not felt
19 before. Cars are being stolen in broad daylight, and
20 rummaged through as people sleep. Homes are being
21 monitored and sometimes broken into. Overdoses have
22 climbed to their highest ever numbers, due in large
23 part to the omnipresence of fentanyl in nearly all
24 street drugs. Businesses are being burglarized
25 repeatedly. And our neighbors experiencing mental

2 illness are often found on our streets disrupting the
3 lives of others, and when they are apprehended. They
4 are brought to the hospital and released with their
5 needs being totally unmet.

6 With all of this happening on a daily basis, we
7 know that the NYPD is spread historically thin. And
8 cases remain open for far too long. And this leads
9 to incredible stress in their lives, increased
10 response times, and depleted patrols.

11 And this is not hyperbole. Staten Island today
12 has less NYPD uniformed personnel assigned to our
13 borough than we had in 1968, despite our population
14 more than doubling in that time.

15 We also remain seriously concerned by the
16 incidents of violence we are seeing among teenagers
17 and young people, who can often be difficult to hold
18 accountable due to their age and criminal reform laws
19 that prevent DAs offices from prosecuting many of
20 their cases. Further when incidents take place in
21 and around our schools, there are nowhere nearly
22 enough school safety officers and police officers to
23 maintain order and respond when necessary.

24 For example, Tottenville High School on Staten
25 Island's South Shore, which is home to nearly 4000

1 COMMITTEE ON PUBLIC SAFETY 240

2 students and was the location of a shooting earlier
3 this year where a student was injured, often has less
4 than four school safety officers patrolling its
5 sprawling campus.

6 We urge the council and the NYPD to revisit and
7 revise their juvenile report policy and the school
8 discipline code to restore accountability for acts of
9 violence committed by our young people before they
10 enter into the adult criminal justice system on their
11 18th birthday.

12 To be sure 20% of our gun possession cases
13 arrests are those between 14 and 17 years old since
14 2020, and shooters below the age of 18 have increased
15 on Staten Island in the last year by 500%.

16 And I, by no means, advocate that young people
17 who make bad choices should be incarcerated and have
18 their lives affected forever. But at the same time
19 without having accountability and positive outcomes.
20 We are harming them as well as the individuals who
21 they may go on to harm.

22 And despite these challenges and concerning
23 trends, we recognize and are rightfully proud of the
24 fact that Staten Island remains the safest community
25 of its size in the nation. We continue to increase

2 our offers of diversion, now offered to nearly 40% of
3 all defendants, and are constantly seeking better and
4 more effective ways to deliver justice to victims,
5 while simultaneously addressing the needs of
6 individual defendants.

7 We have filed more extreme-risk protection order
8 applications than any other DAs office in the state,
9 and we are proud that as of last month or
10 applications made up 65% of all those filed in New
11 York City within the last month. We are in constant
12 communication with communities from Tompkinsville to
13 Tottenville in our borough, about what priorities are
14 from law enforcement on Staten Island, and are always
15 developing new crime prevention strategies including
16 real time home security, video camera sharing with
17 the police department, successfully advocating for
18 license plate readers on our port authority
19 crossings, and leading initiatives to combat drug
20 abuse, domestic violence, school bullying, hate
21 crimes, and so much more.

22 As my office continues to work tirelessly to
23 combat these challenges, and many others underlying
24 drivers of crime, including substance abuse, mental
25 illness and domestic violence, our success depends on

2 us working together to make our city as safe as
3 possible. We have remained vigilant and consistent
4 in our dedication to the rule of law, the protection
5 of victims of crime, and the overall improvement of
6 public safety on Staten Island. But I must reiterate
7 in the possible strongest terms: We need your help.

8 With that said, I will focus the remainder of my
9 testimony on detailing our greatest challenges as
10 well as our priority budget needs for fiscal year
11 2024. You'll hear from my colleagues, as you've
12 heard already from DA Clark that we need to have
13 discovery demands fully funded. And in this vein, we
14 asked for a PS increase of \$6.75 million annually,
15 and an OTPS increase of \$885,000 annually.

16 Here's a shock: Albany foisted on the district
17 attorneys of this state an incredible added burden
18 of work to do and did not give us one dime to do it.
19 And therefore the men and women of our offices
20 continue to suffer from these demands, from the
21 burden of delivering these discovery requests or
22 obligations in an incredibly short period of time.
23 And at the same time, they are doing it with fear of
24 losing their licenses, and that adds to our
25 attrition.

2 Now, we are not alone in this request, as you
3 know, Madam Chairwoman. Recently, we, together with
4 the public defenders of New York City, sent a joint
5 letter to the Mayor and to the Governor asking them
6 to fund both sides of the-- of the aisle, if
7 you will, or of the situation, giving both the DAs
8 and the defenders extra money because they have added
9 obligations under this law as well.

10 We also need more attorneys to do this work. We
11 need eight additional ADAs in Staten Island. And the
12 number for that is \$925,000. And as DA Clark said,
13 we need increased technological infrastructure in the
14 city and in each office to meet the the demands of
15 the criminal justice system. And for us those
16 amounts are \$500,000 in OTPS and \$650,000 in PS
17 funding. We in Staten Island have a discovery system
18 in place, so we're not advocating for the
19 implementation of the NICE system. But we do need
20 money for, on the capital side, whether it's capital
21 or OTPS, for an expanded program that would allow us
22 to redact the information that we receive. And that
23 of course, is in our written request.

24 Here's the deal: We're all losing staff. We are
25 attritting ADAs at a rate that has never been seen in

2 the history of DAs' offices in the City and State of
3 New York because of the circumstances. And so we
4 join pretty equally with our colleagues in asking for
5 a 25% increase in salary for our staffs to do the
6 work that they have to do.

7 And it's important to note that the men and
8 women-- the attorneys in our office, the Assistant
9 District Attorneys have evening obligations, weekend
10 obligations, long days, trial readiness, actually
11 doing the trials, and they never are given any
12 overtime salary. In the rest of the city of New York
13 and on the public defender side, those attorneys
14 receive overtime. The assistant district attorneys
15 do not. So the base salary is all they get and the
16 salary increase is the only way that we can
17 compensate them somewhat fairly for the great work
18 that they do. And you know, in the city of New York,
19 that the students coming out of law schools, who go
20 to work for the-- the large law firms are making
21 \$215,000 a year, which by the way, is more than we
22 district attorneys make. But the starting salary for
23 most of our assistants is in the range of \$72 to
24 \$75,000, in that range. And that is not enough to
25 live in the city, to pay your rent, to pay your

2 school loans, when you are not allowed to earn any
3 other money either in overtime, or mostly in any
4 other position. And so it's time for the city of New
5 York to say that we need to have some level of quote
6 unquote "pay parity," and that is really something
7 that is urgent.

8 At the same time, we have a recruitment
9 challenge. It is very difficult to recruit young
10 attorneys for the same reason, because they can earn
11 more money in other locations. They are not under
12 the same pressure every day for the work that they
13 do, and this is something that we urge the City
14 Council to address.

15 I think I mentioned that the DAs salary has -- I
16 don't know if I have -- has not been increased in
17 eight years, and that creates a ceiling of pay not
18 only in our office, but in other offices in the-- I
19 think in the public defender's offices as well that
20 there, the top people and supervisors should be
21 entitled to pay increases as much as ours are as
22 well.

23 In addition to ADA issues, we have difficulty
24 holding on to support staff. We would like to have
25 at least a ratio of three paralegals per attorney.

2 We do not have that right now. And so we have a
3 request for \$385,000 in to do that. I had mentioned
4 the ERPO law and the-- Guess what. Another unfunded
5 mandate from Albany, where we were mandated to file
6 the ERPO motions without a penny to pay for the staff
7 to do it. Now, I believe-- I'm not challenging the
8 ERPO law, but how can you expect us to take on that
9 extra burden if they do not give us the salary to
10 hire the personnel to do it? And so we have a
11 request of \$300,000 to cover that as well.

12 Just a few more items: We started a program in
13 Staten Island called Ripples Of Hope, in partnership
14 with a local YMCA when a federal grant. We expect
15 that grant may not be renewed. And so we're asking
16 for funding of that. And that allows us to identify
17 families, where a family member is a victim of
18 substance use disorder, domestic violence, or other
19 issues. And we connect the families who have
20 suffered from those traumas to counseling from the
21 YMCA. And we hope that the city will duplicate that
22 program throughout, and also provide us the funding
23 to maintain it.

24 We'd like to know, as you know, Madam Chairwoman
25 establish a Community Justice Center in a physical

2 location in Staten Island. But in the meantime, we
3 are doing the work virtually. And so we've got a
4 request for funding of \$635,000 to expand the work of
5 CCI to do that in the meantime. And we request
6 funding for the study and maintenance and ultimate
7 building out of the building at 67 Targee Street.

8 We've got a request for funding to place mental
9 health screeners in the precincts in our borough, so
10 that we can more quickly in the legal process,
11 determine that someone's behavior is attributable to
12 a mental health disorder, and to get a problem-
13 solving approach to that. It's much easier, believe
14 it or not, in narcotics cases, because if someone is
15 arrested for narcotics possession, we know that they
16 most likely have a substance use disorder problem and
17 we can connect them with our HOPE program and other
18 similar modalities. It's not so easy with mental
19 health issues, and by having a mental health
20 screener, like we have a health screener in most-- at
21 least in central booking, we would like to initiate
22 their program on Staten Island.

23 You know, one of your favorite things and issue
24 near and dear to you is a clean community. And we
25 need more sanitation enforcement officers so that we

2 can go after illegal dumpers and chronic litters. We
3 need more cameras in our NYCHA and snug harbor
4 campus.

5 And we would like to Lastly, establish a mental
6 health diversion and connection center, similar to
7 what they have in Manhattan, so that when the police
8 get a call for someone who suffers from extreme
9 emotional distress, that rather than being taken to
10 an emergency room and released without any
11 significant connection to services, that they could
12 take them to a place where their immediate crisis
13 could be addressed, and where they could be connected
14 to those services.

15 We've heard for a long time about these combined
16 response teams. I think that's a lot of pie in the
17 sky. I've never seen one on Staten Island. And so
18 as usual, the people of Staten Island are willing to
19 roll up their sleeves and take on the issue
20 themselves.

21 I thank you for your time and we look forward to
22 answering any questions upon the completion of the
23 testimony. Thank you.

24 CHAIRPERSON HANKS: Thank you DA McMahon. I
25 appreciate the great work you're doing in Staten

2 Island, and definitely being my partner as we advance
3 public safety in Richmond County. So I appreciate
4 your testimony.

5 Next, we will have DA Melinda Katz.

6 DISTRICT ATTORNEY KATZ: Thank you, Madam Chair.
7 It's good to be home. It's good to be back in the
8 council chambers. I do want to acknowledge our
9 Queens representatives, Councilman Bob Holden and
10 Joann Ariola. We-- You know, we believe Queens is an
11 attitude. And we bring that to everything we do, the
12 strength and the power in which we advocate for our
13 borough. And I want to thank you, Madam Chair, as DA
14 McMahon, former Councilmember McMahon, with me --
15 actually, we served together -- said, we know it's
16 not easy to sit here day in and day out with a lot of
17 the hearings that you have.

18 But-- And today, the finance hearings are
19 particularly lengthy and very detailed. So thank you
20 for doing that to all of you that are sitting here
21 today.

22 You know, I bring with you-- I gave you
23 testimony. I don't have the fancy books that the
24 other boroughs have, but I gave testimony. And so
25 that's very detailed in the needs of the office.

2 I do want to acknowledge that I took over this
3 office after someone who had served for 28 years in
4 the District Attorney's Office and the budget
5 increased very little during that time, and the
6 budget increased very little since our time. But I
7 will get into more details on that. But I'm just
8 putting that a little bit in perspective. This is my
9 fourth year as the district attorney. And it has
10 been an office that does much more with much less.
11 And so I just want to acknowledge that from the
12 beginning.

13 You know, there-- In the borough of Queens
14 County, we have had 78 homicides in Queens last year.
15 We have prosecuted nearly 3000 cases involving
16 criminal possession of a weapon. We juggle those on
17 a daily basis, criminal possession second and third
18 degrees.

19 2022 broad a proliferation of crimes affecting
20 our communities, including the illegal cannabis
21 stores, when there are now illegal cannabis stores,
22 those that are given licenses by the State. That is
23 particularly concerning to me because of the fentanyl
24 explosion that has happened over the last several
25 years. 76% of our overdoses in Queens County are due

2 to fentanyl. Surprisingly, 50% of those numbers are
3 over the age of 50 years old. So we focus on the
4 cannabis shops, retail theft, the growing number of
5 cybercrime and financial fraud cases, domestic
6 violence, and our ongoing, as I said, opioid
7 epidemic.

8 We processed over 36,000 arrests and conducted
9 over 31,000 arraignments, all while maintaining the
10 second-lowest complaints, sworn to arrest time in the
11 city-- to arraignment time in the city.

12 And while it was a challenging year, I would like
13 to highlight some of the accomplishments of the
14 office in the last year.

15 First and foremost, addressing the ongoing gun
16 violence and epidemic from several angles. For the
17 second year in a row, our crime strategies and
18 intelligence unit led the city and ghost gun
19 recoveries with 173 ghost guns recovered in 2022,
20 compared to the previous years rate of 86. I would
21 love to think that it is solely because of the
22 expertise of my office, although it is partially
23 because of that. But it is also because of the
24 growing number of ghost guns that are readily
25 available out there, and the ease of which one can

2 get and build them. With a 30 minute YouTube video
3 you can build a ghost gun and use it in any crime and
4 it is untraceable. It is one of the largest growing
5 issues that we are facing, at least in Queens County
6 today.

7 Under the court's Gun Violence Fast Track
8 Initiative, we were able to reduce our unindicted gun
9 possession case backlog by over 92%. Our Violent
10 Criminal Enterprise Bureau, which is a new bureau
11 that has been formed under my administration, we
12 continue to identify and prosecute drivers of
13 violence, including street gangs and firearms
14 dealers, and those individuals that will bring guns
15 in from the south of the iron pipeline and sell them
16 to our kids here in New York City.

17 And because we cannot prosecute our way out of
18 this violence, I created a bureau whose primary focus
19 is on rehabilitative and programming to end the cycle
20 of crime and violence. The rehabilitation programs
21 and the restorative services consist of diversion and
22 alternative sentencing, and also consists of crime
23 victims advocates. We have counseled almost 3000
24 victims over the last year.

2 We've added staffing to our community
3 partnerships division, whose focus as it is on youth
4 and connecting to our communities. They attended, my
5 staff, dozens of individuals, over 2000 public events
6 since I took office, and our gun buybacks have taken
7 400 operable guns off the street. That is also
8 important because we created a relationship and some
9 trust, I believe with the community. And we actually
10 get many of our cases from the non-lawyers who go to
11 the events throughout the borough.

12 While we are prosecuting our drivers of crime, we
13 also have a conviction integrity unit. It continues
14 to do great work. So far, we have vacated 99
15 judgments over the last several years. Our human
16 trafficking Bureau has implemented a victim-centered
17 and trauma-informed approach, while connecting
18 victims, survivors of trafficking, with meaningful
19 services. Our immigrant specialist: I hired an
20 immigration lawyer to avoid having unintended
21 consequences, and to go over past convictions that
22 now have unintended consequences. They assist ADAs
23 as they navigate through plea options, and they help
24 fashion dispositions.

2 In 2022 there were 70 deaths caused by vehicular
3 collision in Queens County. Our vehicular homicide
4 unit is on call 24 hours a day. If there is a death
5 in the borough of Queens County, we have riders that
6 actually go out to the scene, whether it's three in
7 the morning or nine at night. Sometimes they have to
8 race me to the scene, but we think it is a useful use
9 of an ADAs time to be there on the scene while there
10 is a homicide-- while there is a vehicular death to
11 give the police any support that they may need-- may
12 need in their investigation.

13 This past January, I created a special
14 prosecutions division. It comprises of special
15 victims and domestic violence bureaus, and the
16 juvenile prosecution bureau.

17 Now, these are great, I think accomplishments for
18 the office and for the Bureau. But we do have many
19 challenges, as my colleagues, DA Clark and DA McMahon
20 have talked about. We have have discovery
21 obligations. Now, I've been around a long time in
22 this business as my colleagues have. I will tell you
23 that I supported the need for greater transparency
24 and earlier timelines when it comes to discovery. I
25 believe that the time that we passed this law, we

2 absolutely needed to build in more fairness, more
3 transparency to our system. But the pendulum has
4 swung, and we need to make some changes. The present
5 framework results in unintended consequences,
6 including delays and dismissals that prevent the
7 administration of fair and timely justice.

8 Just to put this in perspective for the Committee
9 Madam Chair: In 2022, the Queens district attorney's
10 office reviewed 1,666,284 discovery files, and
11 thousands and thousands, hundreds of thousands of
12 body cams as well. The burden of producing all
13 related material within such a short period of time
14 is so great that cases are often dismissed, even if
15 the material that was not produced or was considered
16 late is inconsequential to the case. Courts have
17 dismissed cases for inadvertent errors in
18 transmission of documents where the defense could not
19 immediately open a file, impeachment material for a
20 police officer we were not calling as a witness well
21 before the case would be moved to trial. And for not
22 providing underlying records of past minor unrelated
23 disciplinary proceedings for an officer involving,
24 for example, just this last year, a case that was
25 dismissed for an officer's failure to secure their

2 pepper spray properly. That was not turned over. We
3 were not calling this officer as a witness at the
4 trial, and we had that case reversed. Which means by
5 the way, for the record, the underlying crime is then
6 reversed that the person was being prosecuted for.

7 And so what does it really mean, ultimately? No
8 court ever reviews the merits of the charges when a
9 case is dismissed for these reasons. Victims are
10 deprived of their day in court. Orders of protection
11 -- and I think this committee needs to know this --
12 when a case is dismissed, orders of protections are
13 dismissed, and no one is held accountable. This is
14 dangerous, less consequences, less programming for
15 those who need help, and less protection and justice
16 for crime victims.

17 And I will add that, you know, as much as-- I
18 don't begrudge any DA or any agency in the city of
19 New York for getting their fair share of the dollars.
20 But as I started today, I just want to elaborate a
21 little bit. The historic inequity that this borough
22 has faced is very difficult to overcome. I do it
23 every day. But it is not easy. And we do it. We do
24 a lot more with a lot less. We serve-- We received
25 the lowest amount of funding per arrest, and the

2 lowest amount of funding per resident, and the lowest
3 amount of funding per arraignment. We get fewer
4 dollars to support a case than any other office in
5 the City of New York. Based on projected DCJS data
6 for 2022, Queens DA's office receives less funding
7 per arraigned case. That's approximately \$2,551 a
8 case, compared to the average of \$3,527 in the other
9 boroughs.

10 While my colleagues' offices are certainly
11 entitled to the funding that they receive, and it is
12 very much needed for them, Queens is also entitled to
13 the fairness and equity of these offices. My mission
14 is to create the safest and fairest borough in the
15 city. And to continue this mission, it is crucial
16 that we have the appropriate resources. In order to
17 address these ongoing challenges, I am requesting the
18 following new needs in FY 24: We need 150 additional
19 ADAs. They are needed to address the high caseloads,
20 the dismissals, and to better serve our vulnerable
21 victims. We need them for the Felony Trial Division
22 to address gun prosecutions and violent crime. We
23 also need investigators in Major Crimes Division, and
24 Special Prosecutions Division, and appeals, so that
25 we can manage those cases and that we can focus--

2 each of the ADAs can focus on the cases that they
3 have in front of them.

4 We need IT discovery software solution
5 maintenance and support, relating to purchase of
6 comprehensive discovery software. We are requesting
7 \$500,000 for that.

8 We also need IT staff. Madam Chair and members
9 of this Committee, it is not a new thing that people
10 are having issues holding on to IT staff after COVID.
11 And it is crucial to the workings of our office. It
12 is crucial for us to be able to communicate with the
13 defense, with the court, it is crucial for us to
14 gather all of the discovery material that we are
15 deemed to know on a daily basis because it is in the
16 city files. So we need to upgrade our IT staff.

17 We need to increase-- as DA McMahon said, you
18 know our ADAs are getting paid a lot less than the
19 private practice. And we shouldn't have less of a
20 criteria and less expertise when it comes to a city
21 service job like being an ADA. We need to make sure
22 that we get the experts, that we get the fairness,
23 that we get justice for our victims. And also make
24 sure that we have a fair and equal court for
25 defendants as well. We can only do that with the

2 expertise of the ADAs. So we need \$10,500,000, we
3 are requesting for increased salaries. As we've
4 already talked about 50 additional ADAs. We need
5 paralegals as well at about a three-to-one match.
6 And that's \$2,500,000. We're asking totally for
7 \$39,310,000 asked for PS. As far as capital goes,
8 that's \$11,500,000.

9 But I would urge the Council, please to focus on
10 the personal-- on our personal service. We need it
11 every, day our PS funding. We need to increase the
12 salaries of our ADAs.

13 I thank you for the opportunity of testifying
14 here today. You know, we do what we can every single
15 day for the people of our city as DAs. We do thank
16 all-- I thank the defense bar for the work that we
17 did, especially you know, we're here in person for
18 the first time. And I don't want to go the day
19 without acknowledging that, you know, this Council
20 saw us through-- a lot of you saw us through COVID.
21 And a lot of you saw us through Zoom meetings and all
22 that we had to do during COVID. And I want to thank
23 you for having us personally in your chambers today.

24 CHAIRPERSON HANKS: Thank you so much. During
25 our questioning, we're going to dig into a little bit

1 COMMITTEE ON PUBLIC SAFETY 260

2 more of-- of the pay parity. A next we will have-- I
3 apologize, DA Meg Reese. Do we hear from Meg Reese?
4 No. Okay, so the Special Narcotics Prosecutor,
5 Bridget G. Brennan. Thank you.

6 MS. BRENNAN: Thank you very much. As special
7 narcotics prosecutor from New York City. I'm
8 grateful to the City Council for its leadership, and
9 for its support of my office and the five DAs'
10 offices, and I welcome the opportunity to collaborate
11 with the Committee on Public Safety under the
12 direction of Chairperson Hanks.

13 Over the past year, I've met with some of you
14 individually and learned about the drug issues facing
15 your districts. We will continue to work together to
16 protect our city's residents and ensure the criminal
17 justice system is fair for all, and I welcome the
18 opportunity to continue to work with you on your
19 districts in collaboration with the DHS offices.

20 The work of the Office of the Special Narcotics
21 Prosecutor has never been more important. The opioid
22 crisis continues to be an ever-present and ever-
23 lethal threat, as you've heard. In the wake of the
24 COVID 19 pandemic, it is recognized as the most
25 serious public health crisis facing our country.

2 More than 3000 people are estimated to have died from
3 drug overdoses in New York City during the 12 months
4 ending in September 22, according to the Centers for
5 Disease Control and Prevention, and communities in
6 the Bronx and Upper Manhattan are the most profoundly
7 affected. However, the opioid epidemic touches all
8 of us. Some of us have lost loved ones or are seeing
9 them struggle with opioids. Some have seen
10 neighborhoods change with more visible drug dealing,
11 and drug usage. All of us have heard expressions of
12 hopelessness, resignation, anger, frustration, and
13 urgent pleas for help. On average, someone in the
14 city fatally overdoses every three hours.

15 SNPs mission is to save lives through strategic
16 prosecutions that cut off the supply of lethal drugs.
17 And I encourage you to look through my testimony. On
18 one of the pages we compare where we focused some
19 arrests in the midtown south area, and how that focus
20 coincides with the number of overdoses in a
21 particular area.

22 It's our mission to save lives. We are built on
23 a task force model, and our work is collaborative.
24 We collaborate with the five DAs very closely, and we
25 benefit with the oversight of the city's district

2 attorneys. We partner with the NYPD, the Drug
3 Enforcement Administration, the New York State
4 Police, New York Drug Enforcement Task Force, and
5 many other jurisdictions throughout the state and
6 throughout the region.

7 Our primary focus is dismantling high-level
8 narcotics trafficking organizations, often with
9 international ties, while addressing narcotics
10 violence and persistent drug activity that
11 destabilizes neighborhoods. And I will tell you one
12 of the most disturbing things we have seen during
13 this particular epidemic is how many more guns we
14 have seen connected with drug dealing on every level,
15 on the highest level as well as the lowest levels.
16 Wherever appropriate, we seek to facilitate treatment
17 and supportive services for those who are suffering
18 from substance use disorder.

19 And while the entire country is affected by the
20 opioid crisis, we in New York face unique issues.
21 Our city is a major hub of narcotics trafficking for
22 the state and the region. Potent fentanyl dominates
23 our drug market and is present in 8 out of 10 fatal
24 overdoses. Now it's appearing in new forms:
25 Counterfeit pills, including rainbow colored pills

2 containing fentanyl are increasingly widespread.
3 Last year, we confiscated almost a million fentanyl
4 pills in our investigations, and that's a 425%
5 increase over the prior year. And those pills may
6 masquerade as Percocet, they may look like oxycodone,
7 they may look like Xanax or Adderall. They may look
8 like a prescription pill, or they may be colorful,
9 like ecstasy. So they can catch the user completely
10 unaware of what is contained within that pill. And
11 in particular, any user who is buying the drugs from
12 a social media connection, from an internet site, or
13 buying them on the street.

14 And even more frighteningly we're seeing a
15 proliferation of various mixtures of drugs and
16 record-high overdose deaths as a result. Fentanyl,
17 heroin, cocaine, methamphetamine, and xylazine are
18 being mixed in various combinations at drug packaging
19 mills, and stash locations across the city. You may
20 have heard about xylazine. It's been it's appeared
21 in the media quite frequently lately. It's often
22 called Trank, and it's captured press attention
23 because of its connection to overdose deaths, and in
24 New York City, it's shown up in about 20% of the
25 overdose deaths, because it's a non-opioid sedative,

2 and it compounds the effects of the opioids, but it
3 does not respond to Naloxone or Narcan, something
4 that is widely distributed to counteract the overdose
5 effects of the opioids, but it's non-responsive to
6 that. And it may be mixed in with cocaine along with
7 fentanyl. And so someone who is buying what they
8 believe is cocaine, and is prepared with Narcan, as
9 you see it in many of the city's bars and nightspots
10 now, is prepared to reverse an overdose with that may
11 be horrified to find that someone is not responding
12 because there is also xylazine in that mix.

13 We need to heighten awareness of this danger as
14 well, and heightened awareness that 911 should be
15 called whenever there's an overdose, and also
16 heightened awareness of our good Samaritan Law, which
17 protects anyone who calls 911 or requests help in the
18 case of an overdose.

19 Now for fiscal year 2024, we're asking for the
20 City Council support for three individual funding
21 requests. We are requesting a significant budget
22 increase to meet our discovery obligations, and
23 you've heard about them, and the DAs have expressed
24 the problems with the challenges we face more
25 eloquently than I can. But managing the value of

2 discovery is complicated and time consuming. And it
3 requires an increase in personnel. We are seeking
4 \$10.8 million in funding for hiring additional legal
5 and non-legal staff. And specifically, we're looking
6 for 46 individual increase in headcount including 28
7 Assistant District Attorneys, 9 paralegals, 6 IT
8 personnel and three support staff. In addition to
9 that, the City has requested funding from the State
10 on some capital needs as well. And we have joined in
11 that request.

12 We're also asking for additional funds for
13 treatment and diversion programs. Over the past
14 three years, we have extended the reach of our
15 alternative to incarceration offerings to encompass
16 the Manhattan felony Alternatives To Incarceration
17 court ATI court. And we've done that with the
18 assistant of the Manhattan DA 's office. And we
19 thank them for their help on that. We've self-funded
20 our participation so far. But it's expanding, we're
21 very happy to see how much the participation has
22 expanded. And we're requesting an extra \$200,000 for
23 one case coordinator, and to help with the costs of
24 that program.

2 And in addition, we're looking for funding in the
3 amount of \$176,000, to comply with Council Bill 1392
4 requirements. That's the requirements that we have a
5 data access for the public. And it requires some
6 fairly complex improvements to our systems, our data
7 gathering, and to our website. The legislation was
8 pretty extensive in scope, requiring the capture and
9 support of all prosecution actions and decisions.
10 And it requires that all information be disaggregated
11 by various criteria, and we're going to need some
12 help funding that.

13 I do expect that in the future we are going to be
14 seeing an increase in methamphetamine in the city,
15 because we've seen largely increasing supplies of
16 that, and largely increasing cocaine supplies as well
17 coming in in bulk. Those are challenges that I think
18 we're going to see coming up in the upcoming years.

19 Now much of what I have discussed today is
20 discouraging, but I'm not discouraged. Decades of
21 experience have taught us that we can face many
22 difficulties, and best serve New York when we work
23 together with a collaborative model. When the DAs
24 work with the City Council, when we hear your
25 concerns and the concerns of your constituents, and

2 when we work with each other. We're blessed with
3 talent, creativity, and resilience. And as long as
4 we all focus on making our city a better place to
5 live and work, while ensuring justice for all, I'm
6 confident that better days lie ahead. Thank you very
7 much.

8 CHAIRPERSON HANKS: Thank you so much. And from
9 DA Eric Gonzalez, we will hear from Nancy Hoppock.
10 Thank you.

11 ASSISTANT DISTRICT ATTORNEY HOPPOCK: Thank you.
12 Good afternoon. Can you hear me okay?

13 Good afternoon. My name is Nancy Hoppock. I
14 serve as the Chief Assistant at the Brooklyn DAs
15 office. Thank you, Chairwoman Kamillah Hanks, and
16 the entire committee for the opportunity to address
17 you on behalf of DA Gonzalez regarding the 2024
18 budget plan.

19 DA Gonzelaz remains steadfast in his commitment
20 to doing justice by keeping Brooklyn safe, while
21 ensuring fairness in our criminal justice system,
22 addressing both current and historic inequities in
23 the system, and we are appreciative of the Council's
24 partnership in these efforts. In this spirit, on DA

1 COMMITTEE ON PUBLIC SAFETY 268

2 Gonzalez's behalf, I'm eager to address our current
3 budget, and our ongoing budgetary needs.

4 First, a few comments about crime statistics.

5 Brooklyn continues to drive down the number of
6 homicides and shootings in 2022 from the previous
7 year. We finished 2022 with 10 fewer homicides from
8 the year before and 70 fewer shooting incidents with
9 80 fewer shooting victims. While this is very
10 significant progress, we are still fighting to return
11 to our pre-pandemic levels when violence was at an
12 unprecedented low and Brooklyn. Unfortunately, like
13 the other boroughs, we saw significant increases in
14 robberies, burglaries, felony assaults, grand
15 larcenies, and car thefts, leading to a 20% overall
16 increase in index crimes.

17 DA Gonzalez remains committed to working with the
18 NYPD to focus our resources on the drivers of violent
19 crime. Last year, our Violent Criminal Enterprise
20 Unit conducted two long-term investigations that led
21 to the arrest of over 50 drivers of crime. These
22 investigations held crew members accountable for 5
23 murders, with 33 shootings and shots-fired incidents
24 involving 56 firearms and 29 victims.

25

2 In addition, our newly formed ghost gun unit
3 partnered with the NYPD major case unit and New York
4 State Troopers, and federal partners to conduct six
5 major investigations that led to the recovery of 21
6 ghost guns, and 5 assault weapons.

7 While part of our response to gun violence
8 involves these traditional enforcement methods, we
9 know that those responses alone will not lead to
10 long-term safety and wellness for our neighborhoods.
11 For this we need to work with the communities to
12 address the root causes of violence. We know that
13 not everyone who possesses a gun is a shooter or a
14 driver of crime. People possess guns for many
15 complex reasons. DA Gonzalez believes that there are
16 some young people who can be pulled away from gang
17 life and gun violence if held accountable, and given
18 the right kinds of support. Every time we are
19 successful in deterring young person from that life.
20 We increase public safety now and in the future.

21 Restorative justice is a cornerstone to DA
22 Gonzalez's approach to criminal justice, and a focus
23 of his Justice 2020 initiative. Last year, we
24 launched Project Restore, a restorative justice
25 program in collaboration with neighborhood leaders

1 COMMITTEE ON PUBLIC SAFETY 270

2 and community-based organizations. This
3 collaboration was created with \$2.5 million of
4 funding from MOCJ. This 15-month demonstration
5 project is designed to bring rival gang members
6 together to reconcile and take accountability for the
7 harm they have caused each other, their families, and
8 the community, and to confront and uproot the deep
9 seated unaddressed trauma and social inequities that
10 have led to take up coping strategies like seeking
11 gang membership or resorting to gun violence. We
12 have partnered with Bridge Street Development
13 Corporation, Inner Circle, and Columbia University to
14 develop an operative project focused on the Bedford
15 Stuyvesant neighborhood, deeply engaging these rival
16 gang members with a multifaceted approach to change
17 their view of what their future and the future of
18 their neighborhood can be when gun and gang violence
19 is not the only option.

20 While the demonstration project in Bed Stuy
21 focuses on that neighborhood specifically, DA
22 Gonzalez would like to bring a restorative justice
23 approach to cases in every neighborhood in Brooklyn.

24 Restorative justice, which is about true
25 accountability, rather than simply punishment, has

2 the potential to lead to lasting changes in
3 individuals, as well as provide a more satisfying
4 outcome for victims of crime. One of DA Gonzalez's
5 goals for this year is to open a restorative justice
6 center, housed in a reimagined Red Hook Community
7 Court that would provide access to restorative
8 justice to victims and accused individuals from
9 throughout Brooklyn. This would require funding for
10 a restorative justice coordinator in our office,
11 payment to restorative justice practitioners in the
12 community, and resources for participants such as
13 carfare to and from the center. Our office is asking
14 the council to support the pilot of this center in
15 the amount of \$250,000.

16 An issue that has been the source of tremendous
17 concern in Brooklyn, and citywide, and we feel sure
18 you've heard this from your constituents as well, is
19 the proliferation of illegal, unlicensed cannabis
20 shops. The last number we heard was approximately
21 1600 shops citywide. This is likely an undercount,
22 and there are certainly hundreds in Brooklyn. Many
23 of these shops are located near daycare centers,
24 schools, and other places where young people gather

2 and these lucrative all-cash businesses have been a
3 target for armed robberies.

4 In addition to the public safety threat, these
5 illegal shops threatened to undermine the years-long
6 effort of the legislature to regulate the sale of
7 cannabis in a way designed to heal some of the harms
8 caused by the criminalization of marijuana and the
9 racially disparate enforcement of those laws.

10 Prior to legalization, marijuana enforcement
11 disproportionately impacted young people and
12 communities of color, who made up 90% of those
13 arrested, most of them had never been arrested for
14 anything before. These arrests adversely impacted
15 the lives of tens of thousands of people over the
16 years, saddling many with criminal convictions that
17 prevented them from pursuing opportunities in life.
18 Under DA Ken Thompson, the Brooklyn DA's office was
19 the first in the city to stop prosecuting marijuana
20 possession cases, a policy DA Gonzalez was proud to
21 help implement in 2014 as the then Chief Assistant DA

22 DA Gonzalez recognizes the thoughtful approach
23 the legislators took when they legalized marijuana,
24 working to make sure that those individuals and
25 communities who had suffered the effects of

2 criminalization were able to participate in and
3 profit from this new market. Rather than being shut
4 out as it has happened in other states.

5 These illegal shops threatened to undermine the
6 legal market that the legislator intended to create.
7 We do not think anyone in this room wants to go back
8 to the days of arresting people for marijuana
9 offenses, or selling unlicensed goods. DA Gonzalez
10 certainly does not. Instead, at his direction, our
11 office has researched ways to respond to the
12 proliferation of the shops in non criminal ways, and
13 we believe we can use the civil nuisance abatement
14 laws currently on the books to go after and shut down
15 these shops. To do this, DA Gonzales wants to stand
16 up a cannabis nuisance abatement unit, which would
17 require for new staff lines in our office, a chief,
18 two ADAs, and a paralegal. For this, we are
19 requesting \$500,000 to set up that unit.

20 You've heard much of this already today, about
21 attrition and discovery. In the last few years,
22 we've continued also to see record attrition in our
23 office. We are losing staff, both legal and non-
24 legal, at the highest rates since we've been keeping
25 track. While this year has seen some slight slowdown

2 in ADA attrition, we still have lost 59 ADAs since
3 July. We are projected to lose 86 ADAs this year,
4 which is 26 more than the most we lost in any year
5 prior to the pandemic. With access to jobs with
6 higher pay and the option of remote work, there is no
7 end in sight we feel to this overwhelming level of
8 attrition. We support the Mayor's efforts to allow
9 for some level of remote work and hope to find the
10 most efficient way to incorporate remote work for our
11 employees without compromising our work on behalf of
12 the people of Brooklyn.

13 We are currently in year three, operating under
14 the changes of the new discovery laws, which became
15 effective in 2020. These changes continue to
16 severely burden our ADAs who are also dealing with
17 upticks in case loads, as well as a staggering
18 backlog of case loads that resulted from limited
19 court operations during the pandemic. The courts are
20 now fully open and operational, and we have begun to
21 make a dent in the backlog. But overwhelming
22 discovery obligations can continue to weigh our ADAs
23 down, as they work to move their cases.

24 While the city's commitment of additional
25 resources has allowed us to make some improvements

2 with regard to discovery compliance and improve case
3 loads, the instability in our staffing remains
4 extremely disruptive. Many assistants continue to
5 struggle with case loads that are unsustainable,
6 especially under the new discovery practice. Some
7 Supreme Court assistants are prosecuting more than 40
8 indictments. Many of them have been the second or
9 third prosecutor on the case because of attrition.
10 Grand Jury assistants are carrying as many as 50 or
11 60 unindicted felony cases, while misdemeanor case
12 loads approach triple digits. These case loads are
13 simply untenable. They are not sustainable. As you
14 know, the city's institutional defense providers, and
15 the DAs jointly called last year for adequate
16 equitable funding that will provide us with
17 sufficient resources for both the public defenders
18 and prosecutors. DA Gonzalez continues to join with
19 the other DAs in urging the appropriation of these
20 desperately needed resources. The Kings County DA
21 requests approximately \$40 million to fund an
22 additional 190 legal and non-legal positions, and to
23 promote competitiveness in attorney compensation, as
24 well as OTPS and capital expenditures related to
25 discovery compliance, such as hardware, software and

2 network needs. The mass and volume of materials that
3 must be turned over in a short timeframe under
4 penalty of case dismissal also require reliable
5 software to manage the transfer of these materials
6 with accuracy and efficiency. It is critical that we
7 move forward with the procurement of discovery
8 software technology that will assist ADAs preparing
9 for discovery production before arraignment.

10 In 2020 we received capital funding in
11 anticipation of a technical technological solution
12 that had not yet been identified. We have searched
13 exhaustively for a tool that will fit our work and
14 our new statutory mandates, and thanks to a
15 productive collaboration among the DAs offices, we
16 selected NICE as a vendor to produce customized
17 software to address the needs of our office.
18 However, this solution is costlier than anticipated.
19 We are requesting \$500,000 in expense funds for
20 fiscal year 24 to cover the ongoing costs of the
21 software. In addition, we are requesting an
22 additional \$8 million in capital funds to comply with
23 our discovery obligations.

24 As to some existing City Council funded programs,
25 since the DA announced his Justice 2020 initiative

2 shortly after becoming the DA in 2018, he has worked
3 to be innovative in his approach to prosecution,
4 reducing incarceration and convictions, while
5 focusing on the drivers of crime, engaging
6 communities as partners in justice and using data to
7 hold our office accountable and be transparent to the
8 public. The DA intends to continue this important
9 work in partnership with the communities we serve.

10 On behalf of the DA I would like to thank City
11 Council for their one-time funding to cover lost
12 grant funding for the Brooklyn young adult court and
13 our Brooklyn Rising Against Violence Every Day,
14 BRAVE, program and ask that you continue to support
15 these programs previously funded by federal grants.

16 As always, we are grateful to you for once again
17 funding the DOVE program, Domestic and Other Violence
18 Emergencies program, as well as the Hate Crime
19 Reduction Initiative. In part, thanks to your
20 support, we have seen dramatic decline in hate crime
21 in Brooklyn this past year.

22 Finally, in addition to the request for the
23 Restorative Justice Center Unit I referenced earlier,
24 we ask that you can continue to support Project
25 Reset, a pre-arraignement diversion program, as well

2 as funding our partner in Reset, the Center for
3 Justice Innovation, formerly CCI.

4 In conclusion, our office is grateful to all of
5 you for your continued support as vital partners in
6 the work of transforming our criminal justice system
7 to one that is right-sized and responsive to the
8 needs of all who come in contact with it, including
9 victims, those accused of crimes, and the community.
10 Your tireless support allows us to keep Brooklyn safe
11 while increasing fundamental fairness in our system.
12 We ask for the Council's support as we continue to
13 make the case to OMB for the critical funding needs
14 we've discussed today. And we look forward to our
15 continued partnership. Thank you very much.

16 CHAIRPERSON HANKS: Thank you so much. Next
17 we'll hear from the Manhattan DA representative Ms.
18 Meg Reese.

19 ASSISTANT DISTRICT ATTORNEY REESE: Thank you so
20 much. Good afternoon Chair Hanks and members of the
21 Committee on Public Safety. My name is Meg Reese,
22 and I'm the Chief Assistant District Attorney in the
23 Manhattan District Attorney's office. And I'll be
24 testifying on behalf of DA Bragg, who is unable to
25 attend this afternoon.

2 We thank you for the opportunity to speak with
3 you today regarding our preliminary budget for 2024,
4 and we thank the Council for its past support, and
5 know that a safer and fairer city requires all of us
6 to be working together. We are achieving these goals
7 with targeted enforcement to hold drivers of crime
8 accountable today, and investments in preventative
9 measures to keep our communities safe for the long
10 term.

11 I'd just like to share with you some of the
12 highlights of our existing work before speaking about
13 new needs. Focusing on gun violence, we ended 2022
14 with shootings down 20% in Manhattan, and homicides
15 down 16% in Manhattan, outpacing other declines
16 citywide. DA Bragg is pursuing a comprehensive gun
17 violence reduction strategy that combines targeted
18 enforcement focused on the drivers of crime, and
19 targeted investments in evidence-informed prevention,
20 both pieces of a strategy that are critical.

21 On the enforcement side are gun prosecutions were
22 up approximately 18% last year. And together with
23 our federal partners, we're tracing the guns we seize
24 to build gun trafficking cases. The Office
25 established the Ghost Gun Initiative in partnership

1 COMMITTEE ON PUBLIC SAFETY 280

2 with NYPD to tackle and recover assembled guns and
3 parts.

4 On the prevention side, we are working with our
5 most impacted communities, and in August of 2022, we
6 awarded \$20,000 grants to 20 community-based
7 organizations to develop their own youth gun violence
8 prevention strategies, because we know communities
9 lead public safety.

10 Our Witness Aid Services Unit, otherwise known as
11 WASU, provides direct counseling and advocacy for
12 witnesses and survivors. We are especially provided
13 a new group within our WASU unit called the Men of
14 Color Response Team. This is a group of counselors
15 and advocates focused on those who are
16 disproportionately harmed by gun violence, but are
17 also less likely than other crime victims to seek
18 victim services.

19 A big focus over the course of the last year, of
20 course, in Manhattan and our other boroughs has been
21 on hate crimes, and we are so grateful to the city
22 for the additional \$1.7 million in baseline funding
23 we received last year. It helped us hire full time
24 staff for a hate crimes unit, as well as staff
25 trained in hate crimes to support units throughout

2 the office. We have used the funding to increase our
3 outreach, our language capabilities, and our
4 investigative resources. We went from three
5 attorneys to 20 cross-designated Assistant District
6 Attorneys, three senior investigative analysts, a
7 paralegal, and two designated hate crime
8 investigators with law enforcement experience, who
9 are both fluent in Cantonese.

10 Prosecutions were up approximately 20% in 2022,
11 and the majority of our open cases involved conduct
12 targeting the LGBTQIA community, the AAPI community,
13 and the Jewish community. We remain deeply committed
14 to prosecuting these cases.

15 When DA Bragg came into office, it was a
16 commitment to start a special victims division.
17 Domestic violence and sexual assault were the top
18 priorities for our office, and at the start of his
19 administration, DA Bragg launched the division in
20 June of 2022. The division includes domestic
21 violence, human trafficking, child abuse, elder
22 abuse, sex crimes, and intimate partner violence. In
23 addition to prosecuting these cases, we have elevated
24 our services for survivors, which includes advocacy,
25 counseling, and other support for victims and

2 survivors, whether they wish to participate in the
3 prosecution or not. And it is a lifetime commitment
4 for services. This unit is also leading the way in
5 vacating convictions of survivors of human
6 trafficking under the 2021 START Act enabling them to
7 move forward with their lives without the burden of a
8 criminal conviction. Not only have we consented to
9 every START Act motion made thus far, we are applying
10 the same approach to new and existing cases. If
11 there is a credible claim that someone committed a
12 crime as a result of human trafficking, we dismiss
13 the case.

14 Of course, retail theft has been a priority for
15 all of our jurisdictions, and a major focus of our
16 work this year. One of the first things DA Bragg did
17 in 2022 was create the Small Business Alliance,
18 bringing together business owners heads of business
19 improvement districts, the NYPD, and community based
20 organizations to develop solutions for the rise in
21 shoplifting that occurred over the pandemic. Working
22 closely with the NYPD, we use data to prioritize the
23 small number of people that keep reoffending and
24 getting rearrested. Our crime strategies unit works
25 in conjunction with our community partners units,

2 setting alerts, and builds up profiles to make the
3 strongest possible bail arguments when people
4 repeatedly steal and get arrested and have open
5 cases. Due to this coordination with our law
6 enforcement partners, approximately a third of the
7 people who are repeatedly committing theft in
8 Manhattan were in custody at the end of 2022.

9 Of course, mental health has been a topic that we
10 are all focused on over the course of the year and
11 during the pandemic. Our mental health
12 infrastructure has long been inadequate to meet the
13 needs of those who interact with the criminal justice
14 system. To address this, the district attorney
15 announced last year he would use asset forfeiture
16 funds to invest in the creation of a network of
17 community-based peer navigators to work directly with
18 members of our communities building trust and long-
19 term relationships to address complex needs of these
20 individuals.

21 The neighborhood based navigators will engage
22 with individuals in our community. And it's based on
23 a very successful model that was created by the Time
24 Square Alliance with other community partners.

2 A separate program involving court-based
3 navigators will engage with individuals immediately
4 after criminal court arraignment and join them in
5 their communities to build long-term trusting
6 relationships and facilitate access to resources.

7 Both programs will address the deep-rooted mental
8 health problems that our city faces, and in so doing,
9 will advance public safety.

10 Now moving towards new needs that we'd like to
11 discuss with the Council, with the Committee.

12 We have submitted a summary of our budgetary
13 requests as an addendum to the district attorney's
14 testimony. First, we have in 2022, the DA announced
15 a worker protection unit. Wage theft impacts more
16 than 10,000 workers annually and DA Bragg is
17 determined to put workers first and hold accountable
18 anyone who steals their hard-earned wages.

19 That's why last month the district attorney
20 announced the creation of the first-ever Worker
21 Protection Unit. With this new unit we will
22 significantly expand our focus beyond our existing
23 working construction and real estate development
24 industries to include industries with high worker
25 exploitation and wage theft, which often impacts our

2 city's immigrant workforce, including but not limited
3 to home health care aides, fast food chains and
4 restaurants, hotels and hospitality, cleaning and
5 janitorial staff. The unit will enforce workplace
6 safety laws, building on the work of our construction
7 fraud task force, and pursue charges when an employer
8 creates dangerous or deadly work environments, like
9 the wall collapse we had on Canal Street only two
10 weeks ago.

11 In order to do that we need to hire two ADAs, two
12 analysts, and two interpreters to fully staff the
13 unit. We estimate this will be a cost of
14 approximately \$625,000 per year.

15 We also launched a Housing and Tenant Protection
16 Unit. It was a promise of the district attorney to
17 deliver housing justice by creating a dedicated unit
18 to focus on prosecuting deceptive and abusive
19 practices by landlords. He delivered on that promise
20 by creating the first ever Housing and Tenant
21 Protection Unit in 2022.

22 The creation of this unit is a recognition that
23 safe and affordable housing is a public safety issue.
24 Housing instability is directly connected to poverty,
25 homelessness, and crime. And the new unit will take

2 a targeted approach to investigating systemic
3 structured, and organized criminal activity among
4 landlords and developers. The unit needs additional
5 resources and staff to address the types of
6 complaints and cases we are receiving, including two
7 investigators, two analysts, and two paralegals that
8 we-- for an approximate budget of \$460,000 annually.

9 As I mentioned earlier our Witness Aid Services
10 Unit is really one of the biggest gems inside the
11 Manhattan DAs office. It has a dedicated staff of
12 members that support crime victims, witnesses, and
13 their families to access services they need to
14 address their trauma and rebuild their lives while
15 also helping them navigate New York's complex court
16 system. All of these efforts make us safer. By
17 ensuring victims participate in court processes, they
18 help hold those who commit crimes accountable for
19 their action and by addressing trauma they help
20 prevent future involvement in the system, whether as
21 a person who is harmed or a person who causes harm.

22 When DA Bragg took office last year, with an
23 emphasis on centering survivors in Special Victims
24 cases, internal referrals to our witness Aid Services
25 Unit increased by 200%. That means his office can

2 ensure that all victims witnesses and families have a
3 trauma-informed advocacy team to support their
4 experience with the prosecutorial process, increase
5 survivors access to safety services, resources,
6 referrals and emotional support, in an effort to
7 address trauma from the incident and provide the
8 tools to rebuild their lives and restore hope, and
9 ensure that victims, witnesses, and families are
10 informed, feel heard, and have a voice in the
11 process.

12 In his second year in office and continuing
13 through the future DA Bragg wants to increase the
14 Witness Aid Services Units reached by adding seven
15 victims service advocates, six counselors, one senior
16 counselor and one senior advocate. This will expand
17 our counseling capacity and connect more individuals
18 to relevant services, address their trauma, and help
19 them through their most difficult times. We expect
20 this expansion to cost \$1.1 million annually.

21 Finally, as you have heard from the all of the
22 other offices, it is impossible to overstate how
23 dramatically the State's discovery reform laws have
24 impacted our practice. The volume of discovery
25 material that we produce and the timeline for

2 producing it remains a huge issue for our office.

3 Last year, approximately 1800 cases were dismissed
4 because we couldn't meet our discovery burden. Among
5 the most commonly dismissed prosecutions are
6 misdemeanor domestic violence cases, and cases
7 involving repeat offenders, which involve gathering
8 more material and in an extremely short timeframe.
9 In a system that should favor fair processes for both
10 defendants and victims, paperwork technicalities
11 should not lead to dismissals. We need significantly
12 more resources to help our offices, the other DAs
13 offices, and our colleagues in the defense bar to
14 meet their discovery obligations.

15 Our office is advocating for proposed technical
16 changes to the discovery law that would both enhance
17 public safety by allowing cases to progress more
18 efficiently, and protect the rights of the accused.
19 But regardless of any possible legislative fix, we're
20 requesting \$13 million this year to help address
21 staffing requirements needed and provide us the
22 technology to do our work effectively.

23 With your help and in partnership with the
24 community, the Mayor, the New York City Police
25 Department, DA Bragg's office will continue to work

2 to make Manhattan a model of safety and justice for
3 all. And we thank you for your time to share the
4 DA's priorities and for your partnership to make them
5 a reality. Thank you.

6 CHAIRPERSON HANKS: Thank you. And thank you
7 all. In the interest of time, you know, the Council
8 has heard-- And this is an issue so near and dear to
9 my heart when it comes to the very hard work that our
10 district attorneys are doing all citywide. And so
11 for the for the interest of the record, we-- I thank
12 you for your very detailed testimony. So we don't
13 have to rehash that. But I think that the questions
14 that I have are going to kind of do a little bit more
15 of a deeper dive, and really talk about: What are
16 the ancillary and nuanced issues of the pay parity.

17 And so you know, the preliminary plan does not
18 introduce significant changes to any of your budgets.
19 However, there are some historical imbalances. And
20 so I'm just going to read from-- Because actually,
21 there have been. It's gone down \$1.6 million from FY
22 2023. But I'm just going to read from the finance
23 division briefing paper, just so the public can
24 understand the parity that we're talking about here.
25 So when you're talking about New York District

2 Attorney DA Bragg, you have for FY 24 is \$148
3 million. The Bronx, DA Clark, is working with \$98
4 million. Kings County is working with \$130 million,
5 Queens \$87 million, and the good old Richmond County
6 is working with \$21 million. Now, the Bronx and
7 Brooklyn, and Richmond County have all went down.

8 So now I'm listening to the testimony, and you
9 know, and it's wonderful, what \$148 million and crime
10 is down and, and in Richmond County where we're
11 looking at pay parity, it's \$21 million, crime is up.
12 And so we want in this hearing to kind of dig into,
13 you know, what and why that is?

14 So my first question to all of you is, can you
15 describe your process with the administration in the
16 office of-- of OMB to establish baselines for your
17 office, just kind of talk a little bit about when you
18 go in and you talk about your needs, what's that
19 process, and if you can keep it...?

20 Who's on first?

21 DISTRICT ATTORNEY CLARK: Well, we speak to OMB
22 often. And I, you know, I have been-- I have been
23 ringing this bell of parity since the first day that
24 I testified here. And I continue to lose people.
25 And you know, losing them doesn't guarantee that I

2 could just redistribute that money, and then that
3 way, I'll have that money if I can hire. So we ask
4 for more from them, but we haven't been able to get
5 it, which forced me to have to just look at my
6 budget, look at the attrition, and just try to
7 redistribute it. So I came up with my own plan to
8 create parity in my office among the other DAs
9 offices, but more importantly, the other New York
10 City agencies that have lawyers. And I brought the
11 salaries up, and I'm doing and I'm doing those salary
12 increases. Starting in 2022, I did it one year. I
13 did it again this year. But I don't have enough to
14 guarantee that. So that is why I'm asking for the
15 money that I'm asking now for OMB, so that I could
16 sustain the pay parity that I need to pay my
17 assistants, so that I can fill also those vacancies,
18 even, you know, when it comes time for me to hire and
19 to recruit, they will have a baseline salary that
20 will guarantee that they'll be able to stay. It's
21 been difficult. You heard my testimony. I lost 152
22 lawyers last year.

23 CHAIRPERSON HANKS: So you-- It was an incredibly
24 detailed testimony, but what you didn't do, that the
25 other DAs did was that you didn't give me a number.

2 So if you can kind of encapsulate a number, and
3 separate the data-- the software from...?

4 DISTRICT ATTORNEY CLARK: Oh, so you mean, how
5 many-- What is the number I need for the--

6 CHAIRPERSON HANKS: Just the baseline number that
7 you're looking to-- because that's the one thing that
8 you didn't ask for.

9 DISTRICT ATTORNEY CLARK: All right. Getting you
10 the numbers. I've got to tell you, I'm one of these
11 people that-- All right, so I need an additional 187
12 people. That's-- I need 100, wait a second. 100
13 ADAs, 78 paralegals, 5 IT staff, and then 4 domestic
14 violence advocates and EVE liaisons for a total of
15 187 more people, and that is--

16 CHAIRPERSON HANKS: Is there a dollar amount
17 attached to that?

18 DISTRICT ATTORNEY CLARK: \$11.4 million.

19 CHAIRPERSON HANKS: Thank you so much.

20 DISTRICT ATTORNEY CLARK: Thank you. Sorry.

21 CHAIRPERSON HANKS: Okay. So, you know, going
22 into fiscal 2024. I mean, and all of you have
23 answered this. So, again, you know, the questions, I
24 don't want to repeat, but, you know, going into 2024
25 these budgets, you know, will impact-- I mean, this--

2 this Council talks about inequities and disparities,
3 and nothing is more clear than what it looks like
4 with our DAs.

5 So do you believe -- just a yes or no across the
6 board -- that your office has enough fiscal capital
7 to effectively perform your duties at this time?

8 DISTRICT ATTORNEY MCMAHON: I'd start by saying,
9 if I may: No, we do not. And that's seen in the
10 numbers, the upticks in crime that we see. The, sort
11 of, across the city inability to manage discovery and
12 allow cases, there's not so much of a problem for us.
13 But in the-- in the other boroughs for sure, where
14 cases are dismissed by-- by them or by the courts
15 because of discovery, being overwhelmed with
16 discovery.

17 But I-- if I could, Madam Chair, I just want to
18 get back to your question about how we've presented
19 our argument for funding, in particular parity-- pay
20 parity, or so-called pay parity to the
21 Administration.

22 This is a discussion that began before COVID with
23 the prior administration. And we went through at
24 least two or three years where we promised that it
25 would be addressed if we were able to provide the

2 data and to show-- to show. And we went through all
3 these machinations, and all these exercises, and then
4 provided this information since then. But then came
5 COVID, and it was exacerbated, and now has come the
6 uptick in crime that I certainly believe is-- was
7 engendered particularly by the bad laws that came
8 down from Albany. And we are seeing that these ADAs
9 continued to be woefully underpaid, and overwhelmed
10 by the duties that have befallen them because of
11 these circumstances.

12 So case numbers are up. It's sort of obvious,
13 right? If you have less ADAs and less staff, the
14 ability to perform the job is affected. If you have
15 less police officers, less school safety agents, the
16 ability just to keep people safe is affected. And so
17 we have seen that, and-- and at the same time, we all
18 see-- I know, I'll be so bold to speak for all--
19 myself and my colleagues, the heroic efforts of the
20 men and women in our offices and the hours that they
21 work without overtime, without any type of benefit,
22 that no other offices in the city of New York have,
23 no in private industry-- they-- they're paid
24 appropriately, and they continue to do the jobs to
25 the best of the ability.

2 Unfortunately, many of them have hit the wall and
3 say, "I just can't do this anymore." So that's what
4 we have to address, and it's-- Listen, inflation
5 exists. We all know it's difficult to make ends
6 meet. But this is a historic-- It's not about pay
7 parity. This is historic inequity. For men and
8 women who are, by the way, must live in the city of
9 New York or at least in the environs of the state of
10 New York. They have residency requirements. They
11 cannot get overtime, they cannot-- it's just
12 incredible to me. Student loans-- That this-- This
13 is-- In a way, there's a group that is treated so
14 unfairly compared to-- Where do we lose them to? We
15 lose them to the police department, to the courts, to
16 other city agencies primarily, and some to the-- to
17 the private sector.

18 But this is something that we cannot-- I don't
19 know how much longer it can go on where the system
20 doesn't collapse. And it's on the other side as
21 well. As I said, the public defenders deserve this
22 as well. But they-- their conditions are different.
23 And they will speak to themselves. And I don't-- you
24 know, that's why we sent a joint letter.

2 But this is critical for us to keep the people of
3 Staten-- of the city of New York, in my case Staten
4 Island, as you know, our favorite borough, safe.

5 And so that's why this has to be addressed by the
6 council. We look for leadership here. We have been
7 talking to the Mayor, in particular, when it comes to
8 the discovery funding. He is asked Albany for help,
9 he and his team. But this is a critical issue for
10 the people of the City of New York, that these
11 offices, under the weight of historic inequity, and
12 now the added burdens are close to the brink of
13 collapse.

14 And you know, it's interesting, I'll just say one
15 last thing. We-- We consider ourselves colleagues,
16 but we all come with different perspectives from
17 different places. But I don't think there's-- This
18 is one place that-- This is one area that we agree
19 1,000% from the Bronx to Staten Island, East, West,
20 North, South, whatever the communities are, this is a
21 problem. This is a crisis.

22 CHAIRPERSON HANKS: Thank you so much. And I
23 would definitely-- my question to you, DA Katz, is if
24 you're an advocate on the other side who's not really
25 concerned or caring that the DAs have a pay parity,

2 if you know they're-- don't understand the nuances of
3 what actually happens to victims, and what actually
4 happens as a result of their-- the things that
5 they're advocating for, how that is affected, when
6 there are pay parities with DAs and with public
7 defenders, what happens to the process, what happens
8 to folks at Rikers? What happens to the process,
9 when you do not have the sufficient headcount to do
10 the work? How does the criminal justice system
11 suffer? Because I think that that's one of the
12 things that are really not painted as well.

13 DISTRICT ATTORNEY KATZ: Yes.

14 CHAIRPERSON HANKS: And that's something that I
15 would like to get into in this hearing.

16 DISTRICT ATTORNEY KATZ: Well it's interesting,
17 because it is exactly what I was going to talk about.
18 When I was sitting on your side of the table, we had
19 agencies come in all the time and talk about a
20 limited amount of money.

21 This is just the facts, right? We have a limited
22 amount of money as an agency. Each of us work with
23 our own amount that we are allocated. At the end of
24 the day, especially out over the last few years,

2 there has been added burdens to the DAs offices,
3 right?

4 When I came in, we created a Restorative Justice
5 Department. We created the Conviction Integrity
6 Unit, as many of us have up here. We created Crime
7 Victims Services, in which we service almost 3000
8 people.

9 But just to be clear, there are obligations that
10 we have no choice but to meet. We have the
11 obligation of a 24-hour arraignment, we have an
12 obligation of 180/80, which means we have to have a
13 grand jury hearing when they're inside within a
14 certain amount of hours. We have an obligation of
15 bail asks. We have an obligation to have staff
16 members in a courtroom. We have an obligation to
17 make cases move when people are sitting on Rikers
18 Island, and moving the cases along.

19 So there are certain-- The difference I think
20 between us and some of the agencies, and some other -
21 - and I don't want to talk for other agencies -- is
22 that we can't just say, "Well, we'll do that
23 tomorrow." Right? Every morning I check my phone,
24 and every morning we have 50 to 100 arraignments a
25 night. We can't just put that over to the next day.

2 I need ADA's to staff that. I need paralegals. The
3 courts need the court officers. We need to make sure
4 that we have transcribers that are in the court. We
5 have to make sure that we have court reporters.
6 Those are things that we cannot wait for another day.
7 And in the meantime, all of us are dealing with the
8 additional discovery burden that we've been given by
9 Albany, which I think just needs a little bit of help
10 to make it fairer, but it needs a lot more money so
11 that our ADAs can keep up with the obligations that
12 it instills in us.

13 We also created all of these restorative and
14 rehabilitation services, which I think help to make
15 sure that people don't come back into the system.
16 And then you have other offices that have done their
17 individual issues, and I don't want to talk for them.
18 But you know, Staten Island is great at the Project
19 HOPE program that they chose to create and chose to
20 install in Staten Island.

21 You know, we have dozens of people in our
22 community partnership because I believe that unless
23 we create faith and partnership with our communities,
24 we can't really do the job that we were meant to do.
25 So in addition to all the things that I believe

1 COMMITTEE ON PUBLIC SAFETY 300

2 create the fairness and the equity that so many of
3 the advocates want created, we are doing that. But
4 we also have obligations to the victims of the
5 borough's that we represent, and we have obligations
6 to the court. And we have a legal obligation to do
7 what we do that we can't wait till tomorrow with.

8 CHAIRPERSON HANKS: Thank you so much. Let me
9 see. I will pass it along to my-- my colleagues, if
10 they have any questions in the respect of time. But
11 is there anything else that you would like to add
12 before we pass it off to...

13 DISTRICT ATTORNEY MCMAHON: Yeah. If I could
14 just go back to that question.

15 CHAIRPERSON HANKS: Sure.

16 DISTRICT ATTORNEY MCMAHON: You know, the
17 question of how does this affect public safety?
18 Well, think in our office, if I have a homicide, and
19 I have to assign an assistant who has three or four
20 years experience because I don't have anybody else,
21 how does that help public safety? It doesn't help
22 the accused, it doesn't help the victims, it doesn't
23 help the community. We're at a point where we can't
24 avoid that anymore, because the senior people have
25 said, "That's it. We're leaving. We can-- This

2 life is not what I imagined," because of all the
3 reasons you've heard. If we can't get the personnel
4 into the courtroom, as DA Katz has said, the system
5 is slowed down. If we can't process the cases from
6 our end, people are going to sit in Rikers Island for
7 a longer period of time, victims are not going to get
8 the services that they need. The community is not
9 going to be building the trust that we need, so that
10 we can all be successful. So this is at-- We're at
11 a, you know, a critical place and is badly, adversely
12 affecting the system, and anyone who was involved
13 with the criminal justice system from any perspective
14 should want a professional and adequately staffed --
15 not over-- overstaffed, and not overfunded -- D A 's
16 office to work in partnership with a defense bar and
17 the courts. Same thing with the courts: You need
18 adequate-- that's the subject of this hearing today.
19 But the system has to work.

20 We have a mandated role to play, as my colleague
21 said, and if we can't meet that burden, how does
22 that-- how does that help the accused? It's "justice
23 delayed is justice denied". So it doesn't help
24 anybody if we can't do our work.

2 DISTRICT ATTORNEY CLARK: That's exactly what I
3 was going to say. It is the partner-- with everybody
4 funded equally and fairly, and that parity on both
5 sides, we can do the work. We are the boots on the
6 ground, the practitioners that know this best. And
7 those of us who have been in this work for a long
8 time -- I mean, I've-- I've done it as an assistant
9 DA 16 years on the bench presiding over these things,
10 and now eight years as a DA. I know what it takes.
11 I know what-- what workforce I need, I know what
12 workforce that is going to work well across the aisle
13 with the defense bar, and the courts to make sure we
14 get it done. We all need the funding in order to get
15 this machine moving in the right direction. And we
16 can do it with-- with the resources.

17 CHAIRPERSON HANKS: Well, I thank you so much.
18 And I just want to say for the record that I'm
19 committed to making sure that that happens. And I
20 appreciate the hard work that you do. And I think
21 that part of the purpose of these hearings, is so
22 that everybody on-- has a teachable moment that,
23 because we're maybe on opposite sides, that equal pay
24 is great for the criminal justice process, even
25 though you may think you're on a different side, that

2 this is something that I feel passionate about. And
3 I appreciate you all coming in. It's late. But I
4 really appreciate all of your testimony. Thank you.

5 DISTRICT ATTORNEY KATZ: And thank you to the
6 Councilmembers who stayed, and I know that their
7 always here. Thank you, Staten Island and Queens.

8 We thank the entire committee. Thank you.

9 COUNSEL: All right, we're on to questions.
10 We'll now turn to Councilmember Holden for questions.

11 COUNCILMEMBER HOLDEN: Thank you. You're not
12 going to get away so quickly though. Sorry about
13 that. I'll be quick, though.

14 It's-- To me, this is very depressing. And I
15 guess it's very depressing to your offices that, you
16 know, that you-- It's almost-- it's actually criminal
17 that the State, and pun intended, it's actually
18 criminal that the state has not given you extra
19 funding. But it's given you the extra burden of
20 discovery.

21 Now, I think your office said-- DA Bragg-- that
22 \$13 million you need to just get to address the
23 discovery. Was that it?

24 ASSISTANT DISTRICT ATTORNEY REESE: Yes, that's
25 what we're asking.

2 COUNCILMEMBER HOLDEN: So if you got \$13 million
3 you could address discovery and not dismiss 1800
4 cases?

5 ASSISTANT DISTRICT ATTORNEY REESE: Well, we have
6 a bigger request also into the State. But the \$13
7 million is what we were asking the City.

8 COUNCILMEMBER HOLDEN: I know. I know that part.
9 I'm just interested in the discovery, because that
10 seems to be-- you're all--

11 ASSISTANT DISTRICT ATTORNEY REESE: I'm talking
12 about for discovery. So we have a bigger ask for
13 discovery into the State, but what we're asking of
14 the City is \$13 million.

15 COUNCILMEMBER HOLDEN: But 18-- you said 1800
16 cases were dismissed because of-- you just ran out of
17 time, or you couldn't meet the requirements?

18 ASSISTANT DISTRICT ATTORNEY REESE: We couldn't
19 meet the burdens of discovery.

20 COUNCILMEMBER HOLDEN: Yeah. And how many-- how
21 much-- you know, how many more millions do you all
22 need? Is it the same? Is it \$13 million? Is it--
23 um, to-- to address discovery? Would you say that's
24 a-- that's a figure that we all could live with? Or
25 should we just totally change discovery? I think you

2 all had asked the state to do that, to work on it.

3 And did you speak with one voice when you went up to
4 the state officials?

5 DISTRICT ATTORNEY CLARK: Yes. We speak with one
6 voice. But there is a difference between resources
7 we need to comply with the current statute for
8 discovery, and changing the law itself.

9 We're talking-- Right now we're talking about
10 give us the money, we need to deal with the law as it
11 is written now, in order for us to meet the
12 obligations that we have, and it's expensive--

13 COUNCILMEMBER HOLDEN: But I don't-- right. But
14 I don't know how you explain to a victim that your
15 case is dismissed, because we couldn't meet the
16 discovery issue. How many cases did you have
17 dismissed in the Bronx? Do you know?

18 DISTRICT ATTORNEY CLARK: Over half of our
19 felonies are going down--

20 COUNCILMEMBER HOLDEN: See that's-- that--

21 DISTRICT ATTORNEY CLARK: and three quarters of
22 the [inaudible]--

23 COUNCILMEMBER HOLDEN: That is unbelievable.

24 DISTRICT ATTORNEY CLARK: -- because we have to
25 prioritize. I know. It's-- Yeah, welcome to our

2 world. It is difficult to-- to say that to victims.
3 And, you know, we work as best as we can. And until,
4 you know, the courts-- until the cases go up through
5 the courts that challenge what the current law is
6 now.

7 Remember, all this is new. It came in when COVID
8 hit. So we haven't had time to really-- for the
9 courts to interpret it, in order to determine what
10 the law really is. We have what it says now. We've
11 made some-- there have been some adjustments. And we
12 even sat down with the defense last year to do that.
13 But at the end of the day, the reality is what the
14 reality is.

15 COUNCILMEMBER HOLDEN: That must affect all of
16 you, just because you know somebody is guilty, let's
17 say, you know they've committed a heinous crime, but
18 yet you can't get it all together because of
19 discovery. That's-- That would seem to be-- I mean,
20 I would get so-- I don't know how you guys can
21 actually function with this with this in place,
22 because it doesn't seem like there's light at the end
23 of the tunnel, unless we give you more money. But it
24 doesn't seem that we're getting the right answers
25 from the state officials.

2 That's what I'm trying to ask you: Are we
3 getting answers?

4 DISTRICT ATTORNEY KATZ: So there are two issues
5 going on that are happening at the same time in
6 parallel. So one is the fact that we need more money
7 and more funding to be able to hire more ADAs, and
8 more paralegals. It's not in a vacuum, right? So
9 when you hire more lawyers, you need to hire more
10 paralegals, and then you have to worry about the
11 court reporters, and then you got to worry about the
12 grid. So there's a lot that goes into the discovery
13 ask.

14 The other thing that is happening in parallel is
15 that we're working with the State to change the law,
16 to add in the fact that if we give over discovery,
17 and we are in substantial compliance, and there's a
18 lot of variations on that, that the cases will not be
19 dismissed. So adding another--

20 COUNCILMEMBER HOLDEN: They're listening though,
21 the State? Because--

22 DISTRICT ATTORNEY KATZ: Well, we're in
23 discussions right now. And the question is, are
24 there--

2 COUNCILMEMBER HOLDEN: It's no. The answer is
3 no.

4 DISTRICT ATTORNEY KATZ: [LAUGHS] --we'll see
5 what happens. We're in discussions right now.

6 COUNCILMEMBER HOLDEN: Well, because that's--
7 that's a very important question.

8 DISTRICT ATTORNEY KATZ: Right.

9 COUNCILMEMBER HOLDEN: If you're not gaining
10 ground, we may lose this city and state to the point
11 where we're going to have people just coming in out
12 of the system committing crimes, and they're just
13 walking.

14 DISTRICT ATTORNEY KATZ: So we were-- Yeah.

15 COUNCILMEMBER HOLDEN: And that's not justice.

16 DISTRICT ATTORNEY KATZ: Right. So what we're
17 asking for is that cases aren't automatically
18 dismissed when something that is immaterial is
19 missing from the discovery. So for instance, in a
20 case that I had last year, where a police officer did
21 not secure his pepper spray, and he was sanctioned
22 for that in a totally other case, not having anything
23 to do with my case, when we were not going to even
24 call him at the trial or utilize him. Our case was

2 then dismissed, because we didn't turn that
3 information over.

4 And I think our argument, as one voice is, that
5 dismissals are not the appropriate sanction. Maybe
6 we shouldn't be able to use that testimony. Maybe we
7 should be able to-- Maybe the defense should be able
8 to suppress the-- the evidence that wasn't turned
9 over. It's not always going to lead to a dismissal,
10 or it should not always lead to a dismissal. And
11 that's really the argument we're having at the state.

12 Here, we're arguing that we need further funds,
13 in order to be able to accommodate what is now
14 expected of us. We can continue to advocate, to make
15 sure that the laws are changed. But at the end of
16 the day, we are still-- as we're advocating under the
17 obligations that we have now, right now, and that's
18 going to require much more resources.

19 COUNCILMEMBER HOLDEN: And we have to do
20 something about Queens getting shortchanged again,
21 like we do every year. And I'm sorry Chair, but just
22 one other question for the Special Narcotics
23 Prosecutor, because I met with you. And again, that
24 was eye opening, to say the least, that I have drug
25 millhouses in my district, and you-- you got to a few

2 of them, which was great, but we still have some
3 popping up.

4 And you had mentioned to me that, I think at the
5 time, 95% of the fentanyl was coming through the
6 southern border. Is that still the case?

7 MS. BRENNAN: Yes. Most of the fentanyl-- I
8 mean, it's hard to put an exact percentage on it.
9 But most of the fentanyl is coming across the south--
10 southern border. It's manufactured. It's made of
11 just chemicals. Most of the chemicals come from
12 China--

13 COUNCILMEMBER HOLDEN: From China. They're
14 putting it together in Mexico, although the Mexican
15 government is denying this, obviously. But it's-- it
16 is an issue where-- How many hundred-- I think it was
17 I saw 106,000 Americans overdosed and passed away
18 from the fentanyl?

19 MS. BRENNAN: Yes, from overdoses. I mean,
20 overdoses have become so high that the average life
21 expectancy of Americans has decreased. So it's--
22 It's a-- It's a very substantial issue.

23 COUNCILMEMBER HOLDEN: And if that's not a reason
24 to raise your budget, I don't know what is. But it's

2 really again-- it's eye opening. And we have to act,
3 and we have to act yesterday to this.

4 But when I met with you, I guess it was last
5 year, I wanted to tell everybody about this, and I
6 could keep using it. But I think any elected
7 official has to meet with you to find out how serious
8 this is, because it's not going away. It's getting
9 worse. And if we're going to, you know, not increase
10 your budget, and not give you the necessary
11 ammunition to deal with this, we're going to lose a
12 lot more lives. And many of them are even older
13 Americans. You said-- I think you said they were
14 older.

15 MS. BRENNAN: Yes.

16 COUNCILMEMBER HOLDEN: I asked-- I thought they
17 were young Americans dying. You said no. You said
18 there were--

19 MS. BRENNAN: No. We always assume they're
20 younger, because those are the stories we hear, and
21 those are tragic. But the greatest number of lives
22 lost are older, in the 50 and older range. Because
23 you know, often those people have other health issues
24 and maybe have suffered for a long time with

2 substance use problems, which causes all kinds of
3 health issues.

4 COUNCILMEMBER HOLDEN: Well, thank you all again.
5 This is a tremendous service. And again, I feel so
6 bad for your offices having to deal with this and
7 having to tell victims that, you know, unfortunately,
8 we can't go forward. I don't know if I could live
9 with that if I was a victim or if I lost a family
10 member.

11 And so we don't hear about the victims usually in
12 this room enough. And I think we have to. We have
13 to hear from you because you're on the front lines.
14 But I thank you Chair for this hearing. This is
15 wonderful. And again, I'm with you on this, that we
16 have to do something to address their budgets. Thank
17 you.

18 CHAIRPERSON HANKS: Thank you so much.
19 Councilmember Holden. Councilmember Ariola?

20 COUNCILMEMBER ARIOLA: Thank you, Chair. And
21 thank you for your patience. And thank you for your
22 testimony.

23 So as a representative from Queens, I think that
24 the really beacon of, like, this red flashing light
25 right now is the fact that Queens is it's such a

2 deficit in their budget comparatively. And I would
3 like all of you to be fully budgeted. I want to
4 preface my statement with that. Each of you should
5 have every penny you need to do your job effectively.

6 But when you look at and compare counties, where
7 there are 755,000 people less in that county, yet
8 that county is getting more money for personal
9 service funds than Queens County, there's a real
10 problem here, budgetarily.

11 So yes, this is a budget hearing. Yes, we want
12 you to have all that you need for discovery, but
13 without the proper funding for -- and I'm going to
14 say Queens because that is the borough I live in and
15 represent, and that is where the most disparity lies
16 -- I think Chair, we really need to bring that to
17 light at our additional budget hearings, and make
18 sure that there is parity first for this office to
19 continue to operate. Because from what I can see,
20 kudos to you for having such-- so many programs with
21 the budget that-- that you're given.

22 And honestly, I'm very proud to say that through
23 our initiative money we fund for your Domestic
24 Violence Program, \$72,500, and we're going to
25 continue to do that. So I also commit through our

1 COMMITTEE ON PUBLIC SAFETY 314

2 initiative money, through our budget discussions with
3 our delegation, and with the entire Council, that we
4 will fight for Queens County to reach parity with the
5 rest of the boroughs. Thank you.

6 DISTRICT ATTORNEY KATZ: Thank you, Councilwoman.

7 DISTRICT ATTORNEY MCMAHON: Rise all boats.

8 DISTRICT ATTORNEY KATZ: Rise all boats. That is
9 correct.

10 DISTRICT ATTORNEY CLARK: And I agree, we all
11 should. But then, you know, there's disparities in
12 the budget, and I agree. We all should get what we
13 need. But what we need is also based on the work
14 that we have to do. The Bronx is only 17% of the
15 city's population, but I have 30% of the crime. So
16 with less ADAs, and having to deal with 30% of the
17 crime that's in the city. My budget needs to reflect
18 the work that I have to do, the same with every with
19 all of the DA's. That's how it really works.

20 COUNCILMEMBER ARIOLA: And just to add on. I
21 mean, we had people testify here all day, and
22 District Attorney McMahon, you mentioned that your
23 ADAs make \$72,000 a year. And yet another group that
24 was here earlier, a trainer for their-- their
25 department makes \$101,000 a year. So we have to

2 start to really put our hats on straight, and think
3 straight, and think about, you know what we're paying
4 those who really could help turn this city around and
5 make it a safe place to live. Thank you.

6 CHAIRPERSON HANKS: Thank you so much my
7 colleagues for the wonderful questions and testimony.
8 And I also again, want to thank you. I know you want
9 to get out of here. But you know, you do have our
10 commitment. And you know, Staten Island is on par
11 with the Special Narcotics. And we are, you know, 6%
12 of the population. However, as you all testified,
13 you know, it's great when you're-- you're getting
14 the-- the funding that you need. So you can talk
15 about how crime is low, but it does have an impact.
16 So again, you have my commitment. And this will be
17 brought up in our future budgetary hearings. I thank
18 you so much for your testimony, and have a wonderful
19 evening.

20 DISTRICT ATTORNEY CLARK: Thank you so much.

21 DISTRICT ATTORNEY MCMAHON: Thank you.

22 CHAIRPERSON HANKS: So we're going to take a
23 five-minute break, and then I'm going to get to hear
24 from the advocates and the folks that came here to
25 testify. I really appreciate you staying here with

2 me listening, and we're going to get to you and hear
3 your testimony in about five minutes. Thank you so
4 much for your patience.

5 [9 MINUTES SILENCE]

6 SERGEANT AT ARMS: Good evening, everybody. At
7 this time we asked if anybody can please find their
8 seats. We're ready to start back up.

9 COUNSEL: I'd like to welcome the first panel
10 with us, we have Ann Matthews, Alice Fontier, Stan
11 Germán, and Tina Luongo. We can start with who's
12 ever ready first.

13 CHAIRPERSON HANKS: Red means go.

14 MS. FRONTIER: Thank you, and I apologize for my
15 voice. But I'm Alice Fontier. I'm the Managing
16 Director of the Neighborhood Defender Service of
17 Harlem. Thank you for the opportunity to testify
18 here today. When I heard we were on a panel, I
19 thought it was going to be slightly more than two
20 minutes. So I am going to try and cut a few things
21 out, but I apologize if I run slightly over. I would
22 be remiss--

23 CHAIRPERSON HANKS: You can always, you know,
24 send us your testimony as well, and it will be there
25 for the record.

2 MS. FRONTIER: Yes, certainly. I would be remiss
3 if I didn't recognize the anniversary of Gideon v.
4 Wainwright. This weekend it was 60 years since that
5 landmark decision came in, in which the Supreme Court
6 declared that lawyers in criminal cases are
7 necessities, not luxuries.

8 Now 60 years ago, that's case was a major step
9 forward for the rights of people facing the severe
10 penalty of loss of liberty. Now, not long ago, that
11 noble ideal was made a reality in New York City,
12 because the city took its obligation to fund public
13 defenders seriously. New York used to be the
14 lodestar for public defense. We created the models
15 for holistic defense that are replicated across the
16 country. Now all of our offices -- and I speak for
17 all of the public defense offices in the city today -
18 - have always been highly sought after by law grads.
19 And attorneys were easy to recruit. Advocates who
20 are hoping to serve our communities applied to our
21 offices en masse.

22 Unfortunately, chronic underfunding and delays
23 and contracting has impacted our ability to recruit
24 and retain the best advocates when we cannot fill our
25 open positions. When we cannot fill our open

2 positions, the communities we serve suffer. We are
3 asking for a total of \$125 million across our offices
4 to increase salaries to prevent attrition, and also
5 to meet the needs of discovery reform-- [BELL RINGS]
6 And so I just need one more minute. -- to meet the
7 needs of discover reform. And also to make sure that
8 we are able to, as I said, continue to recruit the
9 best of the best, which has been unfortunately made
10 impossible.

11 I have so much more, but I'm not going to go
12 there. Our offices, though, are losing people in
13 droves. And that impacts our clients. When they
14 have transfer cases it is extremely negative. All of
15 our offices have at least one story of a client who
16 has unfortunately had to have multiple attorneys
17 because of attrition rates.

18 And that further delays case processing and harms
19 their ability to negotiate a settlement to be able to
20 understand the discovery that has come in and prepare
21 for a trial.

22 And so it continues to be that our clients are
23 negatively impacted, and our staff are suffering, and
24 we are asking the city council for fair funding and
25 to right size our budgets.

2 CHAIRPERSON HANKS: Thank you so much.

3 MS. MATTHEWS: Thank you, Chair Hanks, and
4 members of the committee. My name is Ann Matthews,
5 and I'm the Managing Director of the Criminal Defense
6 Practice at the Bronx Defenders.

7 As you have just heard, New York City's public
8 defenders are experiencing levels of staff attrition
9 that we have never before encountered. Some of our
10 offices have seen attrition rates over 25%. And it
11 is not just the sheer number of attorneys and other
12 advocates who are leaving. Also of grave concern is
13 that the colleagues who are leaving are some of our
14 most experienced attorneys, our most experienced
15 advocates. A significant number of the departing
16 attorneys have between 5 and 10 years of experience,
17 if not more.

18 The loss of senior staff members puts a
19 significant strain on remaining staff who are
20 absorbing the additional workload as well as working
21 under already challenging conditions. Hiring entry
22 level staff across roles boosts our staffing numbers
23 but does not address the dire need for experienced
24 attorneys and experienced advocates. Two key factors
25 that have led many defenders to leave are the same

1 COMMITTEE ON PUBLIC SAFETY 320

2 factors that are hampering our ability to effectively
3 recruit and retain new staff: That is low salaries,
4 and disparities in pay between defenders and
5 prosecutors, and the increased workload from
6 discovery reform without a corresponding increase in
7 support.

8 We have heard repeatedly from departing staff,
9 including those with years of experience that low
10 salaries are a significant factor in the decision to
11 leave public defense work.

12 Public Defender attorneys, social workers,
13 mitigation specialists and more do not get overtime.
14 The pay disparity is real between our public defender
15 salaries and those of the city's prosecutors. We
16 have heard repeatedly that it is not just unfair to
17 be paid less to provide constitutionally guaranteed
18 representation than one's adversary. It is
19 disempowering.

20 We also know that the workload of attorneys and
21 other advocates have been greatly affected by the
22 advent of discovery form. But let's be clear, this
23 is a good problem to have and a long overdue reform
24 of New York's law. Early access to discovery removes
25 the blindfold that for years grossly prejudiced the

2 defense. Granting the accused access to discovery,
3 access that should have always been the norm, is not
4 leading to the dismissal of cases. Cases are
5 dismissed now as they were before discovery reform,
6 because they never should have been prosecuted in the
7 first place, because the prosecution cannot meet its
8 burden of proof.

9 But the additional workload of discovery reform
10 without the additional staff and associated resources
11 puts yet more strain on an already depleted and
12 overworked defender workforce. We need additional
13 resources from the city in order to effectively and
14 expeditiously address the staffing crisis our offices
15 are facing, and allow us to rebuild and maintain
16 fully staffed exceptional defender offices. We need
17 to increase the number of attorneys in our offices,
18 as well as to increase our salaries by 25%.

19 We also urge the city to fund pay parity
20 initiatives. We also seek funding to fully realize
21 the benefits of discovery reform and to relieve the
22 overwhelming workloads that our leanly staffed
23 offices currently sustain. We seek to hire, train
24 and retain paralegals at a ratio of one paralegal to
25 every three attorneys. And we request additional

1 COMMITTEE ON PUBLIC SAFETY 322

2 funding in order to improve technology necessary to
3 fully recognize discovery reform implementation.

4 Additional funding for salary increases, increased
5 personnel, and technology will provide vital
6 assistance for our recruiting and retention efforts.

7 Ensuring that our offices are fully and
8 effectively staffed in turn not only assists in
9 maintaining a functional court system, but also, and
10 of critical importance, ensures that our clients'
11 constitutional rights to counsel are not undermined
12 by budgetary shortfalls. Thank you.

13 CHAIRPERSON HANKS: Thank you so much.

14 MR. GERMÁN: Good evening, Madam Chair. My name
15 is Stan Germán. I'm the Executive Director of New
16 York County Defender Services. Today I will be
17 focusing on one particular portion of all our
18 budgets, the homicide contracts that we were all
19 awarded in January of 2019. It is a separate and
20 standalone contract to represent individuals facing
21 homicide charges.

22 Back in 2018, when the city was determining the
23 appropriate fiscal allocation for these contracts, we
24 all pointed out two major deficiencies regarding the
25 city's analysis, both of which have come to fruition.

2 First, the budgets were based on data from the
3 last-- from the two lowest years for homicides in the
4 history of New York City. In both 2017 and 2018, New
5 York City had fewer than 300 homicides citywide.

6 Second, the budgets ignored the expected length
7 of time it takes for homicide cases to make their way
8 through the court system. They simply do not resolve
9 within a fiscal year or any 12-month period, but on
10 average range between 18 and 30 months. Why? The
11 complexity of the cases: The use of experts, medical
12 examiners, DNA experts, the number of witnesses
13 called at trial, complex psychiatric defenses, and
14 the time the seasoned and specialized attorneys can
15 expect to be on trial or contribute to the average
16 length of a case.

17 As a result, we explained back in 2018, that
18 after the first year of the contract, pending
19 caseload for our homicide attorneys would skyrocket.
20 That is exactly what has occurred. An examination of
21 the number of homicide cases since the inception of
22 the contracts underscores why our homicide units are
23 understaffed, under-resourced, and overwhelmed.

24 In 2019. There were 319 murders in 2024, 462.
25 In 2021, 485. And in 2022, 433. As far as our

2 homicide budgets were concerned, do you think they
3 were increased to meet the 54% increase in 2020? Or
4 the 62% increase in 2021? Or the 44% increase in
5 2022? No, they remained 100% flat for each of those
6 years.

7 Also of note is that in 2019, when the homicide
8 contracts were awarded, discovery reform had not
9 taken place. Today, the average discovery on a
10 homicide case is 500% greater than a regular case,
11 voluminous police reports, medical records and the
12 almost immeasurable amount of video footage and body
13 cam footage means that an attorney's ability to
14 effectively represent a person charged with a
15 homicide must reflect this new reality.

16 Lastly, as we begin to see more and more homicide
17 trials taking place, as courts make their way through
18 the pandemic fueled backlog. The expenses related to
19 expert witnesses and their use at trial has risen
20 sharply.

21 As we sit here today, right now, our offices
22 collectively have 450 pending homicides. I'm going
23 to say that again: 450 pending homicides. A budget
24 that only continues to look at the cases, it
25 anticipates we will be assigned in the future, but

2 completely ignores our pending cases is simply
3 unworkable, and the consequences of continuing with
4 his budget model is dire.

5 It is imperative that the homicide contracts
6 receive a dramatic increase in funding to reflect the
7 pending caseload of our homicide attorneys and all of
8 the complexities these cases present. Thank you.

9 CHAIRPERSON HANKS: What is that amount to the
10 increased--

11 MR. GERMAN: So currently, we've been held flat
12 since January of 2019 at \$20 million for all the
13 homicides. We are asking for \$30 million.

14 CHAIRPERSON HANKS: Okay. Thank you. Thank you.

15 MS. LUONGO: Good evening, Madam Chair. I'm
16 Justine Luongo, or as people call me Tina Longo, I'm
17 the Chief Attorney at the Legal Aid Society's
18 Criminal Defense Practice. I thank you for staying
19 and listening to this important information, and we
20 sit here also joined by our colleague, Laurie Zeno
21 from Queens Defender, and we also speak on behalf of
22 Brooklyn Defender Services.

23 You talked Madam Chair about us coming together,
24 both sides of the aisle to make this argument that we
25 are in a crisis in our city. And that is why the

2 district attorneys and all defenders joined in a
3 letter that called for the 25% increase in personnel
4 services, the three-to-one ratio for paralegals, and
5 the infrastructure in technology to meet the demands
6 of the current discovery law.

7 But I do want to talk about something that does
8 set our offices apart from other city agencies and
9 district attorneys: Our organizations or nonprofits.
10 We contract with the city of New York through a pure
11 cure meant process and RFP process. And when we are
12 given funding, that funding stays flat, year after
13 year after year.

14 So my colleague just said that since January 19,
15 our homicide contract has been flat at \$20 million.
16 But so of our base contracts for our trial level
17 services, and all of our discretionary contracts that
18 come through the City Council.

19 So what does that mean? So every year, when our
20 occupancy goes up, our other-than-personal services
21 goes up our utilities, our health care costs, we have
22 to make a decision in those moments. Do we fill that
23 open attritted line of that lawyer or paralegal? Or
24 do we cover that cost? An average of 3% in our OTPS
25 and occupancy has gone up year after year since 2019,

2 and our health care has gone up about 10%, year after
3 year after year. Then almost all of us are in CBAs.
4 With our unions. Those increases go up too. And yet
5 we don't get extra money. That isn't the case.

6 And as much as we stand shoulder to shoulder
7 making this argument with the district attorneys when
8 their rent goes up, or their health care goes up, the
9 city of New York pays for it. When the city
10 negotiates contracts, like it just did with DC 37,
11 all city agencies that have that staff automatically
12 get those monies in their budget.

13 We're negotiating right now with our unions. And
14 unless I have to choose to give that raise, to try to
15 make that CBA work, to pay that COLA, perhaps? When
16 I don't get it, I have to then choose to manage that
17 with attrition. And when we are talking about the
18 staffing crisis that we have, we're at a breaking
19 point.

20 So we also need to restructure the way our monies
21 are given. And I-- I am a little bit disappointed
22 that the Mayor's Office of Criminal Justice doesn't
23 come to talk to you at these hearings, because they
24 are the people we've been making these arguments for-
25 - for years.

2 Automatic inclusions going forward of our costs
3 have to be included. So that when this city adjusts
4 our budgets and gives us the same as the prosecutors
5 this year, that 100% of that money, goes to the
6 personnel and goes to the intended needs, and it
7 doesn't get them reduced and tightened when those
8 other costs that we have to pay go up. Thank you
9 very much.

10 CHAIRPERSON HANKS: Thank you one quick-- quick
11 question. So you testified that \$125 million. Is
12 that the number that collectively, with the exception
13 of the homicide contracts? Is that separate? Or is
14 that included? Are we speaking...?

15 MR. GERMÁN: That's-- that's for all six
16 institutional defenders.

17 CHAIRPERSON HANKS: But it was not including the
18 homicide?

19 MR. GERMÁN: Right.

20 CHAIRPERSON HANKS: The homicide would be on top.
21 So \$135 million. Was the State-- did they give any
22 additional funding for the public defenders in this
23 budget? Or are they trying to negotiate?

24 MS. LUONGO: We're negotiating that now. So the
25 governor gave us zero. And we were really

2 disappointed in that, because the Governor did see
3 fit to add money into the aid of the prosecution
4 budget.

5 So currently, though, right now, in the one-house
6 bills for the Assembly in the Senate, they have
7 included monies to meet the same matching number for
8 the prosecutors to be placed in the budget for
9 discovery, for our discovery needs staffing and
10 technology--

11 MR. GERMAN: Statewide.

12 MS. LUONGO: -state, but that is statewide.

13 CHAIRPERSON HANKS: Okay.

14 MS. LUONGO: So it's not at all recognizing how
15 much New York City has to shoulder, the number of
16 arrests in New York City, and the number of people
17 accused that we have to represent. So that is a
18 statewide number. And so our numbers are coming--
19 that \$135 million now is the city's portion that
20 would make whole similar to what the DAs testified
21 earlier.

22 CHAIRPERSON HANKS: Okay, got it. Can you
23 provide my office with a copy of the letter that you
24 jointly sent? I would appreciate that. And yes?

2 MS. FONTIER: Of course, I just wanted to add to
3 what Tina was saying. With respect to the discovery
4 funding, which is primarily what is in the one-house
5 budgets at the State, and statewide, they don't take
6 into-- if that gets through, which is obviously a big
7 if, but assuming that some money comes from the
8 state, they ultimately do not take into effect, into
9 account when dispersing the money, the fundamental
10 differences of the NYPD versus, you know, local and
11 upstate agencies, and the fact that literally every
12 building has a camera on it in New York City.

13 And so the amount of digital discovery that we
14 receive, and have an absolute ethical obligation to
15 review, the hours, and hours, and hours of that in
16 New York City is unlike anywhere else.

17 And so our-- the time that it takes to review
18 discovery by our lawyers, and paralegals, and
19 advocates is fundamentally different. And I think it
20 is incumbent upon the city to address that in
21 providing funds for discovery staffing.

22 CHAIRPERSON HANKS: Okay, make sure-- Thank you
23 so much. Just make sure that we get a copy of that.
24 And, and-- is there any technologies that are-- that

2 are available to review body cam footage in a more
3 efficient way than the human, you know, rewind.

4 MS. FONTIER: They cost a lot of money, there's
5 at least--

6 CHAIRPERSON HANKS: How much?

7 MS. FONTIER: So there's-- Justice Text is sort
8 of the-- at this point, the leading software for
9 assistance with-- with video review and individual
10 licenses are \$1,200.

11 CHAIRPERSON HANKS: So how...?

12 MS. FONTIER: \$1,200 annually per license per
13 staff member that has to use them. So depending on
14 the amount of staff that we each all have, who would
15 be reviewing discovery, it's a significant number.

16 CHAIRPERSON HANKS: Figure out a number and
17 include that. We can add that.

18 MR. GERMAN: And Chair Harris, one thing because
19 I sat through...

20 CHAIRPERSON HANKS: Hanks. Hanks.

21 MR. GERMAN: Oh, Hanks. I'm sorry.

22 CHAIRPERSON HANKS: It's okay. I get it all the
23 time.

24 MR. GERMAN: You know, one thing I heard, you
25 know, from the DEA is on the issue of discovery that

2 wasn't said: That the real issue in terms of
3 discovery isn't when they get it, and they send it to
4 us. It's them getting it from NYPD. That's where
5 the link in the chain is broken.

6 So when they talk about, "Well, we can't produce
7 this discovery," it's because they're not receiving
8 it. Because once they get it, they literally hit a
9 button, it goes digitally, it gets downloaded to our
10 servers, and we have it.

11 So the real issue for the-- for the fiscal fix
12 for this. We don't need a new law. We don't need to
13 curtail discovery, we need to figure out how NYPD
14 needs to get the discovery in an expeditious manner
15 to all the elected District Attorney offices in New
16 York City.

17 MS. LUONGO: I also want to add just one thing,
18 if I may, which is something that the district
19 attorney's talked about, which is really looking at a
20 citywide fix for the storage of discovery. I can't
21 tell you how much money each of our offices is paying
22 to store the same exact information in the same exact
23 way.

24

25

2 CHAIRPERSON HANKS: Well, how do you store it?
3 If it's digital? I mean, like, what does that look
4 like?

5 MS. LUONGO: So we all download it, as Stan said,
6 and then we all are storing it, and then we all have
7 requirements, ethically, to hold that information
8 because there could be an appellate review. (Which
9 by the way, then they're storing at the appellate
10 providers. One of my-- at the Legal Aid Society, I
11 have both a trial and an appellate.) We each
12 individually have to store that information to make
13 that available for our clients to-- for post
14 conviction purposes.

15 And what we have talked to the city and the state
16 about is bringing together good minds in technology
17 to come up with a unified system to store it so that
18 we are all utilizing one system. Had we thought
19 about this before the law changed, and before COVID,
20 we may be in a better position than we are now. But--
21 - But certainly we could be looking at more
22 effective ways to-- in New York City in particular,
23 share that information and store it so that it
24 perhaps is more cost effective.

2 CHAIRPERSON HANKS: Thank you so much. That was
3 very informative. I appreciate it. Thanks for
4 hanging out so long. You guys have a great evening.

5 MR. GERMÁN: Thank you Chair Hanks.

6 CHAIRPERSON HANKS: I'm so sorry. I didn't-- I
7 thought I was by myself.

8 COUNCILMEMBER HOLDEN: You didn't see me. Okay.

9 CHAIRPERSON HANKS: I was going to order dinner.

10 COUNCILMEMBER HOLDEN: Sorry. I just-- Some
11 quick ones. Um, you know, and I feel the situation
12 on both sides. We need to properly fund, obviously
13 public defenders. But what's the what's the average
14 salary for a public defender?

15 MS. FONTIER: So our-- One of the things I cut
16 out was trying to put the salaries in perspective,
17 because while we have addressed-- from pay parity
18 from ages ago, the starting salaries and brought them
19 up to on average about \$72,000 as well, what--
20 nothing else has increased. And so our scales, you
21 know, are compressed, they're brought up at the
22 bottom, and then they're compressed. The point I was
23 hoping to make was, you know, just-- average, the
24 average rent of a two bedroom in Manhattan is \$4,000.
25 On our current scales, an attorney would have to work

2 for 34 years before they could make the like 40 times
3 the rent to be able to afford their own two bedroom
4 apartment. So it is-- they just compress. And our
5 staff are not making livable wages, and we absolutely
6 must address them.

7 COUNCILMEMBER HOLDEN: So you're losing 25% in
8 your law firm? Are you-- that's what's the-- the
9 average, and you're losing the best, obviously--

10 MS. FONTIER: Yes.

11 COUNCILMEMBER HOLDEN: --because they could make
12 more money. You know, so it's a problem on both
13 sides.

14 MS. FONTIER: Absolutely.

15 COUNCILMEMBER HOLDEN: And it's really terrible
16 that the governor didn't address this. I don't get
17 it. But what's the workload? What you said,
18 obviously, when you're not getting the funding, and
19 the caseload has increased, there's more pressure on
20 the individual attorney.

21 MS. FONTIER: Right.

22 MR. GERMAN: Councilmember Hunter, if I could
23 just address the salary, because the salary is
24 important, because we just focus in New York City and
25 the private bar. A starting public defender in

2 Seattle, Washington, makes \$100,000 a year, a
3 starting public defender in Oakland, California,
4 makes \$108,000 year. Atlanta just went to \$100.

5 COUNCILMEMBER HOLDEN: But as they should.
6 That's in line.

7 MR. GERMAN: But that's our point, right? That's
8 where the 25%, because the DAs and us both agree that
9 the starting salary for a district attorney or public
10 defender in this expensive city, with this amount of
11 work, should be \$100,000 as well.

12 COUNCILMEMBER HOLDEN: I agree, 100%.

13 MS. LUONGO: You asked about caseload. You know,
14 we operate under caseload standards. But those
15 standards were done before the discovery law had
16 changed. And I-- We have been asking for that to be
17 redone in the State.

18 But I think when we talk about caseload, you have
19 to really look at workload and the increase of
20 workload that is caused by analyzing that much
21 discovery, understanding that discovery, showing that
22 discovery to your client at Rikers, and all the
23 challenges that that comes with. And then being able
24 to understand your case enough, have an investigation

2 to talk to your client about whether or not they
3 should take a plea or go to trial, right?

4 I talk about the attrition. When Alice said that
5 there are clients, clients who are held some of them
6 at Rikers Island, have two defenders, and maybe even
7 a prosecutor in the pendency of that one single
8 matter.

9 So when we look at that, when we talk about
10 caseload, we have to-- look at the effect on backlog,
11 effect on your access to justice. 60 clients for
12 somebody is-- is a workload. But if I leave my 60
13 clients have to be redistributed to my four other
14 colleagues, who now have 70 clients. And as that
15 happens, and in some of my offices, I am getting
16 resignations weekly, sometimes two and three weekly.
17 Each one of those people have a client caseload that
18 then has to be handed over to somebody else.

19 And that's the real injustice that we're talking
20 about is that people who have should have their day
21 in court, and have that experience are having to meet
22 two and three people as their lawyer, and that just
23 has to end.

24 COUNCILMEMBER HOLDEN: So it sounds like, what
25 you said, we're at a breaking point.

2 MS. FONTIER: Yes.

3 COUNCILMEMBER HOLDEN: And so this is a critical
4 year--

5 MR. GERMÁN: It is.

6 COUNCILMEMBER HOLDEN: --for funding. Thank you.
7 Thank you so much.8 MS. MATTHEWS: If I could just add on very
9 quickly, because I passed over it earlier, but it
10 fits into what Tina was saying, and the question you
11 asked: Not only is it that cases are then getting
12 passed on to those colleagues who remain, but given
13 the changing nature of the composition of our pending
14 caseloads -- like that is the cases that are
15 currently making up New York's criminal courts --
16 there is a decrease in the number of pending
17 misdemeanors. At the same time, we've been seeing an
18 increase not only in pending felony cases, but
19 violent felony offenses, which is what makes the loss
20 of our most experienced attorneys and advocates that
21 much more crushing, because we are in grave need of
22 the staffing to meet the demands of the cases and to
23 serve our clients who are facing those most serious
24 charges.

25 COUNCILMEMBER HOLDEN: Thank you all.

2 MR. GERMAN: And DA McMahon said the same exact
3 thing from his side.

4 COUNCILMEMBER HOLDEN: All right. Thank you all.

5 CHAIRPERSON HANKS: Thank you so much.

6 MS. LUONGO: Thank you very much.

7 MR. GERMAN: Thank you for staying, Councilmember
8 Holden. Bye, Chairwoman Hanks.

9 COUNSEL: Okay, we're going to call the next
10 panel just briefly. For virtual panelists, we'll be
11 calling individuals one by one to testify. Once your
12 name is called, a member of our staff will unmute you
13 and the Sergeant At Arms will set the timer and give
14 you a go ahead to begin. Please wait for the
15 Sergeant to announce that you may begin before
16 delivering your testimony.

17 And for the next panel, I'd like to call to the
18 dais James Ennis, Keli Young, Ileana Mendez Peñate,
19 and we'll have virtual panelists Leo Ferguson and
20 Christine Henson.

21 We'll start with the testimony of those who are
22 in person.

23 MR. ENNIS: How you doin? My name is James
24 Ennis, I am the Public Safety Advocate at New York
25 Communities for Change. And I'm here on behalf of

2 Communities United for Police Reform and The People's
3 Plan.

4 I'm here to speak about public safety. Public
5 safety is investments. Its investments into
6 communities, investments into schools, investments
7 into after school programs, investments in the social
8 programs, investments into housing services, and
9 investments into health care investment, and into
10 mental health services.

11 Public safety is when the same neighbor lives
12 next to each other for years and even decades. They
13 know each other's kids. They look out for each
14 other's kids. I grew up in the Bronx and I walked to
15 school every day with other kids from our community.
16 And it's not because we were tough kids. It is
17 because every parent in the community was watching us
18 through the windows. They were making sure that
19 nothing happened to us. And that is what public
20 safety is because public safety is community.

21 How can we be invested in each other and our
22 neighbors with housing prices the way that they are?
23 And how can we be invested in our neighbors if
24 they're changing all of the time, because they're
25 being arrested for petty crimes due to poverty and

2 things like that? We need to offer people
3 investments into the foundations of their lives and
4 not trying to mass incarcerate them.

5 Public safety is also healing traumas in our
6 communities. Cycles of over-policing and mass
7 incarceration have left us with generational scars
8 that need to be addressed. We need to invest in
9 actual trained social workers to respond to
10 situations where care and empathy are needed to
11 resolve problems, not aggression.

12 When addressing serious mental illnesses and
13 homelessness, compassion is the only way forward.
14 Criminalizing mental illness won't help it and trips
15 to Rikers will not solve that. Crimes of policy-
16 driven poverty are not solved by mass incarceration.
17 They are only solved with investments in social
18 programs.

19 And in stating that the city needs investments,
20 I'd be remiss as not to say how the city would pay
21 for these investments. If I told you there was a
22 city agency that regularly spent over \$400 million
23 over budget -- Yes, that's the same amount of money
24 being defunded out of the public schools in this
25 budget -- but if that same agency also cost the New

2 York City over \$200 million in lawsuit settlements,
3 would you be interested in hearing about that agency?
4 And no, I'm not here to bash the NYPD. They have a
5 job. But their job is not dealing with homelessness.
6 Their job is not being in public schools. And their
7 job is definitely not dealing with those with mental
8 illnesses.

9 What we've learned with the past is police
10 encounters with those with mental illnesses only
11 criminalizes those people and increases the levels of
12 violence that they have in their lives.

13 Public safety is also, like I just said, rolling
14 back the mayor's Involuntary Removals Directive and
15 not expanding the NYPD's role in addressing these
16 serious mental issues, homelessness, and turning
17 these roles over to experienced and trained social
18 workers.

19 Increasing contact with police officers
20 criminalizes New Yorkers and puts them at risk, harms
21 them, and continues the cycle of trauma that we need
22 to break. And at the end of the day, it does not
23 help anybody.

24 The Mayor expecting NYPD officers to respond with
25 aggression in serious situations, and also with

2 compassion in situations that need that is asking too
3 much of them. They have a job and they need to stick
4 to that job.

5 Public safety is also going to school and feeling
6 that you have a place where it's safe for you to grow
7 and learn. But kids from communities like mine that
8 are already over policed go to schools with zero
9 police officers-- I mean, we have zero social
10 workers, but uniformed police officers. Our schools
11 are overcrowded, don't have enough teachers, have no
12 art program, have no after school programs, but they
13 have highly-paid police officers and state of the art
14 surveillance at their front doors.

15 How can a kid from Allerton, where I'm from, or
16 the Grand Concourse, or Fordham Road, wake up in the
17 morning and be excited for school knowing he's going
18 to a place like that? Would you be excited for that?

19 This is what I mean when I'm talking about
20 traumas that need to be addressed. The city should
21 not focus on hiring police officers for school, and
22 should instead make sure that all schools have
23 restorative justice programs, school counselors, and
24 other mental health support for these students.

2 We must ensure that students' social and
3 emotional well being is supported by replacing the
4 police with trauma-informed social workers. We live
5 in very challenging times. And in the event of a
6 crisis or a challenge in the students lives, they
7 should have the access to support services that can
8 assist them in coping what's happening in their life
9 while being able to stay in school and still thrive.

10 Everybody deserves--

11 COUNCILMEMBER HOLDEN: Thank you. We're way over
12 on your-- your testimony. So we have to move on.
13 Thank you so much.

14 MR. ELLIS: I apologize.

15 COUNCILMEMBER HOLDEN: No. Thank you, so much.

16 MR. ELLIS: Thank you for your time. And I
17 appreciate it.

18 MS. PEÑATE: Hello. Thank you, Chair Hanks,
19 wherever you are, for organizing this hearing and
20 inviting us to testify, and thank you also to the
21 Public Safety Committee. My name is Ileana Méndez
22 Peñate, and I'm testifying on behalf of Communities
23 United for Police Reform and the NYC Budget Justice
24 Coalition, which represents hundreds of organizations
25 from across the city who are calling for the passage

1 COMMITTEE ON PUBLIC SAFETY 345

2 of city budget that reduces the bloated budget of the
3 NYPD and reflects the type of community investment
4 that New Yorkers need to build public safety.

5 CPR members and our budget justice partners are
6 testifying today, and we'll be sharing our vision for
7 a budget that represents true safety and dignity for
8 all New Yorkers.

9 The NYPD is the largest police department in the
10 world with a budget of \$11 billion dollars. This is
11 bigger than the Los Angeles and Chicago police
12 departments combined. But this excessive spending
13 has not made New York city safer. Instead, it is
14 taking resources away from other critical services
15 such as mental health, housing, education, and youth
16 services that have a direct impact on public safety.

17 The NYPD is regularly shielded from cuts that
18 other agencies are forced to make, staffing and
19 budget cuts, while simultaneously going over budget
20 every year by an average of 300 to \$400 million.

21 Instead of prioritizing funding for mental
22 health, housing and education, the city has increased
23 the role of NYPD in these areas. The mayor and the
24 NYPD continue to put forth policing-based approaches
25 to these public health issues that result in further

2 criminalization of people living with mental health
3 issues, people who are homeless, and students who
4 need resources and supports. This includes the NYPD
5 mental health care co-response teams, the city is
6 spending close to \$5.7 million on NYPD co-response
7 teams that only reached 566 individuals last year and
8 failed to connect people to services 70% of the time.
9 This means that the city is spending over \$10,000 a
10 year on every person that the NYPD co-response team
11 is interacting with while failing to address the
12 issues that landed this person in crisis in the first
13 place. The counselor needs to get rid of the NYPD
14 mental health care response teams and move that money
15 into street-based mental health teams such as ACT,
16 FACT, and IMT teams that are run by trusted
17 community-based service providers.

18 The NYPD has also drastically increased his
19 quality of life policing, targeting homeless New
20 Yorkers, street vendors, and other New Yorkers
21 struggling to meet their basic needs. This increased
22 policing is costing the city millions of dollars,
23 dollars that should be spent closing serious gaps in
24 homeless services. It's appalling that the city is

2 now spending \$30.1 million on a homeless police force
3 instead of closing these gaps.

4 This is also true in our schools. We cannot
5 continue to invest millions of dollars in school
6 police, despite decades of evidence that the safest
7 schools have the most resources and support, not the
8 most police. The city should implement a hiring
9 freeze on school police that does not allow to fill
10 attrition, eliminate funding for the vacant school
11 police positions, and eliminate the \$47.5 million
12 dedicated to quote "enhanced security measures" that
13 further criminalize students.

14 We need to reinvest this funding towards
15 restorative justice, mental health support and other
16 staff and practices that helps students learn and
17 thrive.

18 In addition, despite NYPD rhetoric and lies,
19 youth coordination has a track record of surveillance
20 and harassing young people.

21 COUNCILMEMBER HOLDEN: Okay. Could you please
22 wrap it up, thank you? Please wrap it up.

23 MS. PEÑATE: I will thank you. A recent increase
24 of NYPD youth coordination officers put New Yorkers
25 at risk of greater harm and abuse, and the city is

2 spending over \$106 million on these youth
3 coordination officers.

4 We cannot continue to spend this kind of money on
5 abusive units, including SRG and Vice, which we are
6 spending another \$150 million. We can't continue to
7 funnel millions of dollars into the NYPD and
8 expanding the role of the policing. This makes our
9 city less safe--

10 COUNCILMEMBER HOLDEN: Thank you. Thank you for
11 your testimony--

12 MS. PEÑATE: --safety infrastructure and
13 desperately needs our funding and attention.

14 COUNCILMEMBER HOLDEN: Thank you. Thank you.

15 COUNSEL: Next we'll hear from Christine Henson
16 on Zoom.

17 MS. HENSON: Time has begun?

18 COUNCILMEMBER HOLDEN: Yes. Christine, are you
19 there? We can move on. Are you there, Christine?
20 Okay, she maybe she can't hear us.

21 [BACKGROUND VOICES]

22 Yeah, we'll come back.

23 COUNSEL: Next we'll hear from Keli Young.

24 SERGEANT AT ARMS: Time has begun.

25

2 MS. YOUNG: My name is Keli Young. I am a New
3 York native from Brownsville Brooklyn. I am the
4 Civil Rights Campaign Coordinator at VOCAL New York.
5 We are a grassroots member-led organization building
6 up the political power of people impacted by mass
7 incarceration, the war on drugs, homelessness, and
8 HIV/AIDS epidemic.

9 VOCAL New York is a voting member of Communities
10 United for Police Reform, and a steering committee
11 member of the People's Plan. We are fighting for
12 budget justice, which demands a people's budget
13 centered on care not cuts. VOCAL New York's members
14 and leaders are formerly incarcerated, drug users,
15 homeless, and people living with AIDS and HIV. They
16 know all too well the violence that the city's
17 carceral system inflicts on our communities, violence
18 that is wielded disproportionately on black, brown
19 and poor New Yorkers. Police and prosecutors do not
20 create safety. Councilmember Holden suggesting that
21 we are delusional not only denies the lived
22 experiences of New Yorkers but as ableist and
23 unacceptable. This administration's budget once
24 again shows a misguided insistence on police over
25 everything. We are in the midst of unprecedented

1 COMMITTEE ON PUBLIC SAFETY 350

2 intersecting homeless, overdose, and mental health
3 crises. Carceral systems do not create safety, they
4 respond to harm with more harm. We cannot get at the
5 root of these crises without a divestment from these
6 carceral institutions and investment in care,
7 compassion, and the community resources we need to
8 thrive.

9 The SRG must be disbanded, they are trained to
10 consider any racial justice protests inherently
11 violent. Disbanding the SRG means ensuring that
12 militarized police and their tactics are removed from
13 protest spaces and communities where demonstrations
14 are occurring.

15 New York is the only city in the nation with a
16 special narcotics prosecution, which was created in
17 1972 following President Nixon's declaration of the
18 war on drugs.

19 Despite its goal of protecting the public from
20 lethal drugs, it has done nothing to reduce the drug
21 use or preventable overdoses. In fact, drug war
22 policies of prohibition and criminalization have only
23 fueled these problems. Our drug supply is more
24 deadly now than ever, and overdoses continue to rise.
25 This office should be eliminated in its entirety.

2 [BELL RINGS]

3 SERGEANT AT ARMS: Time has expired.

4 MS. YOUNG: More broadly, District Attorneys
5 should not be the gatekeepers of life saving
6 resources.7 I oppose the deep cuts and reductions to life-
8 saving agencies proposed by Mayor Adams in the
9 preliminary budget. Any cuts to housing, and social
10 services, and workforces will only exacerbate the
11 existing inequalities and hardships faced by so many
12 New Yorkers, and these cuts will only make our city
13 less safe. We saw this during the pandemic. When
14 people are housing insecure economically insecure.
15 There's less safety for our communities overall.
16 Thank you.17 COUNCILMEMBER HOLDEN: Thank you. You want to
18 call the next panel?19 COUNSEL: Thank you for your testimony. Next
20 we'll go to Leo Ferguson.

21 SERGEANT AT ARMS: Time has begun.

22 MR. FERGUSON: There we go. Can you hear me
23 great. Good afternoon Chair Hanks, Speaker Adams,
24 and Councilmembers. My name is Leo Ferguson and I am
25 the Director of Strategic Projects at Jews for Racial

1 COMMITTEE ON PUBLIC SAFETY 352

2 and Economic Justice. I am testifying on behalf of
3 our organization and our partners at Community United
4 for Police Reform, and the People's Plan.

5 The COVID pandemic highlighted profound
6 inequalities embedded deep in the fabric of New York
7 City, and a threadbare social safety net inadequate
8 to the task of keeping our families, our friends, and
9 our neighbors safe and healthy.

10 The Mayor and the members of this Council could
11 use this moment to learn the painful lessons of the
12 pandemic and reimagine and rebuild our city better,
13 healthier, more capable of caring for its residents,
14 and focused on breaking the deadly grip of poverty
15 and racism.

16 The mayor's proposed budget does exactly the
17 opposite. Instead of strengthening the agencies that
18 serve the most vulnerable New Yorkers, it cuts their
19 funding. Instead of investing in the future of our
20 children, this budget cuts education. Instead of
21 building the knowledge economy that will ensure that
22 young people today will be able to compete with AIs
23 and other new technologies tomorrow, it cuts
24 libraries.

25

2 This budget shortchanges our future to funnel
3 money to an NYPD that is hundreds of millions of
4 dollars over budget, and cost the city \$241 million
5 in misconduct and abuse lawsuits every year. That's
6 a bad deal for New York.

7 When you cut vital services to fund the NYPD,
8 you're guaranteeing that more young people end up
9 going to Rikers instead of college, more people with
10 mental illness will end up dead instead of thriving,
11 more unhoused people will end up right back on our
12 streets and subways instead of in supportive housing,
13 and more students will end up arrested by a
14 compensative nurtured by a teacher or a counselor.

15 That's how we ended up back in the bad old days.

16 We need the city council to stop the Mayor from
17 cutting life-saving agencies and ensure that city
18 government works for New Yorkers trying to access
19 support and services.

20 New York can lead the world into the 21st
21 century, but not if we cut the things that matter
22 most, to fund a bloated agency that believes it is
23 above the rules. Thank you Chair Hanks and Speaker
24 Adams for the opportunity to testify.

25 COUNCILMEMBER HOLDEN: Thank you.

2 COUNSEL: We're going to go back to Christine
3 Henson.

4 MS. HENSON: All right. Shut up. Shut the f***
5 up.

6 [LAUGHTER]

7 Hello?

8 SERGEANT AT ARMS: You may begin.

9 MS. HENSON: Hello, everyone. Thanks for the
10 opportunity. My name is Christine Henson and I'm the
11 mother of Andrew Henson. He is affected by autism
12 and limited speech abilities.

13 When he was 16 NYPD officers violently assaulted
14 my son. And that experience still is traumatizing.
15 And I still feel unsafe in myself. I have also
16 experienced police violence. The mass preliminary
17 budget makes me fear even more for my son's safety,
18 his life in total, because it cuts services many
19 families need in order to protect NYPD's bloated \$11
20 billion budget. I'm here to call on the City Council
21 to pass a new budget that moves NYPD-- for people
22 that struggle with disabilities and mental illness
23 and removes them from schools, that will also
24 eliminate dangerous NYPD budgets like the
25 Neighborhood Safety Teams and Strategic Response

2 Groups, and cut at least \$45.8 million to hold the
3 NYPD accountable for its failure to fire officers
4 who've killed, you know, and abused New Yorkers as
5 well.

6 The money that can be saved should be directed to
7 services that will truly increase safety and health
8 services for people in certain communities,
9 especially black and Latinx, and other New Yorkers of
10 color, especially those who struggle with autism and
11 disabilities of mental illness.

12 In 2018, I call for meeting with his principal.
13 He needed an updated evaluation. An ambulance was
14 called by staff member--

15 SERGEANT AT ARMS: Time has expired
16 MS. HENSON: -- a location. However, from that
17 experience, police officers attacked my son, he was
18 choked, his neck was choked and twisted, while his
19 arms were behind his back. He didn't deserve that.
20 Two police presence were present without me knowing.
21 No one acknowledged me. My son just wanted food.
22 And again we went voluntarily. It was shocking and
23 disappointing to see how grabbed my son that is
24 affected by autism and limited speech, and how
25 quickly, within seconds, officers just piled on top

2 of him, and mistreated him. They could have killed
3 him. Since then, Andrew, has been mistreated again
4 by multiple officers. And that, too, has now led him
5 to regress. It has taken something from him. It led
6 him to be traumatized, and it leads him to keep being
7 re-traumatized from that excessive physical force
8 that he's experienced. It has altered his life.
9 It's altered a lot of our lives. I live my life for
10 his sake, not following my dreams--

11 CHAIRPERSON HANKS: I'm sorry. Excuse me. Thank
12 you so much for your testimony. I remember you from
13 the last hearing. Thank you so much. We have to go
14 onto the next person. Please keep it at two minutes.
15 I appreciate it.

16 COUNSEL: Okay, thank you for this panel. We're
17 going to hear next from another panel on Zoom. So
18 the names we'll hear from are John MacFarlane, Eileen
19 Maher, Ramon LeClerc, D'Juan Collins, and Luis
20 Bolaños Ordóñez. We'll start with John MacFarlane.

21 SERGEANT AT ARMS: Time has begun.

22 MR. MCFARLANE: Hello, good afternoon. How's
23 everyone doing? My name is John MacFarlane. I'm a
24 leader with VOCAL New York, and I'm here to give
25 testimony today. Thank you for having me. The US

2 has a violent history of using law enforcement
3 officers to quell nonviolent civil disobedience by
4 the people. The oppressive tactics used to violate
5 first amendment rights mirror some of the worst war
6 time humanitarian abuses. New York City is complicit
7 in inflicting that level of violence and torture
8 against its own residents. We have seen this most
9 recently with the Strategic Response Group, or the
10 SRG, as it is more commonly known.

11 Originally created as an internal force by the
12 NYPD brass to simply monitor peaceful protests, this
13 particular NYPD unit has caused so much emotional and
14 physical injury to protesters, and has morphed into a
15 band of gangland bullies, so callous in the pain that
16 they inflict that the City Council must take
17 immediate steps to disband them. They are a lawless
18 group and have no place in the city. From kettling,
19 to beatings, to assaults, the SRG, at the direction
20 of white shirts, executes these dangerous tactics
21 against peaceful protesters with little to no
22 warning.

23 The SRG moves as an autonomous unit of NYPD
24 soldiers who don't have to give a second thought to
25 violently suppressing the rights of protesters. They

1 COMMITTEE ON PUBLIC SAFETY 358

2 have detained hundreds of law abiding folks with zip
3 ties, corralling them into vans that were already
4 filled to capacity. They set aside for hours these
5 vans forcing those inside these hot boxes to suffer.

6 I call on the speaker of the Council, the Public
7 Safety Committee of the City Council, and all city
8 councilmembers to disband this violent and abusive
9 unit. I asked you please disband the SRG. Thank
10 you.

11 SERGEANT AT ARMS: Time has expired.

12 COUNSEL: Thank you for your testimony. Next
13 we'll hear from Eileen Maher.

14 MS. MAHER: Good afternoon. My name is Eileen
15 Maher. I'm a Civil Rights Union Leader from VOCAL
16 New York. I'm also a social worker and a survivor of
17 domestic violence, which I was criminalized and
18 incarcerated for.

19 I'm here to urge the New York City-- the City
20 Council to disband the SRG, aka the Strategic
21 Response Group. Their existence over the past
22 several years has been nothing short of a disaster.
23 NYPD brass and Mayor Adams would love for the public
24 to believe that the SRG's creation and existence is
25 due to an epidemic of protesting and public action,

2 such as rallies and marches that are excessively
3 violent, aggressive and held for the sole purpose of
4 causing physic of causing the physical abuse of law
5 enforcement, and city and private property
6 destruction. However, this is nothing short of a
7 work of fiction. I was present not only for the
8 protests and actions of 2020, following the murder of
9 George Floyd and others, but for additional protests
10 and actions, and the violence aggression, racism,
11 misogyny, and homophobic language and actions that
12 were always elicited, not by my comrades fighting
13 adversity and discrimination, but by the NYPD and
14 especially the NYPD's SRG unit. With my own eyes, I
15 observed said NYPD officers initiate and engage in a
16 one-sided barrage of racist, homophobic, and
17 misogynistic cat calling towards myself and my
18 comrades. More often than not this would fail to
19 elicit a response, and the officers would result to
20 becoming physically aggressive and confrontational,
21 which included the almost-continuous use of kettling,
22 and act the NYPD vehemently denies using, despite
23 video recorded proof indicating otherwise.

24 The SRG and the NYPD in general are nothing but
25 bullies. They continue to push a flawed narrative

2 that blames peaceful citizens exercising their
3 constitutional right to peacefully protest rather
4 than possibility for their own ignorant behaviors.

5 [BELL RINGS]

6 SERGEANT AT ARMS: Time has expired.

7 MS. MAHER: As I previously mentioned, I'm a
8 survivor of domestic violence, which I was
9 criminalized for. When I sought assistance from the
10 NYPD for this abuse. I was told by an NYPD officer,
11 "We can't help you. This is what you get for being
12 in an interracial relationship." That same officer
13 is now a member of the SRG. This is unacceptable.
14 Retraining does not work. Funneling even more funds
15 into an obsolete and counterproductive unit is futile
16 at best. I'm urging the City Council to disband the
17 SRG, utilize their funding to implement community-
18 based services, domestic violence services,
19 alternatives to incarceration, education, mental
20 health, and substance abuse treatment and educational
21 programs. The SRG and the NYPD as a whole is nothing
22 but a money pit. Thank you.

23 COUNSEL: Thank you for your testimony. Next
24 we'll turn to Ramon Leclerc.

25 SERGEANT AT ARMS: Time has begun.

2 MR. LECLERC: Good afternoon, everyone. Okay.

3 "People over everything," Speaker Adams proclaimed,

4 and I'm going to tell you what does not represent

5 people over everything is the NYPD and Mayor Adams'

6 mandate of mental health help, as they call it.

7 Abusing people and pulling them off the train is not-

8 - and locking them in a mental health ward for up to

9 72 hours without any follow up services is not help.

10 It's not care. It's not compassion. It's abuse and

11 bullying.

12 As someone who suffered from physical and mental

13 health diagnoses, who have been pushed around their

14 whole life, and it seems that all NYPD are, are a

15 bunch of bullies, who just wants to push around

16 marginalized people, because they got a gun and a

17 badge and they think they can.

18 It is unfair, and it's unlawful for the abuse of

19 power. This is why me and my colleagues are

20 demanding the defunding of NYPD by \$4 billion, for

21 unnecessary-- trying not to curse sorry-- for

22 unnecessary things like robotic dogs and overtime

23 that's unnecessary, or those pushing papers. It's

24 useless. Give us what we need.

2 It is known that housing is healthcare.
3 Healthcare and health care. New York City does not
4 provide us [inaudible]. You know, for the
5 millionaires and the billionaires, and the--

6 [BELL RINGS]

7 SERGEANT AT ARMS: Time has expired.

8 CHAIRPERSON HANKS: Thank you so much for your
9 testimony. I appreciate it.

10 MR. LECLERC: We vote to win--

11 CHAIRPERSON HUDSON: Thank you. Thank you so
12 much. Thank you so much.

13 COUNSEL: Next we'll hear from D'Juan Collins.

14 SERGEANT AT ARMS: Time has begun.

15 MR. COLLINS: Good afternoon. Thank you for
16 having me, Chairman and Council. My name is-- My
17 name is D'Juan Collins, and I'm a New York resident
18 civil rights activist for VOCAL New York, and the
19 founder of the Isaiah Foundation for Family
20 Reunification, which is a newly established
21 foundation geared towards preventing and/or
22 reunifying families that have been wrongfully
23 separated by the criminal and/or social service
24 system.

25

2 That the City Council agrees to the NYPD and
3 district attorney's request for more funding, please
4 help me make sense of it. Considering there is
5 evidence to the contrary to actually defund the NYPD,
6 and the DAs office, and to reinvest in communities.

7 For instance, there's a crisis of wrongful
8 convictions in New York, that Senator Myrie and
9 Assemblyman Aubry have put forth a bill called the
10 Challenging Wrongful Convictions Act. New York has a
11 serious wrongful conviction problem. More than 300
12 people have been exonerated in New York since 1989,
13 resulting in a collective 3068 years of life lost to
14 refer convictions. Our state ranked third highest in
15 a number of wrongful convictions in the nation
16 trailing behind Texas and Illinois.

17 Why does New York need reform? The harm done by
18 wrongful conviction is permanent. To take a person
19 away from their family, remove them from their
20 community, and imprison them wrongfully is one of the
21 greatest harms the State can inflict upon the
22 individual. Innocent black people spend an average
23 of 13.8 years wrongfully imprisoned, 40% longer than
24 white exonerees. People accused of crimes facing
25 jail or prison time routinely make the difficult

2 decision to take guilty pleas regardless of
3 innocence. In New York, 98% of convictions are the
4 result of a plea deal, but the Court of Appeals ruled
5 that people who pled guilty cannot qualify for relief
6 without DNA evidence of innocence.

7 More recently, it was reported by PIX news that
8 New York City shelled out more than--

9 [BELL RINGS]

10 SERGEANT AT ARMS: Time has expired.

11 MR. COLLINS: \$121 million to settle NYPD
12 misconduct cases last year, including \$12 million for
13 a man who spent more than two decades in prison for
14 killing he was later exonerated for, according to
15 city-- city records provided by the not for profit
16 Legal Aid Society.

17 The city also settled a case for nearly \$4
18 million, and more than a dozen other cases cost
19 taxpayers \$2 million each, the data showed--

20 CHAIRPERSON HANKS: Thank you so much.

21 MR. COLLINS: -- and the total for 2022, the city
22 paid \$121 million.

23 CHAIRPERSON HANKS: Thank you so much, sir. Sir?

24 MR. COLLINS: [inaudible] -- for the NYPD's
25 actions--

2 CHAIRPERSON HANKS: Sir, you can submit your
3 written testimony to us. We just have a lot of
4 folks. And I'd really like-- I appreciate it. But
5 we have a time limit of strict two minutes.

6 MR. COLLINS: All right.

7 CHAIRPERSON HANKS: If you can submit your
8 written testimony, I'm sure that we it'll be there
9 for the public record. I thank you so much for your
10 testimony.

11 COUNSEL: Next we'll hear from Luis Bolanos
12 Ordonez.

13 SERGEANT AT ARMS: Time has begun.

14 MR. ORDONEZ: My name is Luis. I'm from Corona,
15 Queens, where people of color brace ourselves when
16 NYPD is around. I am a Civil Rights Union Organizer
17 with Vocal New York. We are part of CPR Communities
18 United for Police Reform, and also the People's Plan.

19 We are not simpletons, like Councilmember Holden
20 called us. He called us delusional. Police do not
21 keep us safe. We do not believe propaganda. We do
22 not think that there are good people on one hand, and
23 bad people on the other hand, that should be arrested
24 and locked up. Systemic violence what really makes
25 us unsafe.

2 Wage theft is up to three times larger than all
3 robberies combined. We got robbery inequality and a
4 housing crisis. The war on drugs is racist and as
5 long as it continues, dangerous unregulated
6 substances like fentanyl will be around, and a black
7 market will exist, and as a result, guns are going to
8 be flowing around because, thanks to conservatives,
9 like from the same party as a Ariola and Kagan, our
10 country is a sea of guns.

11 I don't want to hear how many guns police
12 confiscate. As long as drugs are illegal, there'll
13 be gun violence in our streets and overdose deaths
14 too. The Special Narcotics Prosecutor should be
15 disbanded. The largest and most violent gang in our
16 city is NYPD. They protect property and those who
17 own lots of it. They are the ones who profit from
18 the system the of systemic violence. The Strategic
19 Response Group should be disbanded. Police maintain
20 order. In other words, they are bodyguards and goons
21 of a system that is going to kneel on our necks
22 figuratively, and very often literally.

23 This year, we're starting off better. I guess
24 [inaudible] The Progressive Caucus of the New York
25 City City Council for adding playing a principle to

2 reduce the size and scope of NYPD. Social services,
3 affordable housing, dignified work, education, and
4 health care for all are the way towards public
5 safety. Police keep us unsafe. Thanks. See you
6 Thursday, Simpletons.

7 COUNSEL: We're going to call the next virtual
8 panel which will include Andrew Mandel, Margo Hughes
9 Robinson, Shuli Passeau, and Rabbi Rachel Goldenberg.
10 We'll start with Andrew Mandel.

11 SERGEANT AT ARMS: Time has begun.

12 Thank you so much. I'm Andrew Mandel, a member
13 of Tirdof: New York, Jewish Clergy for Justice, a
14 project of T'ruah: The Rabbinic Call for Human
15 Rights and Jews For Racial and Economic Justice.

16 Every time we Jews finish a book of Torah, like
17 this past weekend, we say "Hazak, hazak, v'nitkhazek"
18 ("be strong and strengthen one another"). This
19 should be a motto for New York City. As a person of
20 faith who assumes good intentions, I would like to
21 believe that the latest policy asking police officers
22 to perceive who is not able to care for themselves on
23 our streets or on the subway, and then involuntarily
24 remove them and take them to a facility, is a desire
25 to keep New York strong. I don't want to believe

2 that there's an office that has determined that more
3 tourists will come to New York if we hide people who
4 are struggling, regardless of the trauma it imposes
5 on the human being who's strong armed into a hospital
6 room against their will with others experiencing
7 mental and emotional distress.

8 I'd like to think that the architects of this
9 policy thought forcing New Yorkers who are houseless
10 or mentally ill into the hands of police is for the
11 good of the people in need. But this policy is not
12 the way to strengthen one another. Quite the
13 opposite. Increasing contact with police officers
14 criminalizes New Yorkers who are houseless and
15 mentally ill and puts them at risk of harm, violence,
16 and traumatization. As too many tragic incidents
17 have demonstrated, the NYPD is the wrong agency to
18 respond to those who are in crisis or struggling with
19 their mental illness. We should be offering trauma
20 informed care and support. The NYPD should also
21 cancel its mental health co-response teams. Respite
22 centers, and street-based teams that focus on people
23 living with serious mental illness would be a much
24 better alternative. Hazak, hazak, v'nitkhazek. Be

2 strong and let us strengthen one another the right
3 way. Thank you very much.

4 COUNSEL: Thank you. Next we'll hear Margot
5 Hughes Robinson.

6 SERGEANT AT ARMS: Time has begun.

7 COUNSEL: We'll come back to Margo. Next I'll
8 call on Shulie.

9 SERGEANT AT ARMS: Time has begun.

10 COUNSEL: Seeing no Shulie, we'll go to Rabbi
11 Rachel Goldenberg.

12 Moving on, we're going to call the next panel
13 that includes Sam Kessler, Isabel Leyvana, Tamika
14 Mapp, and Shane Correia. And if Sam Kessler's on
15 you'll be next.

16 MR. KESSLER: Hello. Okay. Yeah, please let me
17 know when time has begun.

18 COUNSEL: You can proceed.

19 MR. KESSLER: Okay. Thank you. Good morning,
20 members. Good afternoon. Excuse me. My name is Sam
21 Kessler and I'm the Policy Manager at Citizens Union.
22 I thank you for the opportunity to testify today.
23 Citizens union is a nonpartisan good-government group
24 dedicated to reforming New York City and State
25 Government by fostering accountability, transparency

1 COMMITTEE ON PUBLIC SAFETY 370

2 and strong democracy. We have been studying police
3 accountability and performing for more than a decade,
4 and have supported meaningful public oversight over
5 the NYPD, and have supported meaningful public
6 oversight over the NYPD, a strong CCRB, and proper
7 discipline for police misconduct.

8 Citizens union believes that the best way to
9 ensure the safe and democratic application of
10 policing is to strengthen and streamline systems of
11 oversight and accountability both within the NYPD and
12 among the independent entities that monitor police
13 misconduct. Public safety is dependent on New
14 Yorkers having faith in law enforcement. The Mayor's
15 preliminary budget proposes reducing the CCRB's
16 headcount by 22 positions, bringing the board to 237
17 full time budgeted positions.

18 While this is above the chartered required
19 staffing levels, the Council has significantly
20 expanded the CCRB's mandate in recent years, with new
21 powers over bias-based policing and self-initiating
22 complaints. The Council has previously provided the
23 CCRB with funds to meet the new demands.
24 Specifically a 33-person unit to investigate bias-
25 based policing was established in the 2022 budget.

2 This unit is being set up. Rules have been issued,
3 and over 100 allegations were received last year
4 alone. But the Board's capacity to fulfill this new
5 mandate will be affected by the proposed staffing
6 cuts which would be achieved entirely by the Mayor's
7 vacancy reduction program.

8 The CCRB has publicly stated that cuts would come
9 from the still-vacant positions in the new biased-
10 based policing unit, leaving it with only 13 people
11 out of the 33 originally provided by the Council.

12 Citizens Union believes that the broad directive
13 to eliminate half of all existing vacancies in each
14 agency without tailoring reductions to specific
15 program needs and priorities can lead to ineffective
16 budget cuts or damages to critical areas. We urge
17 the Council to provide the CCRB with the required
18 funds to complete its new mandate.

19 [BELL RINGS]

20 SERGEANT AT ARMS: Time has expired.

21 MR. KESSLER SUTURE: Okay, thank you very much.

22 CHAIRPERSON HANKS: Thank you.

23 COUNSEL: Next, we'll hear from Shane Correia.

24 MR. CORREIA: Thank you so much, and good
25 evening. My name is Shane Correia. I'm the Deputy

2 Director of Government Partnerships at the Center for
3 Justice Innovation. Great to see you all today.

4 Today I'm going to be discussing the justice
5 system at a time when public safety is on the minds
6 of so many New Yorkers. Additionally, I'll
7 contextualize that in four years, we're supposed to
8 close Rikers Island safely by reaching a daily
9 population at 3,300. But currently, we've only been
10 able to reach the mid-5,000s. And in next fiscal
11 year, that population is projected to go up to 7,000.

12 The Center has identified several ways for modest
13 investments to build trust with New Yorkers around
14 programs that work when adequately resourced. As an
15 initial investment, supervised release permits
16 appropriate defendants a chance to await trial in
17 community while maintaining jobs and stability,
18 rather than in jail when we know they simply can't
19 afford bail.

20 Compared to fiscal year 22, as a provider, we're
21 seeing fiscal year 23 contracts reduced by 10%, while
22 caseloads for the most intensive category of cases
23 already doubled beyond their contracted minimums.

24 We ask for restoration of the prior levels at
25 minimum for all providers. We're also seeing a need

2 for \$2 million dollars for just our organization to
3 respond to increased referrals of defendants to
4 alternatives to incarceration. This is inherently a
5 good thing as it means more DAs are using the service
6 to keep people in community. But we can also provide
7 accountability and supervision in contrast to their
8 time on Rikers, which is more expensive and less
9 effective.

10 We request resources to sustain our successes at
11 the prior rates, and to deal with the incoming
12 increases in case volume as we try to lower the jail
13 population.

14 Additionally, we echo the asks of the DAs to fund
15 these ATIs, and in the testimony includes several
16 letters of their of their support. We are seeking
17 similarly in Staten Island to bring equity to the
18 borough by bringing a Community Justice Center to the
19 one borough in the city that doesn't have one. We
20 also seek to expand our Youth Weapons Diversion
21 Programs, which provides a hopeful alternative, but
22 it's also an unfunded partnership with the law
23 department.

24 Finally, many of these asks are supported in
25 their nascence by a \$500,000 Council award that

2 allows for us to readily incubate and measure these
3 approaches to for expansion. But our lengthy-- It
4 also allows us to deal with lengthy contract delays
5 from the city. I'm sorry. I'm just wrapping up.

6 CHAIRPERSON HANKS: Thank you. Sorry.

7 MR. CORREIA: Thank you so much for that. It's
8 all right. I know it's a long day.

9 CHAIRPERSON HANKS: We have have your testimony.
10 I appreciate it so much.

11 MR. CORREIA: Thank you so much.

12 COUNSEL: Next I'll call on Isabelle Leyva.

13 MS. LEYVA: Well, let me know when I'm good to
14 go.

15 COUNSEL: You can begin.

16 MS. LEYVA: My testimony today will focus on the
17 urgent need to disband the NYPD Strategic Response
18 Group and reinvest its funds into communities. On
19 March 1st, more than 100 New Yorkers testified for
20 nearly five hours about the trauma and the harm that
21 the SRG has inflicted on our communities. Much like
22 today they testified to a mostly empty room. The
23 Mayor's preliminary budget continues to fund the
24 SRG's abuse despite the fact that the NYPD refused to

25

1 COMMITTEE ON PUBLIC SAFETY 375

2 attend an oversight hearing on its operations earlier
3 this month.

4 Today the NYPD refused to answer any substantive
5 questions about the SRG's role in protest policing.
6 The City Council should not be in the business of
7 funding a unit that refuses to submit to democratic
8 oversight. Despite the NYPD's attempt to
9 characterize the SRG as a simple extension of the
10 department's patrol units, in reality, the SRG is in
11 fact a violent protest policing unit known for its
12 brutality, misconduct, and racial bias. The SRG is
13 an active threat to the safety and first amendment
14 rights of New Yorkers.

15 The SRG was founded in 2015 with a budget of \$13
16 million. Total spending on the on the unit including
17 centrally allocated funds is now estimated at more
18 than \$133 million. SRG officers received
19 disproportionately high numbers of misconduct
20 complaints and higher rates of substantiation of
21 those complaints.

22 Along with the SRG's propensity for violence and
23 misconduct, the unit is trained to target racial
24 justice demonstrators. Of complaints made against
25 SRG officers between 2015 and 2020 that included

2 race, complainants were a person of color 91% of the
3 time. This data is particularly alarming, as SRG
4 officers have now been deployed to supplement routine
5 enforcement in 20 so-called high crime precincts,
6 most of which are in communities of color. From
7 enforcing cruel sweeps of unhoused encampments and
8 violently clearing Washington Square Park, to
9 targeting clinic defenders at our local Planned
10 Parenthood, and escorting Proud Boys from drag story
11 our protests, the NYPD can and does deploy the SRG at
12 will. With no accountability this unit operates as a
13 rogue entity. The SRG must be disbanded and its
14 funds should be reinvested into our communities and
15 into programs that actually keep New Yorkers safe.
16 We need housing resources and supportive services.
17 We do not mean militarized police that time has
18 expired impunity. Thank you.

19 [BELL RINGS]

20 SERGEANT AT ARMS: Time has expired.

21 COUNSEL: Thank you for your testimony. Next,
22 Tamika Mapp.

23 MS. MAPP: Hi, thank you so much, Chair and City
24 Council members. My name is Tamika Mapp. I'm the
25 State Committeewoman for the 68th Assembly District.

2 Investing in people is a crucial aspect of
3 building a strong and prosperous society. While
4 police officers tried to maintain law and order,
5 invested-in people can build a far more long-term
6 benefits. There are some reason why investing in
7 people is a better approach than solely relying on
8 police officers. Prevention is better than cure.
9 Investing in people means addressing the root cause
10 of a crime such as poverty, lack of education, lack
11 of affordable housing, that people can truly afford,
12 and inadequate health care.

13 By addressing these underlying issues, we could
14 prevent crime from happening in the first place
15 rather than simply reacting to it after the fact.
16 Positive community relationships, investing in people
17 can foster positive relationship between law
18 enforcement and the community.

19 When people feel that their needs are being met
20 and they have a stake in the community, they're less
21 likely to engage in criminal activity. Additionally,
22 investing in programs that promote education, job
23 opportunities, access to care, after school programs,
24 we can have a safe community. Furthermore, if we
25 must have police officers, they must live in our

2 community they serve. When police officers live in
3 the community, they are more likely to be familiar
4 with the community's needs and concerns and they can
5 better build trust with community members. This can
6 lead to better communication between police and
7 community members which can prevent crime and resolve
8 conflict more effectively.

9 Additionally, police officers who live in the
10 community may be more invested, and the community is
11 safe, and may be more motivated to work towards that
12 goal. It is cost effective. Investing in people is
13 often a more cost-effective approach than hiring
14 additional police officers. Further, provide
15 education again, job training and health care are
16 less expensive in the long run to dealing with the
17 consequences of crime, such as incarceration and
18 victimization. Focus on rehab: Investing in people
19 means focusing on rehab rather than punishment,
20 providing resources and support to individuals who
21 engage in criminal activity. We can help them turn
22 their lives around and become productive members of
23 the community. Instead of allocating \$5.53 billion
24 to a police department.

25 [BELL RINGS]

2 SERGEANT AT ARMS: Time has expired.

3 MS. MAPP: All right. You have our testimony.

4 Thank you.

5 CHAIRPERSON HANKS: Thank you.

6 COUNSEL: Thanks. Next we'll move to an in-
7 person panel. I'd like to call the dais Marinda van
8 Dalen, Lucy Sexton, Biggs[ph] Akadune[ph] (I
9 apologize), and Jay W. Walker, oh, and one more,
10 Griffin Jones. I apologize sir.

11 MS. VAN DALEN: Good evening, my name is Marinda
12 van Dalen. I'm a Senior Staff Attorney with New York
13 Lawyers for the Public Interest. Thank you for the
14 opportunity to speak here tonight. I'm here to make
15 two critical points. The first is it's time for New
16 York City to join communities around the country and
17 removing police as first responders for people
18 experiencing mental health crises. And the second
19 point I wanted to make is it's time for the city to
20 halt the further implementation of the Mayor's plan
21 to increase the use of involuntary removals when
22 police officers deemed somebody unable to meet their
23 basic human needs, targeting our neighbors who are
24 unhoused. These are public safety issues. Too many
25 New Yorkers have lost their lives, killed by police

1 COMMITTEE ON PUBLIC SAFETY 380

2 officers while experiencing mental health crises.
3 Police officers armed with guns, who arrive with
4 lights flashing, and sirens howling, and trained to
5 enforce the law and not to provide help for people
6 experiencing crisis are not the answers. They do not
7 and cannot de escalate situations when someone is in
8 crisis. In fact, their very presence generally makes
9 the situation worse.

10 Involuntary renewal removals of people to for
11 psychiatric evaluations are traumatic and
12 ineffective, and often unconstitutional. We heard
13 testimony today from the New York City Police
14 Department that more than 1300 New Yorkers, our
15 neighbors, families, and loved ones have been
16 involuntarily hospitalized since January.

17 That's a lot of people, and I have a million
18 questions, and I hope you do too. Who are these
19 people? And what's happened to them? What are the
20 circumstances under which they've been involuntarily
21 hospitalized? What standards and policies have
22 allowed for this? Has there been a change in the
23 police patrol guide that permits this? How are
24 officers trained to do this to our to our neighbors
25 and friends?

2 How many people were not admitted?

3 [BELL RINGS]

4 I hope that these questions will be answered.

5 Thank you for your time.

6 CHAIRPERSON HANKS: Just submit-- You can you
7 can give us your testimony. And I do have some
8 answers for you. First of all, just so everybody
9 knows, anytime anyone calls 911 police have to
10 respond. There-- It's not one of those things where
11 they get a chance even if you had medical and mental
12 health people at on the scene, if somebody calls 911.
13 Just like if somebody calls 911 for fire, the fire
14 department and first responders don't have a choice
15 in responding. Just so you know. But that's the
16 answer to one of your questions. And you can submit
17 the rest.

18 MS. VAN DALEN: Thank you.

19 CHAIRPERSON HANKS: You're welcome.

20 Good afternoon, Madam Chair and Councilmember.
21 Thank you for having me. My name is Jay W. Walker, I
22 am the co-founder of the Reclaimed Pride Coalition
23 and the Annual Queer Liberation March. In 2020 and
24 2021, the SRG set upon folks who had participated in
25 our March at its endpoint in Washington Square Park.

2 The details of that are in the are in the testimony
3 that I submitted after the March 1st-- after the
4 March 1st hearing in which the NYPD did not show up.

5 But I am going on to say that through my work
6 with-- through the Queer Liberation March as well as
7 with Rise and Resist and Gays Against Guns, to other
8 protests organizations over the past seven years,
9 I've been actively involved in close to a thousand
10 free speech, protests, marches, vigils, rallies, and
11 actions of civil disobedience. Through it all the
12 SRG has been selectively present at declared and
13 intentionally nonviolent, black, brown, immigrant,
14 and black and brown queer and trans led protests,
15 especially Black Lives Matter protests.

16 And selectively absent from protests led by
17 predominantly cisgender, straight, and white-led
18 protests on the left.

19 And at those protests, the SRGs posture is
20 strictly aimed at escalating tensions and targeting
21 organizers. At protests by actively racist anti-
22 LGBTQIA2S+ anti-vax groups like the Proud Boys, and
23 Three Percenters Patriot Front, and other white
24 supremacist organizations, any NYPD and SRG presence
25 is devoted to protecting those terrorists.

2 Safe from crime, safe from terrorists, safe from
3 disorder. That is what Commissioner Bratton promised
4 to the press when SRG was founded in 2015. It's
5 interesting to note that when the members of the NYPD
6 testified about SRG today, not one of them used the
7 word terrorist even though that is what the program
8 was sold on.

9 It seems like the SRG just exists to escalate--
10 to escalate things into-- into chaotic and violent
11 situations. The nonviolent protests when SRG does
12 not show up remain non violent. When SRG shows up,
13 they become chaotic, and violence is-- is engendered
14 and is started by SRG police officers. SRG must be
15 disbanded. It has no use.

16 CHAIRPERSON HANKS: Thank you so much.

17 MR. JONES: Okay, is-- Okay, is that-- Okay?
18 Well, yes. Hello, I gave a version of this testimony
19 at the SRG hearing, but I'm speaking again, as I'd
20 hoped to the NYPD would still be here to answer for
21 what they did.

22 I'm here to talk about the violence and horror I
23 experienced the hands of the SRG two years ago here
24 at City Hall. What I saw was so horrible that I
25 remained traumatized to this day. I saw a child

2 brutally thrown to the ground, and a trans woman
3 shoved into the pavement, her wig torn from her
4 scalp. And when she cried out saying that it's a
5 woman, she needed her wig, she was laughed at.
6 "Dude. No, you're not. Come on, bro. Get up."
7 That's all New York's Finest had to say to her as
8 they dragged her along the road, the asphalt scraping
9 at her flesh.

10 Above all what I saw that day were the faces of
11 the officers, the pure hatred and the joy in finding
12 an excuse to let that hatred out. They hospitalized
13 two people that night with their brutality.

14 Though I escaped that day with no physical
15 injuries, the damage to my soul has been permanent.
16 Every time I see an officer of the NYPD, like today,
17 I flash back to the bodies in the street, and my
18 chest tightens in an iron grip.

19 Every time I pass this building, I suffer a panic
20 attack. This building which should represent civic
21 justice and a love for my city now only represents
22 horror. And this is just one of the many examples of
23 the monstrous brutality I have experienced at the
24 hands of the SRG.

2 Supporters of the SRG, say that there is a new
3 SRG. I know that is impossible. How could it change
4 when the officers who did this are still there? When
5 they have not been held accountable and continue to
6 roam our streets to inflict violence on our
7 communities? When the SRG continues now to support
8 the Proud Boys? The NYPD today begged for money to
9 crack down on turnstile jumpers, and yet the SRG let
10 Proud Boys through the gate into the subway for free.

11 How can the joyous faces of the SRG officers as
12 they brutalized children and unleashed transphobic
13 cruelty be reformed? There is no possibility of
14 reform. The SRG is twinned to Scorpion in Memphis--

15 CHAIRPERSON HANKS: Thank you for your testimony.

16 MR. JONES: --which was only disbanded after
17 murdering Tyre Nichols.

18 CHAIRPERSON HANKS: Sir? Sir?

19 MR. JONES: The SRG must be disbanded before we
20 have another name to mourn.

21 CHAIRPERSON HANKS: I appreciate your testimony.
22 I remember you from last time, and we heard you so--
23 and we've--

24

25

2 MR. JONES: With all due respect, if the NYPD
3 when our over the time, they were scheduled we can go
4 a minute.

5 CHAIRPERSON HANKS: We can-- You can submit your
6 written testimony. And we will have it for the
7 record. And I appreciate you coming out. Thank you.

8 UNKNOWN SPEAKER: Good evening. And I say good
9 evening because I walked into this building at 9:30
10 this morning, and I've been here since. You know, I
11 want to highlight before I start, I want to uplift
12 what my comrade just said that the NYPD took way more
13 time than they were allotted today. And a clock that
14 Police Commissioner Sewell spoke for over a half an
15 hour.

16 We are obviously living in an epidemic here in
17 New York City when we talk about the NYPD Strategic
18 Response Group.

19 You see, as I was doing my research, and as I
20 paid attention to what I was seeing with the SRG, I
21 discovered that these units are in fact deployed to
22 precincts, and one of the precincts I happen to live
23 within. These units are deployed with M-4 carbine
24 rifles, and SR-16 Close Quarter Combat rifles in

2 black and brown communities. How can we find this to
3 be acceptable?

4 I also want to highlight the terror that SRG
5 invokes onto people who are exercising their First
6 Amendment right.

7 As a black organizer in New York City that hit
8 the streets at the height of a time in which many of
9 us felt that our lives did not matter, I felt a
10 personal attack on myself, on my community, on those
11 that live around me from the Strategic Response
12 Group.

13 You know, I want to talk about that 18-month
14 statute of limitations that the representatives from
15 several agencies mentioned earlier today. In my
16 opinion, that is too short of a time to have a SOL to
17 hold officers accountable properly for their
18 wrongdoings.

19 [BELL RINGS]

20 That's two minutes already? Yeah? All right.
21 We must divest from a system that doesn't serve black
22 and brown communities, queer communities, and
23 underserved communities. With that being said, I'm
24 calling on the Administration right now right here to
25 disband the SRG.

2 CHAIRPERSON HANKS: Thank you so much for your
3 testimony.

4 COUNSEL: Thank you to this panel. Next we'll
5 hear from Alvin Dan, Jesse Spellman, Michael
6 Magazine, Micah Phillips, and Terrell Harper.

7 Whenever you're ready, we can begin.

8 UNKNOWN SPEAKER #2: Good evening. Thank you to
9 my comrades for your testimony and for your
10 commitment to each other and to your neighbors. I
11 implore the City Council to consider the way that
12 your children and your grandchildren will remember
13 this time in history. That's where we are. 62,000
14 New Yorkers took a survey commissioned by the Mayor.
15 And when asked what is important to you as a New
16 Yorker, they answered. They said they want
17 affordable housing. They want reduced homelessness.
18 And they want trained mental health first responders
19 instead of police.

20 If we take a look at the \$133.7 million budget
21 that the SRG itself has, we can provide 20,000 New
22 York families with groceries for an entire year.

23 Instead, we decide to fund a rogue, militarized
24 group that terrorizes our neighbors, that screams at
25 people on the subway who are experiencing mental

2 health crises. With \$133.7 million, we could hire
3 2000 social workers. We could hire 2000 teachers.
4 We could provide drug addiction treatment. We could
5 open Harm Reduction Centers. There's so much that we
6 can do. We can build a better world for all of us.
7 But we don't build. It's an organization that
8 destroys. And I want to say one other thing about
9 people who are victims, and our system of mass
10 incarceration: Nobody's introduction to violence is
11 by committing it.

12 MR. MAGAZINE: Hi, my name is Michael Magazine.
13 I'm a high school environmental justice advocate
14 based out of East Flatbush. As the NYPD themselves
15 are absent, as most of the councilmembers are, I'll
16 skip the pleasantries.

17 Across my few years I've seen a disproportionate
18 use of force dealt upon peaceful protesters by the
19 SRG. They arrive at these protests with riot gear
20 batons, pepper spray, and pikes. They're equipped as
21 though they're Spartan soldiers fighting against some
22 foreign army. Rather than using this militarized
23 power to address actual threats, the SRG instead
24 terrorizes everyday civilians who organize political
25 demonstrations, overwhelmingly being demonstrators of

2 color. It is not surprising then that the SRG
3 outmatches their competition. A relationship they've
4 abused to feed their egos, evidenced by the slew of
5 misconduct lawsuits and disciplinary cases currently
6 in progress. They agitate protesters, brutalize
7 them, and ultimately arrest dozens of nonviolent
8 demonstrators in the process.

9 SRG was founded as a counter-terror unit that
10 would also handle large scale protests, the latter
11 being walked back by then Chief of Department James
12 O'Neill. Within months, the unit was deployed to
13 violently police racial justice protests, being
14 spotted at protests with only 15 people, a far cry
15 from the large-scale demonstration that the unit was
16 designed to be deployed to.

17 The NYPD Strategic Response Group has gained a
18 reputation for escalation and brutalization during
19 protests across the city. What might have initially
20 been formed as a counterterrorism unit has since
21 become an acting terror unit, unafraid to use
22 violence with no regard for proportionality.

23 The SRG poses a danger to the city, having caused
24 emotional and physical trauma to the residents. City
25 Council must take action to address this issue by

2 abolishing the unit and redirecting its funds from
3 the NYPD into support for the underfunded communities
4 that the NYPD has disproportionately harmed.

5 And to note, a 17 year old like me waited eight
6 hours to speak, the council can wait a few seconds,
7 thank you.

8 UNKNOWN SPEAKER #3: I get royally upset to
9 having to be here since 10am, just for you guys to
10 cut a minute off of our time, having to relive our
11 trauma over and over again, to tell you all of these
12 things that we've gone through being beaten by grown
13 men over and over again, and then to do it to an
14 empty chamber. The cops aren't here, you guys make
15 us wait till the very end. It's like you're doing it
16 on purpose to ruin us, like in our hearts and in our
17 heads.

18 But what you're doing is you're pushing us so far
19 to the edge that everybody is going to get together
20 and start talking to each other. And you guys are
21 really going to regret it. This is ridiculous. By
22 2025-- By 2025, every one of your seats will be
23 replaced by one of us, and then we'll get some real
24 work done. This is absolutely despicable. You have-
25 - Many people have told you of the harm that the SRG

2 has inflicted on us. Many people have told you of
3 this trauma. You've got people from all kinds of
4 different places in city, like areas that are telling
5 you that the children are hungry, there's over 20,000
6 homeless children in New York right now. And you're-
7 - you're hearing us tell you these things, and-- and
8 you're approving a budget that directly affects that.
9 And then you go home and look at yourself in the
10 mirror, and you sit with your families, and you go to
11 Thanksgiving and Christmas. And you have a straight
12 look on your face. And you tell yourself that you're
13 doing something right when you're killing us. You
14 are killing us. And you're-- How? How can you do
15 that? How can nobody be here right now to hear what
16 we have to say? How can you be okay with this? This
17 is despicable. I mean, these people are sitting here
18 in front of your face telling you that children are
19 going to die, that people are going to be murdered
20 because of your direct decisions. You have-- You
21 have a hand in this. And that also means your hands
22 are filthy with blood. Because you're going to let
23 the SRG murder. We're going to tell we're telling
24 you they're going to murder us and you are going to
25 let them do it, by giving them the bankroll to do so

2 and it's just despicable. I cannot-- I can't wait
3 to replace every single one of you. By 2025 I will
4 put all of my efforts into it. If this doesn't
5 change, this is ridiculous. We cannot die. We
6 cannot die. This is not right. How can you-- how?
7 Why would-- Why do we have to wait so long to talk?
8 Why did you cut a minute off of our time? You talked
9 it up to us over a year and didn't tell us any of
10 that, that we were going to have two minutes. You
11 hooked it up with us like we were friends, and then
12 cut a minute off of our time. How can we quantify
13 our feelings in two minutes? Why did we have to
14 listen to all of that? Are you doing this on
15 purpose? What are you-- Why? Why everybody should
16 be able to speak three minutes at least the least you
17 can do is let us be three minutes. This is absurd.

18 I'm so mad. I had so many other things to say.

19 CHAIRPERSON HANKS: I understand. I understand
20 that you feel-- Are you--

21 UNKNOWN SPEAKER #3: It's ridiculous.

22 CHAIRPERSON HANKS: Breathe.

23 UNKNOWN SPEAKER #3: I'm breathing for now.

24 CHAIRPERSON HANKS: I'm just saying-- I
25 appreciate--

2 UNKNOWN SPEAKER #3: That's not what I want to
3 hear. I want to hear that you guys are going to
4 change it. I want to hear--

5 CHAIRPERSON HANKS: Thank you. Thank you for
6 your testimony. Thank you.

7 [BACKGROUND VOICES]

8 So there are rules in the in the Council Chamber.
9 Okay? Okay, so we can so there is no-- I am sorry,
10 but-- Okay. Thank you.

11 COUNSEL: We'll hear from the next witness.

12 UNKNOWN SPEAKER #3: Don't get don't kick them
13 out. Let them stay. Come on. They just they had to
14 leave work, and they just got here.

15 [BACKGROUND VOICES]

16 CHAIRPERSON HANKS: Listen.

17 [BACKGROUND VOICES]

18 CHAIRPERSON HANKS: Okay. So, there are rules to
19 the Council Chamber, and we all have to adhere to
20 them.

21 [BACKGROUND VOICES]

22 CHAIRPERSON HANKS: Okay, okay.

23 [One minute silence]

24 Who's next?

25

2 I'm just going to wait to-- you want us to soak
3 it in? xxx

4 MR. DAN: My name is Alvin Dan. I'm born and
5 raised in Staten Island, New York. I'm a social work
6 student at Hunter College who represents the Crown
7 Heights Care Collective, a grassroots community
8 organization centered around abolitionist and
9 decolonizing work in Crown Heights and Brooklyn,
10 where some of the worst precincts in the city have
11 cost taxpayers millions and some of the highest
12 accounts of civilian complaints, allegations,
13 lawsuits, settlements towards police brutality cases,
14 racial discrimination cases, sexual misconduct,
15 harassment, and false arrest cases. The SRG's last
16 intervention in Crown Heights escalated to officers
17 murdering Saheed Vassell in 2018, a black man
18 experiencing a mental health crisis for mistaking a
19 shower pipe he was holding for a firearm, \$90 million
20 to what \$130 million later they have only furthered
21 their rampage towards violently suppressing some
22 protestors, demanding police accountability, and
23 advocating for black and brown and queer and disabled
24 and homeless and migrant lives.

2 In between January and today are the SRG, you
3 know, they're-- they just provide us a private
4 security detail for right-wing extremist groups such
5 as Proud Boys and Witness For Life, people who are
6 known for invading abortion clinics while people are
7 seeking reproductive healthcare, but then they'll
8 dish out their abuses towards the-- the protesters
9 and the advocates who are trying to create safe
10 passage to these places.

11 Fast forward. I've been arrested by the SRG
12 personally five times. I've had my hair and my face
13 dragged into the concrete. I've had my shoes kicked
14 off. I had boots and fists and batons to my face and
15 my body, spit and cuss-- cusses. I've been
16 threatened. I've been harassed and followed by the
17 Strategic Response Group since 2020, all led by
18 Deputy Inspector Elias Nikas who make six figures a
19 year with a smile on his face as he-- as he dishes
20 out abuse with a full budget. Terence Monahan--
21 excuse me, Terence Monahan. Yeah, the highest
22 ranking officer, I was there when he was leading the
23 charge at Mott Haven in the Bronx where 309
24 nonviolent protests, including myself were kettled at
25 7:42 p.m., over 15 minutes before the curfew.

2 I'm just going to skip to my closing statement
3 really quick. The Strategic Response-- Again, I need
4 a minute. I mean, like you just-- the Strategic
5 Response Group has only existed to violently suppress
6 anyone with a cardboard sign and something to say
7 about state violence and oppression towards black and
8 brown and queer and immigrant and disabled and
9 homeless New Yorkers. The SRG operate like a bunch
10 of hired goons who find joy in the abuse that they
11 dish out to nonviolent protesters and we're footing
12 the bill.

13 The SRG operates more like state regulated
14 gangsters than Strategic Response Group and must be
15 disbanded. And to Councilmember Holden, who said
16 that our feelings towards the NYPD are delusional. I
17 will-- I will say, sir, that our realities are not
18 delusional. They're very real. They're very
19 painful. And as far as this budget meeting is
20 concerned, it is very expensive. And I urge you to--
21 I implore you to look into your consciousness. Yeah.
22 And think about the legacy that you're going to leave
23 behind that's going to affect the trajectory of black
24 and brown New Yorkers for generations to come.

2 Disband the SRG. All power to the people. Do
3 your job.

4 CHAIRPERSON HANKS: Thank you very much for your
5 testimony.

6 COUNSEL: Thank you to this-- Thank you this
7 panel. We'll call the next panel. I apologize if I
8 mispronounce any names here. Amaryllis Greene,
9 Braden Holliday, Natasha Severin, Keith Klingman, and
10 Alison Hulahan.

11 [BACKGROUND VOICES]

12 MR. HOLIDAY: Hi, my name is Braden Holliday.
13 I'm here to say that the NYPD budget should be
14 transferred--

15 CHAIRPERSON HANKS: Bring your mic a little
16 closer please.

17 MR. HOLIDAY: Hi, my name is Braden Holliday.
18 I'm here to say that NYPD budgets should be
19 transferred to community resources. NYPD everyday
20 keeps confiscating illegal firearms firearms for the
21 past 30 years, and guns keep coming to New York City
22 to be used by criminals who get them from the black
23 market.

24 We need to cut the NYPD budget to the bare
25 minimum because NYPD keeps failing to capture these

2 weapons before being used in crimes that end lives.

3 The tactics and strategy for the past 30 years is the

4 definition of insanity, doing the same thing over and

5 over and expecting a different outcome. Politicians

6 should stop thinking like politicians and think like

7 business people by eliminating the attraction of

8 black markets. The past 30 years of solving this

9 issue is like using a bucket under your leaking pipe

10 instead of repairing it. We need to fix these

11 underlying problems drastically now. We need tens of

12 billions of dollars to go to the community that will

13 eliminate these issues for years to come. We need

14 real [inaudible] run by nonprofits only, which is

15 based on an average frame of accounting. Anyone who

16 can't pay three times the rent here. We need a lot

17 more funding for public schools and school programs,

18 extensive medical and mental health services. We

19 need to restrict NYPD duties to crimes because

20 needing a gun to respond to medical emergency is

21 obscene. I'm talking these changes are happening now

22 not 10 years later. The City Council can create an

23 [inaudible] unit one day. The City Council can

24 drastically cut NYPD budget at least [inaudible] and

25 make these resources available immediately.

2 Warren versus District of Columbia 1981, US
3 Supreme Court case says police are not legally
4 obligated to protect individual from harm death
5 unless they are under arrest. In [inaudible] NYPD
6 officers in Times Square not only can protect one
7 person from getting assaulted in front of them, then
8 what's the point of paying them to do nothing? It is
9 [inaudible]. And I want to ask you councilmembers,
10 if NYPD to have failed to protect you by keeping
11 firearms outside City Hall, or City Council chambers,
12 will you believe that it will protect you despite x-
13 ray machines, magnometers, and [inaudible]. If you
14 don't have complete confidence to protect you, if you
15 keep having firearms being in the building every day
16 for 30 years. If you don't agree-- If you don't
17 think you're confident you should defund the police
18 department for failing to bring-- to fail [inaudible]
19 illegal firearms. Thanks.

20 CHAIRPERSON HANKS: Thank you so much for your
21 testimony.

22 UNKNOWN SPEAKER #3: I'm going to read testimony
23 prepared by Keith Klingman.

24 "I make this statement today as someone who has
25 been assaulted by NYPD Strategic Response Group on

2 two separate occasions, and who has watched the same
3 thing happen to quite literally hundreds of others
4 over the past three years. I also make this
5 statement in solidarity with the victims, their
6 families, and communities terrorized by the NYPD and
7 the carceral state every day. As we all know that
8 the harm from these systems exists well beyond the
9 Strategic Response Group.

10 I alongside millions of others across the world
11 took to the streets in protest in May 2020 after the
12 police murder of Breonna Taylor and George Floyd,
13 where I was quickly exposed to the violence and
14 repression of the Strategic Response Group. In
15 September 2020, I had my wrist, elbow, and shoulder
16 fractured after being violently thrown by an officer
17 during a planned SRG raid outside the 34th precinct.
18 My body flew six feet through the air before landing
19 on the pavement. Others who witnessed the event
20 later told me things like "my body went cold when I
21 saw how hard you hit the ground," and, "they threw
22 you so hard that if you hit your head it would have
23 killed you." After being thrown, the officer who
24 threw me told me he didn't have a badge number. He
25 failed to call for medical attention after I told him

2 I broken my arm. Not only did he not call for
3 medical attention, he watched on as another SRG
4 officer cross checked me with his baton while I
5 attempted to get the badge number of the officer who
6 assaulted me.

7 In February 2021 I was tackled and assaulted by
8 numerous SRG's while filming their violent arrest of
9 another protester. A high ranking officer tried to
10 swipe my phone from my hands, and ordered the SRG's
11 to arrest me, to which I replied, "I didn't do
12 anything." The commanding officer responded, "I
13 don't give a shit." Immediately I was surrounded by
14 at least six SRG's. I remember feeling one of them
15 gouge my eye but I was quickly knocked unconscious,
16 and they woke up with my face planted into an ice
17 bank with an SRG's knee pushing on my neck. The other
18 officers were piled on top of me with my hands in zip
19 ties behind my back. From this assault I suffered a
20 concussion that has had a long lasting impact. From
21 both of these assaults, I continue to experience
22 severe mental and psychological damage.

23 Beyond these two personal experiences I've
24 watched SRG's do similar or even worse things since
25 2020. This includes attacks on protests for trans,

2 migrant, and reproductive rights and protests
3 defending violence toward unhoused neighbors, on top
4 of additional protest against NYPD's violence,
5 including their murder of Mikey Rosado, and against
6 officer Artem Prusayev, pulling his gun on Black
7 Lives Matter protesters in January 2021.

8 From these attacks I know many, many others
9 including some are children, face the same mental and
10 physical challenges. Many were also hit with bogus
11 criminal charges in an attempt to keep them from
12 coming back out to protest.

13 It might sound unimaginable to you but it feels
14 like I and we have been in combat, in a war, a war in
15 which the militarized enemy has--

16 CHAIRPERSON HANKS: I'm going to have to cut you
17 short. I'm very sorry. Thank you so much.

18 MISS GREENE: Hi, my name is Amaryllis Greene,
19 and I'm 12 years old. I came here to give my
20 testimony on why the police department should not
21 receive the funding they're requesting, as our
22 libraries and everything else are in need of the
23 funding to keep operating and to keep all of the
24 doors open for creative minds, and future generations
25 to come after me. Libraries are a safe place for

2 many. It also assists in job preparation such as
3 resume writing, giving teens a safe space to be
4 themselves and not outside dealing with bullies,
5 gangs, or gun violence.

6 I also believe libraries need the funding to keep
7 hip hop with Uncle Ralph alive, who brings great
8 artists like Slick rick, who I had the honor of
9 meeting, and enjoying a conversation with Uncle Ralph
10 and learning more about the 90s rap era.

11 On another note, I also believe the police
12 department should [inaudible] off police officers who
13 take the jobs just for benefits and not to be
14 beneficial in the communities they patrol and serve.

15 To piggyback off someone here today, why are
16 mental crisis situations left to the responsibility
17 of the NYPD? Why are constituents not aware of 988,
18 which is a crisis lifeline.

19 For my own personal issue involving Officer
20 Sesch[ph], badge number 31562, I was going to my
21 internship, and my MetroCard was not working at the
22 time. And but there were two officers there and I
23 asked them for help. He proceeded to tell my face
24 that I was a liar. And that I was never going to
25 pay. And that's the reason why they are there

2 because black people don't pay it's-- Flatbush Avenue
3 is predominantly black and brown. So it was-- it
4 seemed very biased at the time. And he was just
5 standing there immediately just talking down about
6 me, degrading me while speaking about black people
7 themselves saying that's the reason why we're here.
8 Don't lie to me, you're a liar. And I-- I was a
9 schedule my life after that. I saved up some money.
10 And I went to buy a protective keychain because I was
11 scared it was going to happen again. I'm a victim of
12 bullying on two accounts.

13 And at the time, I was very scared. He was six-
14 foot-something, and he had a partner with him, and he
15 got a gun and a taser. I do not have anything but a
16 skateboard. I am 12 years old. I only weigh 120
17 pounds. I-- I was so scared. My mom was on the
18 phone. I thought I was never going to see her again.
19 [CRYING] I thought that was my last day on earth,
20 because I see every day-- every day, people like me
21 dying on TV-- people like me dying every day.

22 CHAIRPERSON HANKS: Mom, did she fill out a
23 complaint?

24 MS. GREENE: Yes.

25 CHAIRPERSON HANKS: Do you have a copy of that?

2 MS. GREENE: [inaudible], because she didn't know
3 she could do it. So she asked, because of her age.
4 They took the complaint. So they have it. We went
5 to the community board 12 at 4101 White Plains Road.
6 She was on-- Yeah, she's there on a video.

7 CHAIRPERSON HANKS: And what happened after you
8 filed the complaint?

9 MS. GREENE: I have to say CCRB was very helpful
10 with her. I have to say that. You know, I-- Based
11 on my own experience, which I never projected on her
12 when she was in my belly. And what happened to me, I
13 never projected that to her. So I did hear
14 everything the officer was saying to her. I even
15 left. I was at a working job, because I clean for a
16 living, and I left that job to go find that officer.
17 And I had a great conversation with him. And when I
18 asked him if he was a parent, he said no. I said,
19 "Well, that completely helps me understand a lot of
20 things about why you would not try to de-escalate an
21 issue with a child who needed help." You know, you
22 could have said, "Okay, no problem, you know, go
23 through, next time..." Something. But she had a
24 MetroCard in her hand, and I always made sure she has
25 the money on the card, because I don't want her to

2 have any problems. But I had to let him know,
3 because he's like, "Well, we're here because people
4 here--" which I didn't understand what that meant--
5 "--jump all the time."

6 So I had to let him know, sir, I'm everywhere I
7 clean everywhere. And everywhere I go, I see white,
8 Chinese, black, brown, you name it they even opening
9 the gate for everybody to come through. So what do
10 you mean by "here"? I don't understand what that
11 means. But I'm not going to say the-- his, his
12 partner was that way. It seemed like when I was
13 talking to him, he gave me that eye like, "Yeah, it
14 was seemed to be all him. And you know, I didn't
15 really have too much." But you know, she's there.
16 And I guess you know, you're working together, you
17 know, you don't want to cause conflict or any
18 tension. And I get it, you know, I get it. But
19 yeah, he-- he pretended to not know what I was
20 talking about. And then, like 10 minutes into the
21 conversation. He's like, "Oh, you mean the girl with
22 the skateboard?" "But you said you didn't know who I
23 was talking about, when I asked you about the
24 situation." So you know, but I had to let her know,
25 you know, there's going to be things in life that

2 we're going to encounter. And you know, it's good
3 you get the experience now, because when you become
4 older, you're totally aware, and maybe you can help
5 somebody else.

6 CHAIRPERSON HANKS: What's your name, the young
7 lady, again?

8 MS. GREENE: Amaryllis Greene.

9 CHAIRPERSON HANKS: Amaryllis Greene. You are
10 very brave. And I'm really glad that you gave us
11 your testimony. We'll be following up, okay?

12 MISS GREENE: Thank you.

13 CHAIRPERSON HANKS: And Councilmember Joseph.

14 COUNCILMEMBER JOSEPH: I will follow up for you.

15 CHAIRPERSON HANKS: She's your Councilmember.

16 COUNCILMEMBER JOSEPH: And yes. I am your
17 Councilmember. I am also the education Chair.

18 MS. GREENE: Thank you.

19 COUNCILMEMBER JOSEPH: Young people are my
20 business, and I cannot allow this to happen to one of
21 my young constituents.

22 CHAIRPERSON HANKS: That's right.

23 COUNCILMEMBER JOSEPH: So know you have an ally
24 and a champion. I've always said.

25 CHAIRPERSON HANKS: 100 percent.

2 MS. GREENE: So your mom knows how to reach me.
3 And this is why I had asked my question earlier,
4 about de-escalation. How-- Are you trained to deal
5 with young people?

6 CHAIRPERSON HANKS: Right.

7 COUNCILMEMBER JOSEPH: They're supposed to get on
8 the train, allow them to go. They are asking for the
9 safe passage. It's not like she tried to jump the
10 subway.

11 MS. GREENE: No.

12 COUNCILMEMBER JOSEPH: Exactly. So you-- that's
13 your job to be a guidance.

14 MS. GREENE: Right. And that's what I them.

15 COUNCILMEMBER JOSEPH: "And you failed her
16 miserably at 12 years old, you-- you degraded her at
17 12."

18 MS. GREENE: And me, because I'm you know-- I'm,
19 like-- I shouldn't have to be-- I have enough to
20 think about. I have invoices to write. I have
21 clients to go to. I shouldn't have to worry that
22 you're calling me to tell me that she got stabbed,
23 she got shot, she-- Why? Why? Like, you've got to
24 give me a better reason than that. So I had to let
25 them know like-- I really, you're a villager. And

2 you should have made sure she was okay. Like, I'm
3 the mother and the father. And even if I'm just a
4 mother, I shouldn't have to be thinking about that.
5 So now that's added to my plate. I have enough to
6 do. I have enough.

7 CHAIRPERSON HANKS: Thank you so much.

8 COUNCILMEMBER JOSEPH: Thank you. Thank you,
9 Amaryllis.

10 MISS GREENE: Thank you.

11 MS. HOLLIHAN: I'm Allison Hollihan, Director for
12 The New York Initiative for Children of Incarcerated
13 Parents at the Osborne Association. My testimony
14 focuses on addressing a largely invisible issue
15 affecting an estimated 60,000 children a year in New
16 York City: a parent's or caregiver's arrest.

17 We applaud the city council for passing and Bill
18 in 2019, requiring NYPD to adopt guidelines for
19 safeguarding children whose parents are arrested, to
20 partner with an outside entity to train officers
21 (Osborne was chosen) and to provide families with
22 information about community supports.

23 Thanks to City Council funding, Osborne is
24 working with NYPD and community-based organizations
25 to implement the law and build their capacity to

2 safeguard and support children, but there is much
3 more to accomplish.

4 Children carry the experience of witnessing the
5 arrest of a parent for years, and ensure that they
6 felt invisible and vulnerable at the time. As a
7 result, many are hesitant to reach out to the police
8 when they need help, to cooperate with law
9 enforcement, and some are even fearful.

10 Witnessing an arrest is traumatic increasing the
11 likelihood for developing negative outcomes.
12 Thankfully, police and community partners can be
13 protective factors for children, and this work has
14 the potential to strengthen community-police
15 relations.

16 I want to highlight a few achievements and then
17 talk about the work that needs to be done.

18 We identified and convened community-based
19 partners providing training and technical assistance.
20 These organizations are now listed on the NYPD
21 intranet so that officers can provide families with
22 information. We trained 90 training sergeants, who
23 in turn delivered an eight minute roll call training
24 (granted that's not very much time) to 10,000
25 officers. We've developed leadership curriculum and

2 trained 351 promoted sergeants and lieutenants to
3 date. There's many more to do, create training
4 videos and resources.

5 What needs to be done and this is not an
6 exhaustive list. All of it is in my written
7 testimony, is we need to train new recruits and
8 existing patrol officers. We need to work with the
9 training bureau to develop a sustainable plan that
10 integrates this into routine training for all staff,
11 strengthen data collection, and collaborate with New
12 York City [inaudible], and expand the network of
13 community partners. In closing with 36,000 uniformed
14 staff and organizational changes within the
15 department, a complex network of community providers,
16 and many elements to implement, achieving an
17 effective comprehensive approach to safeguarding
18 children will take time and we ask the city council
19 to continue funding this critical work. Thank you.

20 COUNSEL: Thank you for your testimony. We're
21 going to proceed to a panel on Zoom. That panel will
22 include Victor Herrera, Conoco Kawabe, Eva Chan, and
23 Darren Mack. And we'll start with Victor Herrera.

24 zzz

25 SERGEANT AT ARMS: Time has begun.

2 MR. HERRERA: Good afternoon, Chair Hanks,
3 Speaker Adrienne Adams, and councilmembers. My name
4 is Victor Herrera. I'm a lead and a member with the
5 Freedom Agenda, Close Rikers, and Treatment Not Jail
6 Coalition, several advocacy organizations, but most
7 importantly, I'm a directly impacted constituent with
8 trauma-based health issues. I am here today to
9 advocate for more community-based services and
10 resources for mental health. I've been advocating
11 for the impacted communities in my own communities
12 with structurally oppressive institutions, namely
13 incarceration and shelters exacerbate mental illness,
14 concerns, and targeted communities. In so many
15 instances it seems like law enforcement is the only
16 thing our so-called progressive city has to offer.
17 I've been repeatedly profiled by police practices,
18 aggressively prosecuted by the Queens DA for crimes
19 that to date I profess innocence, but as a community
20 member in the field of criminal justice since my
21 discharge on 9/11/2001, a significant day, the world
22 experienced attack on our life and liberty.

23 NYPD operations do not need more money instead of
24 asking for more money, they can divert much of the

2 proposed funding into our communities, focusing on
3 housing, mental health treatment, and diversion.

4 The district attorneys can also reduce their
5 caseloads if they stop standing way of diversion and
6 treatment. Can you believe that with all the people
7 churning through our jails and court system with
8 mental health needs, there are only 140 cases of
9 mental health court statewide, because DAs keep
10 slamming the door on people with mental health needs?
11 Our city has programs that work and create more
12 safety than sending people to Rikers ever could. We
13 just need more funding to scale. I have been able to
14 participate for seven-plus years in intensive mobile
15 treatment provided by the Center for Urban Community
16 Service, IMT. The cost to provide this community-
17 based treatment is almost nothing compared to half a
18 million dollars per year to keep someone at Rikers.

19 The mayor's budget promises cuts to social
20 services and increases to law enforcement. And that
21 is unacceptable. What that has meant for my family
22 and community is that when anyone mentally challenged
23 or emotionally distressed person goes into crisis,
24 the proposal is to criminalize the crisis or force
25 involuntary treatment which under the circumstances

1 COMMITTEE ON PUBLIC SAFETY 415

2 serves to to further destabilize our communities. In
3 a city as rich as ours, we should all have access to
4 resources like mental health services, mobile crisis
5 teams, mentoring, jobs, behavioral health education,
6 social services, and impacted communities, investing
7 more--

8 SERGEANT AT ARMS: Time has expired.

9 COUNSEL: Thank you for your testimony.

10 MR. HERRERA: Just to close up, we have
11 confidence in the City Council to use every ounce of
12 your power to push for the budget that finally
13 responds to the needs of our communities. Thank you.
14 I've submitted written testimony.

15 COUNSEL: Thank you. Next Kanako Kawabe.

16 SERGEANT AT ARMS: Time has begun.

17 MS. KAWABE: Good evening and thank you Chair
18 Hanks for this opportunity to testify. My name is
19 Kanako Kawabe, and I am the Coordinator of Community
20 Safety Initiatives at the Academy of Medical and
21 Public Health Services or AMPHS. AMPHS is a public
22 health nonprofit located in Sunset Park, a
23 predominantly Chinese and Latinx community. We work
24 to bridge the health equity gap among communities of
25 color through free social services, education, and

2 preventative health services regardless of one's
3 immigration status.

4 In recent years, much of our work has also
5 included addressing the recent rise in anti-Asian
6 hate crimes.

7 In 2022 there were 83 confirmed instances of
8 anti-Asian hate crimes that took place in our city.
9 The list of victims who have been harassed,
10 assaulted, and killed goes on.

11 This past week we observed the two-year
12 anniversary of the Atlanta shootings. And this
13 upcoming April will mark the one-year anniversary of
14 the subway shooting that took place in our very own
15 neighborhood.

16 And just last month, a U-haul truck drove through
17 Sunset Park and Bensonhurst, two growing Asian
18 communities in South Brooklyn, killing one and
19 injuring nine.

20 Every day our community members live in fear of
21 becoming a part of this growing statistic. We would
22 like to thank the City Council for its historical
23 support of our funding through the AAPI Community
24 Support Initiative. The City Council must continue
25 and enhance funding for the AAPI Community Support

2 Initiative, as this initiative supports our community
3 safety work, where we offer free bilingual mental
4 health counseling, support groups, social work
5 services, self-defense classes, and upstander
6 intervention workshops for some of our most
7 vulnerable community members.

8 As a partner of the Asian American Federation's
9 Up Against Hate Campaign, we're also providing local
10 businesses with safe zones training so that they can
11 help targeted individuals with immediate resources.
12 We're also organizing community safe walks where
13 trained volunteers work to provide safety
14 accompaniment for vulnerable residents.

15 And finally, we are partnering with local artists
16 to create a series of community murals that aim to
17 increase safety by building mutual understanding and
18 solidarity. This work is critical to ensuring the
19 health and safety of our communities. As one
20 community member said, we don't talk about these
21 issues often, because we are scared of being judged.
22 But the fear and the anxiety is real. These programs
23 save lives.

24 AAPI's are now 18% of the city and growing, we
25 can no longer be invisiblized, and we appreciate your

2 support to continue this critical work, because we
3 know that this public safety crisis will not end
4 until we can come together as a community to prevent
5 harm. Thank you.

6 SERGEANT AT ARMS: Time has expired.

7 COUNSEL: Thank you. Next, Eva Chan.

8 SERGEANT AT ARMS: Time has begun.

9 MS. CHAN: Thank you for your time. Thank you,
10 Chair Hanks, for the opportunity to testify. My name
11 is Eva Chan, I'm representing Harlem East Block
12 Association that spans eight blocks in East Harlem,
13 the Greater Harlem Coalition that represents 150
14 local businesses and organizations in Harlem, and the
15 Upper Manhattan Asian American Alliance.

16 The three organizations are here to urge the city
17 council to increase police presence in Harlem,
18 including precinct 25, 23, 28, and PSA 5, and assign
19 more narcotic police to Harlem, as their work is
20 increasingly dangerous and complex.

21 We also urge more funding to build up
22 incarceration alternatives, and to adequately pay for
23 the implementation of discovery reform.

24 Regardless of whether you would like to reduce
25 funding for police in general, Harlem uniquely needs

2 more enforcement support. To improve racial equity.

3 We urge the city to allocate more resources to areas
4 suffering from higher crime rates, such as Harlem.

5 We need more police but also more resources on many
6 other areas such as housing, education, and
7 employment.

8 The approach of taking money from the police to
9 other area is not the right approach for Harlem. Due
10 to a number of confluent factors, both serious and
11 petty crime rates in Harlem continue to be one of the
12 highest in New York City. If you cut up the budget
13 for NYPD, you're putting our lives in danger.

14 Residents here live in fear. Many of us seniors
15 feels like a prisoner in their own home. Loiters and
16 drug users are using many of our NYCHA housing,
17 Section 8 housing corridors and lobbies as their own
18 home, terrorizing local residents.

19 Harlem is a victim of structural racism. It
20 suffers from systemic underinvestment. It has the
21 highest density of NYCHA housing that suffers from a
22 severe lack of maintenance. Our schools are
23 underfunded relative to Upper East Side, Upper West
24 Side, just next to us. It has been used as a
25 containment zone for New York City [inaudible]--

1 COMMITTEE ON PUBLIC SAFETY 420

2 SERGEANT AT ARMS: Time has expired.

3 MS. CHAN: -- Where an excessive number of drug
4 treatment programs and harm-reduction programs are
5 placed in here, the latest that is added is the safe
6 consumption site that has further worsened the crime
7 rate.

8 So in here, I just urge you to-- if you decrease
9 the police funding for Harlem, you're putting the
10 cart before the horse, and you're putting our lives
11 in danger. Thank you for listening.

12 CHAIRPERSON HANKS: Thank you so much.

13 COUNSEL: For the next panel, we will hear from
14 Isaiah Fenichel, Camilla Jones, Julie Bowen, Sergio
15 Urizan, and Francisco Basso. And we'll start with
16 Isaiah.

17 SERGEANT AT ARMS: Time has begun.

18 MR. FENICHEL: Hi, it started?

19 COUNSEL: Yes.

20 MR. FENICHEL: Gotcha. Thank you. Hi everybody.
21 My name is Isaiah Fenichel. I am a resident of
22 Harlem, and an organizer with Strategy for Black
23 Lives. I'm here after hearing over six hours of
24 testimony from people who are supposed to be public
25 servants, but were allowed to speak before the

2 public, to urge the city to hold NYPD's extortionist
3 Strategic Response Group accountable for the abuse,
4 and to disband the unit entirely. I call the SRG and
5 extortionist unit because, according to their own
6 training manual, with the \$130 million worth of
7 funding that they receive from this body, the only
8 delineation and how they treat protesters is whether
9 or not we paid for a permit to protest in public, and
10 the content of what we are protesting.

11 That same training manual reveals their true
12 strategic response as a counterterrorism unit turned
13 protest police, turned anti-crime unit by listing
14 examples of violent organizations, or violent
15 protesters "Occupy Wall Street", "anti-Trump
16 demonstrators", "Black Lives Matter protesters", with
17 no mention of white supremacist groups, abortion
18 clinic harassers, anti-LGBTQIA activists, many of
19 whom will be outside in the next few days when we
20 arrest their president.

21 When responding to the so-called violent protests
22 in 2020, the SRG is accused of using unreasonable
23 force and abuse just about every three days, beating
24 protesters with blunt-force objects like bikes, like
25 batons, things of that nature, just about every four

2 days, and unlawfully deploying pepper spray, and
3 other less-than-lethal tools against New Yorkers just
4 about once a week.

5 There were 455 complaints against SRG in a six-
6 year period, and 86% of those complaints were from
7 black and brown New Yorkers. And coincidentally, now
8 they are getting deployed into eight different
9 Council districts, seven of which are majority black
10 and brown council districts. This will inevitably
11 lead to more of the same violence--

12 SERGEANT AT ARMS: Time has expired.

13 MR. FENICHEL: Or the same destruction of these
14 communities that prompted us to march in the first
15 place. Don't tell me what your priorities are. Show
16 me where you spend your money. And I will tell you
17 what they are. A budget that makes space for bikes
18 to be purchased not for children. But for action
19 junkies to use to clear homeless encampments and to
20 abuse protesters shows exactly where the city's
21 priority is. Today I am here calling on this
22 committee to do its job to prove that racial justice
23 and accountability are more than just talking points.
24 And to make this a true priority.

2 Speaker Adams, Chair Hanks and the entire body
3 have the power ability and most importantly, the duty
4 to hear the calls of the people that have allowed you
5 power, and to put a permanent end to the Strategic
6 Response Group in favor of actual strategies that
7 create public safety and deter crime. Defund,
8 disband, and abolish the militarized force known as
9 the NYPD, starting with the Strategic Response Group.
10 Thank you.

11 COUNSEL: Thank you. Next we'll hear from Darren
12 Mack. Time has begun.

13 MR. MACH: Good afternoon. Good afternoon, Chair
14 Hanks and all members of the committee. My name is
15 Darren Mack. I'm a member of the New York City
16 Commission on Community Reinvestment and Close Rikers
17 Island, which is established by Local Law 193. The
18 Commission is charged with ensuring significant
19 reinvestment recommendations are made in vulnerable
20 communities historically impacted by mass
21 incarceration. We believe that the safest
22 communities are not the most policed, incarcerated
23 community. The safest communities have the most
24 resources.

2 As a co-Chair, the Youth Subcommittee of the
3 Commission, our mission is to identify investments
4 that will prevent or remove young people from the
5 criminal justice pipeline.

6 As a young person, I had experience with
7 potential gun violence, walking home from junior high
8 school with two of my classmates one day, they were
9 assaulted by a group of older teenagers. You know, I
10 was scared, confused and angry, and due to my
11 personal horrible experience with the police, calling
12 them for protection was not an option for me.

13 So the next two days I carried a gun to school
14 with me. Luckily, I did not need the sort of older
15 teens, nor was I stopped by the police. Yes, my
16 arrest would have removed that weapon from the
17 streets. But it would not have solved the underlying
18 conflict and cycles of aggression, protection, and
19 retaliation, I was getting caught up in. Even
20 incarcerating all the young people involved would not
21 solve the problem, since conflicts in the streets
22 often carry into jail and prison. And in the
23 horrible cycle, conflicts in jails and prisons carry
24 back into the communities we are aiming to keep safe.

2 The good news is that there are alternatives. A
3 credible messenger acting as a mediator could have
4 ultimately resolved that issue and deterred me from
5 causing more harm in a way that law enforcement could
6 not have.

7 I urge the City Council to expand investments in
8 violence interrupters, because more funding is needed
9 to support these programs, expansion into more areas
10 including schools, and to give their practitioners
11 adequate salaries to reflect the difficult and round-
12 the-clock work the skilled professionals are engaging
13 in. I also urge the Council--

14 SERGEANT AT ARMS: Time has expired.

15 MR. MACH: To fund the request for Public Defense
16 Groups, especially the \$125 million for their
17 criminal defense practice. And we need to resolve
18 this, and make a commitment to funding, you know, our
19 communities. Thank you so much.

20 COUNSEL: Thank you. Next Camilla[ph] Jones.

21 SERGEANT AT ARMS: Time has begun

22 MS. JONES: Hello. My name is [inaudible]. I am
23 a Staten Island [INAUDIBLE SPEECH 35 SECONDS].

24

25

2 SERGEANT AT ARMS: I'm sorry ma'am. You're
3 cutting off. Your signal must be weak because we
4 can't hear you.

5 MS. JONES: [INAUDIBLE]

6 COUNSEL: We're having trouble hearing your
7 audio. Is there anything you can do to adjust your
8 audio?

9 MS. JONES: Can you hear me now?

10 COUNSEL: Yes, that's better.

11 MS. JONES: Can you hear me now guys?

12 COUNSEL: Yes.

13 MS. JONES: Okay. All right. So hello, my name
14 is Camilla[ph]. I understand now in New York
15 community activist resident, and I am here to urge
16 the city council to hold the NYPD Strategic Response
17 Group accountable for its abuse, and disband the
18 unit. In 2018, January 12th, they came to my
19 apartment with shields to remove my children, Sean
20 and Miracle. At the time, they was five and one
21 years old. And traumatized me and my family over
22 false allegations. When they came to my home, I
23 recorded everything. And in that video, there were
24 no signs of neglect or harm made, and they still
25 stayed there and surrounded my apartment and building

2 because I was standing up for me and my children's
3 rights via freedom of speech, and they refused to
4 leave my home and I refuse to let them in, so they
5 called more police officers and they came with
6 shields, strollers, and tried to drill my door open.
7 They came at 8 p.m., and I finally opened up my door
8 at 12 in the morning, gave my children a hug and a
9 kiss, and told them Mommy loves you and I will be
10 back. They then arrested me in front of my children,
11 and then took them from me and never returned. This
12 is why disbanding SRG reduces harm and is a step
13 towards diminishing the power and scope of the NYPD's
14 militarized police force, do not belong in our
15 communities or in our streets, and they need to
16 invest in South Beach, low income black and brown
17 communities over here. Thank you for letting me
18 speak today.

19 COUNSEL: Thank you. Next Julie Bowen.

20 SERGEANT AT ARMS: Starting time.

21 MS. BOWEN: Um, yeah. Hi, my name is Julie. And
22 I'm a resident of New York City. And I want to urge
23 the city council to hold the NYPD's Strategic
24 Response Group accountable for its abuses and disband
25 the unit. I testified at this City Council's hearing

2 on disbanding the sRGB unit on the first of March,
3 which was notable due to the complete absence of the
4 NYPD. I stated then and now: Why should they show
5 up for these hearings when there are no consequences
6 for them if they don't? They think they are not
7 accountable to anyone, elected or not, and can grab
8 as much cash from the city budget as they want. Why?
9 Why can the Mayor give billions of dollars of the
10 city budgets to the NYPD while simultaneously taking
11 it away from schools, hospitals, housing for the
12 homeless, and every other social program that
13 actually helps people? One reason is the Mayor's
14 constant propaganda about rising crime rates, which
15 was echoed in this morning's testimony. But it helps
16 to justify the bloated beached whale, that is the
17 budget of the NYPD, and in particular, the Strategic
18 Response Group. This unit must be disbanded and the
19 millions of dollars and we know from this morning
20 it's about at least \$133 million, reinvest those in
21 our communities.

22 This unit was originally created for
23 counterterrorism, but now it's a constant presence at
24 every protest, big and small around the city. They
25 show a clear bias in who they deem peaceful and

2 violent, and tellingly racial justice protesters as
3 enemies and [inaudible]. Their training and
4 implementation focuses on force and violence against
5 its own citizens is making it seem as though we're
6 living in a warzone. And the SRG is a paramilitary
7 unit that if allowed to continue, will be deployed to
8 target, harass, and brutalize the groups of people
9 that the Mayor and others want to criminalize, thus
10 justifying even more violence. As an example they
11 were deployed the via we clear homeless--

12 SERGEANT AT ARMS: Time has expired.

13 MS. BOWEN: Okay. Disband them and take their
14 budget, because they're [inaudible].

15 SERGEANT AT ARMS: Thank you. Next Sergio
16 Berzan. I apologize.

17 This is Sergio. Can you hear me? Can you see
18 me?

19 COUNSEL:

20 Yes. Okay . I'm a Zadroga certified survivor of
21 the 911 attack, so listen up. From the moment we
22 were evacuating on the West Side Highway that day, we
23 were scared that police would use antiterrorism to
24 justify domestic oppression. The SRG was born under
25 the guise of anti-terror. It's been violating the

2 constitution ever since. Let's stop June 4, 2020,
3 and Mott Haven also known as [inaudible]. Human
4 Rights Watch and others have already documented how
5 brutal the NYPD's Containment zone was. What I saw
6 outside of the kettle was equally bad. I saw a pile
7 of bicycles on Willis Avenue and 136the Street. Some
8 kids from the Mitchell houses told us that the cops
9 stole their bikes and threw them all in a big pile.
10 This was before the 8 p.m. curfew that day. After
11 dark I found myself on 137th and Brook Avenue, across
12 from the kettle. A local resident yelled a protest
13 slogan at the police line across the street, and a
14 single officer charged at him, causing a stampede of
15 cops to charge full speed directly into the local
16 residents standing in front of their homes and
17 businesses. It is a disgrace that a unit created
18 combat terrorism has a budget of \$68 million a year
19 in order to now terrorize social justice
20 demonstrators. They harass every protest, every
21 eviction where tenants stand their ground, every drag
22 story hour defense, they brutalize left wing New
23 Yorkers while providing coverage to right wing
24 paramilitary organizations such as when the Middle
25 Village Militia threatened peaceful demonstrators in

2 Bob Holden's district, possibly under his orders, in
3 2020. In addition, the SRG escorted the Proud Boys
4 just yesterday in Midtown and in December in Jackson
5 Heights. I say this as a 9-11 survivor, this unit
6 cannot exist in my name. This group cannot pretend
7 to be heroes, as they inevitably will this week when
8 Trump gets indicted. There are many people and many
9 city agencies that have an interest in public safety.
10 Urban planners design roads that stop crashes.

11 Teachers will heal trauma and children. Caseworkers
12 who try to make up for the lack of options mentally
13 ill people have. You will not find these people in
14 the NYPD. The NYPD budget needs to be reallocated to
15 other agencies. SRG needs to be disbanded with the
16 speed that Memphis disbanded the Scorpion unit with
17 after they killed Tyre Nichols. And they can never
18 be allowed to regroup under another name. That money
19 that I'm calling on you, the Council, to cut needs to
20 be marked so that it can never go to the NYPD again.
21 For example, we--

22 SERGEANT AT ARMS: Time has expired.

23 CHAIRPERSON HANKS: Thank you. Thank you for your
24 testimony. Thank you.

2 COUNSEL: Thank you. Thank you. Next we'll hear
3 from Francisca Basso.

4 SERGEANT AT ARMS: Time has begun.

5 MS. BASSO[PH]: Hi, can you hear me?

6 COUNSEL: Yes.

7 MS. BASSO[PH]: Our Commissioner can rattle off
8 as many rigged statistics as she wants. If you
9 criminalize the populace, it's easy to create the
10 illusion of crime reduction. The idea that they are
11 doing more with less is laughable. This narrative is
12 a smokescreen to justify senseless brutality from a
13 militarized police force with dangerously untreated
14 PTSD. What they are doing is more harm with better
15 resources. As far as the subways, criminalizing the
16 homeless does not count as crime reduction. As I'm
17 sure you've all seen these officers spend more of
18 their time on their phones.

19 As far as the commissioners numbers on recidivism
20 and retail theft, there could be no better argument
21 for services over more policing. If we ensure that
22 people have what they need, they won't have to steal.
23 Being poor should not be a felony.

24 There is no better example of gross overspending
25 than the SRG they must be disbanded. The fact that

2 they refuse to answer questions about SRG use abuse
3 should speak for itself. In their own words, they
4 are a supposedly supplemental unit. Regardless of
5 the veracity of that statement. It means that
6 everything they do can be accomplished by other
7 units. We don't need them.

8 As our schools, our libraries, all of our social
9 services are taking unprecedeted cuts, these goons
10 get to break people's bones without so much as a lost
11 vacation day. We cannot afford this. It has been
12 said that you can judge a society by how it treats
13 its most vulnerable members. As people starve,
14 unhoused, plagued by addiction and poverty as our
15 underpaid teachers go out of pocket to provide basic
16 supplies that their classrooms lack, our society
17 apparently sees fit to prioritize state-sanctioned
18 violence over care for anyone.

19 I don't want to live in a society like that. And
20 I pray to all that is holy that you don't either.
21 Thank you for your time.

22 CHAIRPERSON HANKS: Thank you so much for your
23 testimony.

24

25

2 COUNSEL: Thank you. We'll next call up a panel
3 in person, Catherine Dempsey, Jimmy Meagher, Kendra
4 Jaye, and Scarlet Thompson.

5 MS. DEMPSEY: Good evening. Good evening. My
6 name is Kate Dempsey, I'm an activist with The
7 Policing and Social Justice Project at Brooklyn
8 College, coordinated by Professor Alex Vitaly, whose
9 testimony I will be reading today.

10 The Strategic Response Unit should be disbanded.
11 When the City Council voted to expand NYPD headcount
12 2015, the NYPD said that these resources would be
13 used to reduce overtime spending. Instead, they
14 created the Strategic Response Group out of those
15 resources and overtime did not go down. In fact, it
16 has increased, and the NYPD has consistently exceeded
17 its overtime budget each year since then. By
18 creating the SRG, the NYPD actually created another
19 entity that thrives on overtime because it is
20 deployed to handle crowds and special operations that
21 often rely on overtime spending.

22 According to a recent analysis by New York focus,
23 SRG had among the highest overtime rates of any unit
24 and NYPD.

2 The most concerning aspect of this new unit as
3 you've heard from numerous other organizations and
4 individuals here today is its use in political
5 protests. The SRG has become the latest weapon the
6 NYPD is arsenal of suppressing political dissent,
7 giving it the capacity to violate people's rights to
8 assemble on a large scale. The NYPD has consistently
9 shown a high degree of intolerance to political
10 activity that unilaterally deems to be a threat to
11 public order. But that assessment has been shown to
12 be consistently biased.

13 On numerous occasions demonstrations that
14 challenge police power and bring demands for radical
15 economic reforms are treated much more harshly than
16 those carried out by right-wing groups.

17 With my own research with the organization we
18 have found that the community responder model is an
19 adequate and extraordinary way to address violence.
20 It is by the community, and for the community. They
21 use violence interrupters and credible messengers
22 that are out here doing this work.

23 After today and hearing so many people testify,
24 it's easy to almost become desensitized for being
25 here so long. But please, please, please try to

2 remember all the emotions that people brought to you
3 today, the trauma, the everything. This group needs
4 to be disbanded. Thank you so much for your time.

5 CHAIRPERSON HANKS: Thank you.

6 I want to thank Councilmember Hanks and each
7 member of this Committee for the opportunity to speak
8 with you today. My name is Scarlett Thompson, I use
9 she her pronouns, and I work as the Prevention
10 Coordinator for the New York City Alliance Against
11 Sexual Assault. For over 20 years, the Alliance has
12 worked to prevent sexual violence and reduce the harm
13 it causes through education, research, and advocacy.

14 I'm here to talk with you about the critical role
15 of sexual violence prevention to support public
16 safety in New York City, and to request \$300,000 to
17 support Outsmart NYC, a sexual violence prevention
18 program led by preventionists and nightlife workers
19 that brings training, advocacy, and support services
20 to the nightlife industry.

21 Over half of women, almost one in three men, and
22 nearly one in two transgender people report
23 experiencing sexual violence in their lifetime. To
24 prevent sexual violence, we must focus on the context
25 in which people become vulnerable. Bars, clubs, and

2 restaurants are a priority for us. While we know
3 that drugs, alcohol and crowded spaces do not cause
4 sexual violence. We recognize those components as
5 risk factors for increased harm, especially towards
6 queer people, people with marginalized genders, and
7 people of color.

8 Each training we conduct is tailored specifically
9 to a venue. We go walk through the space, meet with
10 staff, and develop a training that best equips their
11 team to recognize and intervene in harm. All our
12 workshops are co-facilitated by a preventionist, such
13 as myself, and a nightlife worker. We also recognize
14 the vulnerabilities that nightlife staff themselves
15 face and suggest policies and practices for owners
16 and managers. This absolutely vital work requires
17 significant staff time and energy, and demand for our
18 programming far outstrips our current capacity.

19 OutSmart is a program with tremendous potential
20 that has been severely limited by lack of funding.
21 We at the Alliance, together with our partner, the
22 Crime Victims Treatment Center, are appealing to the
23 city council for \$300,000 in funding to replicate
24 this model citywide, to shift the culture of

2 nightlife, and make our city safer from sexual
3 violence.

4 CHAIRPERSON HANKS: Quick question, have you been
5 funded through the city council in the past?

6 MS. THOMPSON: No, this is a first-time ask.

7 CHAIRPERSON HANKS: Did you apply in FY 24 for
8 funding?

9 MS. THOMPSON: This is our first-- this is a new
10 initiative that we're asking for funding for.

11 CHAIRPERSON HANKS: And who did you-- [TO
12 COUNCILMEMBER JOSEPH: No they haven't been funded
13 before.] What councilmembers did you ask for funding
14 from?

15 MS. THOMPSON: I don't know the answer to that.
16 But we can get back to you.

17 CHAIRPERSON HANKS: Okay. So we have your
18 testimony, and you know, in the interest of time, but
19 thank you very much, and like reach out to us and
20 just let me know where you apply to.

21 MS. THOMPSON: Yeah. Thank you.

22 CHAIRPERSON HANKS: Thank you.

23 MR. MEAGHER: Good evening, and thank you. My
24 name is Jimmy Meagher, and I am Policy Director at
25 Safe Horizon the nation's largest nonprofit victims

2 services organization. We help 250,000 New Yorkers
3 each year who have experienced violence or abuse.

4 We're grateful for the Council's many years of
5 support and for championing the nonprofit human
6 services sector.

7 To be frank, our sector is in crisis. Nonprofits
8 are struggling to hire and retain staff as a result
9 of an unjust wage structure, largely determined by
10 government contracts. My testimony will focus on the
11 Just Pay Campaign, City Council Initiative Funding
12 and the need to invest in a broader public safety
13 strategy outside of just the criminal legal system.

14 Just Pay: We're a proud member of the Just Pay
15 Campaign, which is demanding that employees under
16 contract with New York City and State be paid fair
17 wages for their labor. We're asking for a 6.5% COLA
18 this year. When we consistently hear elected say
19 they care about and fight for survivors of violence,
20 ensuring that the workers who provide the very
21 support survivors need and depend on is a very real
22 way for the city to demonstrate that it cares about
23 victims and survivors.

24 Initiative funding: The DOVE Initiative was
25 created to provide a neighborhood based response to

1 COMMITTEE ON PUBLIC SAFETY 440

2 survivors and their families. Currently over 150
3 organizations use DOVE funding to address domestic
4 violence in the community. DOVE directs funds to the
5 organizations rooted in community that provide
6 necessary and life saving support to survivors.
7 We're seeking a restoration of \$12 million this year.
8 The City Council's initiative for immigrant survivors
9 of domestic violence supports our immigration law
10 project, which provides expert legal advice and
11 representation to victims of crime, violence, abuse,
12 trafficking and torture.

13 The steady flow of new arrivals from border
14 states drives many families desperate for immigration
15 legal help to our office. We're seeking an
16 enhancement of \$100,000 to help us increase capacity.

17 And then lastly, we operate Staten Island's only
18 rape crisis program. However, since the pandemic, it
19 has become increasingly difficult to recruit
20 volunteers to meet with survivors at hospitals,
21 especially at night. We're requesting \$160,000 in
22 new speakers initiative funding to support the salary
23 of a full-time social worker, as well as compensation
24 for advocates training and services. This support
25 would allow our program to continue supporting

2 survivors of rape and sexual violence across Staten
3 Island in the immediate aftermath of their assault.

4 And then last--

5 CHAIRPERSON HANKS: Okay, thank you. It's okay.
6 We have testimony. Okay. We'll be in touch. We
7 have your testimony. Thank you so much, in the
8 interest of time.

9 COUNSEL: Next, John Brown.

10 MR. BROWN: All right. So I'm going to start out
11 with some facts that I can back up with evidence
12 because that was at the last meeting and there was an
13 ex-cop that said that all of our testimonies weren't
14 based on facts. So I can provide facts and all this.
15 You remember the subway shooter? It was residents
16 that called and told people where he was. He even
17 called the police on himself. And SRG, who we were
18 talking about they were two blocks away destroying
19 homeless people's tents. So they didn't respond.
20 They didn't catch the subway shooter. What they did
21 do is threaten the person to get deported, who was
22 going to receive reward money.

23 Another thing? Mikey Rosado, I'm not sure if you
24 heard about him. He was unarmed in the Bronx. And
25 they murdered him. And I think that was over a year

2 ago, and the police have never released the killers
3 names. Another person killed, Ronald Anthony Smith,
4 was killed in Crown Heights by mysterious NYPD van.
5 The killers names have never been released.

6 And just some questions. Why does the city why
7 are we paying for police settlements?

8 Why does the city arrest fare evaders, and not
9 people that evade toll? Does it have to have to do
10 with the demographics of the people involved? Pretty
11 much it. Yeah. And I can provide evidence for all
12 of this. I've been arrested three times as a
13 credentialed member of the press -- here's my press
14 badge -- just for filming protests. I've had to have
15 my bikes stolen by the police. They've never gave me
16 receipts or anything like that. I think that if
17 there's any good lawyers anywhere, they should, you
18 know, a file class action lawsuit against the police
19 department for all of the things that they've stolen
20 from people at protests, photographers' cameras,
21 bikes, who-- whoever knows what else phones, you
22 know? Yeah, that's it. I had nine hours of this.

23 CHAIRPERSON HANKS: Did you file a police report?
24 Sorry, sir. Did you file a police report?

25 MR. BROWN: About police stealing from me?

2 CHAIRPERSON HANKS: You should have.

3 MR. BROWN: Call the cops on the cops?

4 CHAIRPERSON HANKS: Absolutely. That's why we're
5 doing this hearing. It's public testimony. So it's
6 on the record.

7 MR. BROWN: Okay. I can do that. I can back it
8 all up with evidence? Yeah.

9 CHAIRPERSON HANKS: I think you should file a
10 police report. That's just my advice to you. All
11 right.

12 MR. BROWN: Okay. Thank you.

13 CHAIRPERSON HANKS: Thank you for your testimony.

14 COUNSEL: Thank you for this panel. Next, we'll
15 move on to a virtual panel. We'll be calling Shannon
16 Sassoon, Miriam Fisher, Eden King, C.N., Alfredo Gil,
17 and Walter Dittmann, and we'll start with Shannon
18 Sassone.

19 SERGEANT AT ARMS: Time has begun.

20 MS. SASSONE: Hello, thank you, everyone. Thanks
21 for the opportunity to testify. I'm a producer,
22 independent activist, and Former Police Misconduct
23 Investigator with the CCRB. My service at the agency
24 began in February of 2021. I completed my public
25 service with the CCRB Mediation Department, and I was

2 only one of three mediation coordinators for the
3 entirety of the five boroughs.

4 I can personally attest to the issues of
5 underfunding within the CCRB as well as the
6 frustrations by employees. I made \$42,000 during my
7 almost two years at the agency and could barely pay
8 my rent. Due to funding inconsistencies, lack of
9 cooperation from the police unions and officers, the
10 rate at which the Police Commissioner overturns
11 discipline recommendations, and the lack of resources
12 are a major reason why turnover at the agency is so
13 high.

14 I've seen through body-worn camera footage of SRG
15 and NYPD officers brutally beating New York
16 protesters. The NYPD and SRG routinely covered up
17 their identities during these protests. The CCRB
18 needs independent access to BWC. From kettling, to
19 police gunmen on roofs, to almost getting run over,
20 these are only a few of these examples of aggression
21 and intimidation that I experienced during my time
22 protesting but other experienced far worse.

23 The SRG prides itself on having prior
24 intelligence of the unique situations to which they
25 respond. The point of the SRG is strategy. I

2 personally and professionally watched those
3 strategies not only fail but often cease to exist.
4 It is evidenced through testimony and video evidence
5 that the SRG was the main cause of violence and harm
6 during the 2020 protests, routinely failing at their
7 jobs, which is strategic response. Instead, they
8 sowed chaos, physical, emotional and societal harm on
9 our city and our citizens.

10 The actions of the SRG are calculated, cruel, and
11 violent. The SRG should be immediately disbanded,
12 the tactics of the SRG banned, and for the agency to
13 be no longer funded. The estimated \$133 million
14 needs to be allocated back into our community for
15 education, mental health resources, and other
16 community services. Thank you.

17 COUNSEL: Thank you. Next Miriam Fisher.

18 SERGEANT AT ARMS: Time has begun.

19 MS. FISHER: Yes, hi. My name is Miriam Fisher,
20 thank you for allowing me to speak. I was-- I'm just
21 a citizen, or resident of New York City, lifelong.
22 And I will say I was there on March 1st, and I
23 watched my City Council person, Eric Bottcher, just
24 you know, leave pretty early and obviously, being
25 consistent. He's not there now, either. I think

2 that there's a huge amount of disrespect being shown
3 to all of us who live here and make New York City
4 great. And instead, the cops are shown all the
5 respect. But I don't know what they add. They're
6 not adding. Most of the crime is taking place
7 upstairs in boardrooms and in conference rooms.

8 There hasn't been affordable housing built in New
9 York for two generations already. And then people
10 were unhoused because of the drastic situation where
11 there's enough room for Russian and Chinese mob money
12 being parked in ultra luxury condos, but not enough
13 room for human beings. That's the real crime.

14 But the SRG is the point of the spear in terms of
15 this being a police state. A police state isn't a
16 nice place to live. That's not what makes New York
17 city great. You're going to wind up with a bunch of,
18 you know, money and golfers here, but who's going to
19 be able to live here? Because what you have is
20 roving bands of violent thugs called the Strategic
21 Response Group. And we don't need that what we need
22 is education. My parents were first generation.
23 They got amazing, great public education. The public
24 schools in this city are being destroyed and starved.
25 How do we have a great city without education,

2 without housing, without health care for the people
3 who live here? That's where the money should be
4 going. The SRG only adds chaos and violence. And
5 I'm not having it. You know, I've been here my whole
6 life. And I would say that the obviousness of this--
7 the police state aspect of this--

8 COUNSEL: Thank you for your testimony.

9 CHAIRPERSON HANKS: Thank you. Thank you so much
10 for your testimony, thank you.

11 COUNSEL: Next Eden King.

12 SERGEANT AT ARMS: Time has begun.

13 COUNSEL: Yeah, nine left I think.

14 MS. KING: Yeah. Hello? Okay, thank you. On
15 June 5 2021, I was in Washington Square Park with
16 others to hold space in response to what we believe
17 to be an unjust curfew. The curfew was set for 10
18 p.m. At 10:01 the SRG rolled in like an occupying
19 military force. They surrounded the park and
20 everyone in it, not just activists but people passing
21 by, and evening park-goers enjoying what had been
22 just moments earlier a public space.

23 I was attempting to leave via one of the parks
24 West exits when I was arrested. Four members of the
25 NYPD, all of the men much larger than me,

2 participated in my arrest, holding my arms and legs,
3 pinning me facedown on the ground. While this was
4 happening one of the SRG bikers ran up from my right.
5 He shouted, "Stop resisting, stop resisting." He
6 then used his bicycle to beat me in the head and
7 face, while I was lying on the ground unable to move.
8 In that moment, I feared I was about to be blinded or
9 killed. The gear that this one man was wearing while
10 he brutalized me cost the city upwards of \$2,000.

11 The NYPD alleges the Strategic Response Group
12 receives \$68 million in funding per year with an
13 additional \$13 million in overtime. However, due to
14 the NYPD's lack of transparency and deliberate
15 obfuscation of departmental spending, we don't know
16 the full, size, function or funding of the SRG.

17 Historically, the SRG have used to the funding
18 they received to overwhelmingly target racial justice
19 protesters, pro abortion clinic defenders, drag story
20 our defenders, and homeless encampments.

21 This is an unconscionable expenditure, their
22 Strategic Response Group is violent, volatile, and
23 dangerous and has no place in our communities or on
24 our streets. They must be disbanded. They don't
25 keep us safe, we keep us safe. F*** the police.

2 CHAIRPERSON HANKS: Oof. Okay.

3 COUNSEL: Thank you for your testimony. Next
4 we'll call CN

5 SERGEANT AT ARMS: Time has begun.

6 CN: I'm a resident with a disability and I do
7 not support the SRG unit. They should be held
8 accountable. There needs to be transparency. And
9 I'm concerned about people with disabilities who
10 might want to protest peacefully and how they might
11 be treated by this unit. And, and you know, with the
12 lack of any protocol to people with invisible or
13 physical disability.

14 I'm worried about these cuts coming to libraries
15 because I attend the Andrew Heiskell Talking Book and
16 Braille Library for the Blind, who do very good
17 programs for the blind community and the disabled
18 community. I just recently completed a tactile art
19 project, making weaving-- weaved pictures out of
20 yarn, for example. They show things like accessible-
21 - how to use accessible voting machines. At the end
22 of the year, they should be having a cultural event
23 about different city resources for people with
24 disabilities. Also, an Assistive Technology Fair.

2 So I'm really worried about what these cuts the
3 libraries might bring to such a specialized library
4 in New York City. And that's the only library in New
5 York City for the blind, and for people with
6 disabilities.

7 And like I said, I'm, I'm really worried,
8 because, you know, people with disabilities are
9 sometimes isolated. There's not many programs that
10 we can attend in the city because most things are
11 visual-based and able bodied based. So I think it
12 would be really cruel and really sad if cuts came to
13 such a very good library that does very good programs
14 for the blind community.

15 So please, if you could please think about that.
16 I'm sorry, I can't provide a written testimony due to
17 my disability. So I hope you can please count this
18 as my testimony.

19 Thank you so much.

20 CHAIRPERSON HANKS: Thank you so much. Thank you
21 for your testimony.

22 COUNSEL: Next Alfredo Gil.

23 SERGEANT AT ARMS: Time has begun.

24 MR. GIL: Hello. My name is Alfredo Gil. I'm
25 from Queens. When discussing crime, we do not

2 acknowledge that more police does not equal more
3 safety. If more funding to police resulted in safer
4 communities, New York City would be the safest city
5 in the world. Yet we consistently talk about how
6 we're unsafe. Clearly what we're doing is not
7 working.

8 Insanity is defined by doing the same thing over
9 and over again and expecting different results. Of
10 course, crime will rise if we're underfunding social
11 services and overfunding police like this budget
12 does. By underfunding social services. We are
13 creating the opportunity for crime, and then look
14 towards the police to lock the most vulnerable and
15 underserved people up. It is a sick, self-fulfilling
16 system of corruption. And New Yorkers are
17 increasingly aware of this. Just acknowledge the
18 makeup of this public testimony. We vote you in, we
19 vote you out. It is the unspoken reason why NYPD is
20 failing to fill the ranks. Deep down they know it
21 too.

22 Instead of providing affordable housing, police
23 sweep up homeless people out of view and call it
24 quality of life, surveillance and terrorize new
25 migrants, and ignore thousands of illegal evictions

1 COMMITTEE ON PUBLIC SAFETY 452

2 and disregard of rent control off from landlords.

3 This is not public safety.

4 Instead of providing adequate health care, our
5 city lets people in dire need of medical help waste
6 away on the street and often their fate to the hands
7 of the police are not able to help, often harassing
8 them. This is not public safety, we should have more
9 social workers, mental health service providers, and
10 violence prevention specialists to solve this root
11 cause of crime.

12 Instead of providing adequate funding to our
13 schools and libraries, our city neglects the
14 development of our youth, especially critical post-
15 COVID, and leads them towards a prison instead of a
16 classroom or a healthy public space.

17 Instead of funding public transit, police arrest
18 people who cannot afford the basic necessity of
19 public transportation. It makes no sense. We are
20 well past due to address the root causes of crime by
21 funding social services. Disbanding the SRG, and
22 reallocating its budget accordingly is the first step
23 towards the justice and public safety.

24 SERGEANT AT ARMS: Time has expired.

25 CHAIRPERSON HANKS: Thank you so much.

2 COUNSEL: Next, Walter Dittmann.

3 Hello.

4 COUNSEL: We can hear you.

5 Yeah, I can't get the video. Sorry. Um.

6 COUNSEL: You're video is on.

7 Can I just talk then? Can I just speak?

8 COUNSEL: Yes.

9 CHAIRPERSON HANKS: Yes.

10 Yeah. Okay. Hello. My name is Walter Dittman.

11 I'm a resident of New York City, and I'm a retired
12 New York City public school teacher. I want to urge
13 the city council to hold the Strategic Response Group
14 accountable for abuses against nonviolent protesters.

15 I've witnessed on three separate occasions SRG
16 members brutally assaulting and arresting a number of
17 individuals who were simply trying to assist female
18 patients about to enter a Planned Parenthood Clinic
19 on Bleecker Street.

20 Do we really need a police unit that targets
21 nonviolent protesters? The City Council must hold
22 the SRG accountable, defund and disband the unit. On
23 Saturday, December 3, 2022, at Old St. Patrick's
24 Church on Mott and Prince Streets, I joined about 15
25 to 20 individuals were beginning to march in a picket

2 line on the sidewalk in front of the church while
3 there were about 50 SRG officers standing facing the
4 church guarding the church, and I was wondering: Why
5 are so many cops guarding a church, outside, you
6 know, with only about 15 to 20 protesters, and soon
7 about five men dressed in gray togas, it looked like
8 Franciscan monks, exited the church and headed down
9 mochi toward the clinic. I recognized the leader
10 who's been under a court order to stay at least 500
11 feet from abortion clinics. As the figures walked
12 toward the clinic. Some of the protesters stood
13 their ground on the sidewalk, slowing down the
14 passage of the figures. Then at least 10 cops
15 roughly shoved the protesters aside and formed a
16 protective cordon around the monks. The cops were
17 actually escorting the monks to the clinic. As some
18 protesters attempted to move ahead of the monks, the
19 police grabbed at least five of them, threw them to
20 the ground, slapped handcuffs on them and hauled them
21 away to a waiting police van.

22 Meanwhile, the police permitted the monks to
23 proceed to the clinic entrance where they're tried to
24 discourage women from entering.

25 SERGEANT AT ARMS: Time has expired.

2 CHAIRPERSON HANKS: Thank you. Thank you for
3 your testimony. I'm sorry sir. I'm sorry. We have
4 to continue. We have a lot of people waiting. I
5 apologize. You can submit your testimony in writing.
6 Thank you.

7 COUNSEL: Next we'll hear from a panel including
8 Margot Bharat[ph], Christian Moliary[ph], Emma
9 Cathell, Tanisha Grant, Tal Shlomit Segal, and Ralph
10 Brown. We'll start with Margot Bharat[ph].

11 MS. BHARAT[PH]: I had initially prepared to
12 testify about my personal experience with the SRG. I
13 want to say it's extremely disappointing that city
14 councilmembers and the NYPD have once again not made
15 the time to listen to New Yorkers sharing and
16 reliving their trauma. And I also find it very, very
17 hard to believe that anyone reads the testimonies
18 that we submit in paper.

19 That said I'm choosing to not relive my trauma
20 today, and I've changed my testimony to instead speak
21 on some things that happened during this very
22 hearing.

23 First, I'd like to note that the NYPD lied under
24 oath about a gag order preventing them from
25

2 discussing the SRG. They didn't say gag order
3 specifically, but they were referring to it.

4 Every entity currently involved in lawsuits
5 against the SRG has publicly confirmed there's
6 absolutely no gag order preventing the NYPD from
7 testifying on the SRG. Some lawyers have even
8 published the lawsuit confidentiality agreement as
9 proof of this. The NYPD refuses to respond to
10 questions about the SRG because the unit is a violent
11 sadistic gang, who has nothing good to say for
12 itself.

13 Second, I'd like to know it's extremely harmful
14 that the two council members present for our youngest
15 community member who was testifying today imply that
16 NYPD violence would have been justified if the child
17 had not had a MetroCard to go into the subway. A 12-
18 year-old is telling you to defund the NYPD to keep
19 her safe. Not only are you walking away from my
20 testimony right now, but you are also completely
21 missing the point that this 12 year old was making.

22 I urge City Council to fully disband the
23 Strategic Response Group and prevent it from ever
24 being recreated in any form. I want to see those
25 dozens of millions of dollars reinvested into

2 affordable housing, into our libraries, like that
3 child mentioned, and into our education. These
4 things actually make our community safer, happier,
5 and healthier. Thank you and f*** Bob Holden.

6 COUNSEL: Christian Moliary[ph].

7 SERGEANT AT ARMS: Time has begun.

8 MR. MOLIARY[PH]: Good night. My name is
9 Christian Moliary[ph]. I am a transmasc, non-binary
10 community organizer. And I'm also a radical
11 abolitionist social worker. I'm not going to talk to
12 you about the permanent nerve neuropathy I sustained
13 at the hands of the SRG. But instead I'm just going
14 to get right to the point, which is that,
15 historically, there isn't a single era in the United
16 States in which the police were not a force of
17 violence against black, brown, indigenous, LGBTQIAS+
18 plus, and gender-diverse communities. SRG was borne
19 out of the Occupy Wall Street movement, and it's
20 focused their violent attention on protest groups in
21 New York City ever since.

22 Over the course of just those five months between
23 the end of May and November 1st, when I sustained my
24 injury from the end of that-- from that period-- for
25 that period, pardon me, I've been kettled pepper

2 pepper sprayed, beaten with bicycles and batons,
3 punched had, had LRAD devices aimed and set off,
4 nearly had a seizure from a high-frequency rapid
5 flickering strobe light, and once driven into with a
6 black unmarked van. All these were enacted by the
7 SRG.

8 It's time to stop talking about reform and to
9 immediately disband the most violent arm of the NYPD.
10 fewer officers means fewer incidents of violence and
11 injury. We need to redirect the funding for the SRG
12 and invest in our communities. There are families in
13 every precinct who do not have options for
14 educational and recreational programs and
15 opportunities in their communities. There are
16 families and every police precinct who do not have
17 access to community health care workers and social
18 workers to deliver on-the-ground mental health and
19 behavioral health services. There are families in
20 every-- every police precinct who struggle with
21 substance use and do not have access to harm
22 reduction based services and sites, such as Naloxone
23 trainings and health literacy to demystify and
24 destigmatize substance use.

2 As a society we have become indoctrinated to
3 believe that violence deescalates or stops whatever
4 is occurring in front of us.

5 SERGEANT AT ARMS: Your time has expired.

6 MR. MOLIARY[PH]: Or a homeless man talking into
7 a silver showerhead. Thank you.

8 COUNSEL: Next, Emma Cathell.

9 SERGEANT AT ARMS: Time has begun.

10 MS. CATHELL: Hi, I'm Emma Cathell from CSH.
11 With more than 70,000 people experiencing
12 homelessness, plus increased concerns around public
13 safety, it is evident we need more investment in
14 effective solutions. Those with mental health and
15 other chronic conditions, a history of generational
16 trauma, legal involvement, and targets of historic
17 and systemic racism are the populations most impacted
18 by the current housing crisis, and are also the
19 population supportive housing has proven to be
20 effective for.

21 Although the city has dedicated supportive
22 housing funds, we are hearing more and more from
23 providers tenants and advocates that it is not
24 enough. Further about one in six people at Rikers
25 are being held simply because they don't have a place

1 COMMITTEE ON PUBLIC SAFETY 460

2 to be released to. We respectfully ask that this
3 Committee urge City Council to invest in the housing
4 needs of the most at risk New Yorkers by investing in
5 justice-involved supportive housing, which only has
6 120 out of 500 apartments in operation, directly due
7 to unacceptable rates. We recommend DOHMH set
8 service rates to \$25.6k for each unit and increase
9 rental rates to current FMR with a 2% yearly
10 escalator. Secondly, NYC 1515 needs a \$45 million
11 investment, so providers are able to enhance services
12 and keep up with increased rents.

13 We also ask that \$162 million in NYC 1515 funding
14 be reallocated for (1) the preservation and rehab of
15 existing deplorable units, and (2) for the
16 development of congregate units instead of scattered
17 site.

18 MOCJ emergency hotels, a critical reentry
19 resource, are now shifting to transitional housing.
20 So we need the city to ensure funding levels are
21 enough for providers to negotiate with landlords and
22 hire adequate service staff, and also for these units
23 to match DHS transitional housing policies so tenants
24 can move into permanency.

25

2 We next urge the passing of the fair chance for
3 housing bill to limit discrimination against
4 applicants with histories of legal system engagement.

5 And lastly, we request the city prioritizes
6 closing Rikers. The lack of structure and support at
7 Rikers has created deadly conditions as well as
8 inadequate discharge planning, access to care, and
9 connection to housing for people reentering these
10 recs save the city money in the long run and improve
11 public safety by breaking down eligibility barriers,
12 decreasing recidivism--

13 SERGEANT AT ARMS: Your time has expired.

14 MS. CATHELL: --and promoting stable housing all
15 while making strides in the city's plan to close
16 Rikers. If we are truly committed to public safety
17 and creating a healthier NYC, you must invest in
18 accessible housing options for all. Thank you.

19 CHAIRPERSON HANKS: Thank you.

20 COUNSEL: Next Tanisha Grant.

21 SERGEANT AT ARMS: Time has begun.

22 MS. GRANT: Hi, my name is Tanisha Grant, I am
23 the founder and executive director of Parents Support
24 and Parents New York. Thank you Chair Hanks for
25 holding this very important committee budget hearing.

2 I would just like to even just talk about the things
3 that I heard on this hearing today. To hear that 46%
4 of the people that are locked up with mental issues
5 are black people, to hear that Latinx or Hispanic
6 people are 17%, and that white people are 14%. Are
7 you really telling me that we're pulling double
8 numbers of the people that are locked up with mental
9 issues? It seems to me that this system literally
10 drives black people crazy and then locks them up for
11 being crazy.

12 We know that to put this the communities that are
13 more policed or not safe. We know that the police do
14 not keep us safe. The police come after crime
15 happens or are actually participating in their crime-
16 - the crime themselves, or are actually the ones
17 being very violent to the community that they're
18 supposed to protect and serve. Not according to, you
19 know, the Supreme Court.

20 We are demanding that you defund the police, the
21 RSG, the whole shebang, and flood our community with
22 resources, flood our community with opportunities,
23 flood our schools with the funds that they need.
24 Give us restorative justice practices. It is a damn
25 shame that I heard a 12-year-old girl today talk

2 about how she was criminalized for simply being
3 black, and getting on a train with her skateboard.
4 It is disgusting. We are calling on the City Council
5 to do your job. You are the people for the check and
6 balances.

7 We need you to check the police department, we
8 need you to check this Mayor, and we need you to make
9 sure that our communities have to opportunity to
10 thrive, and stop surviving.

11 SERGEANT AT ARMS: Your time has expired.

12 MS. GRANT: People wouldn't be feeling if they
13 had the resources, and the opportunities, and the
14 housing that they needed. So in conclusion, don't
15 cause crime and then attack the victims. Thank you.

16 COUNSEL: Thank you. Next Tal Segal.

17 SERGEANT AT ARMS: Time has begun.

18 MS. SEGAL: Hi, good evening. My name is Tal
19 Segal and I'm a member of the New York City Jewish
20 Coalition for Criminal Justice Reform. I'm also
21 formerly one of the commanding officers on an ATI
22 Alternative To Incarceration, program in the military
23 in my home country of Israel, the IDF. During the
24 three years of my service in the IDF, I supervised
25 over 4000 soldiers, all young men with histories of

2 severe behavioral problems and justice involvement,
3 including violent felonies.

4 80% of those who went through the program
5 completed it successfully as well as their entire
6 military service. This program, which has been in
7 existence for almost 40 years, has consistently
8 produced over 80% of success rates.

9 Now regardless of what you think about Israel,
10 one thing we can all agree on is that Israel does not
11 play around when it comes to public safety. And so
12 why does one of the busiest armies in the world do
13 does alternative to incarceration? The answer is
14 because it works. And it works much better than
15 prison in eliminating recidivism.

16 So this is a purely security, public safety issue
17 that I'm talking about.

18 Now, when I moved to NYC 20 years ago and since
19 become involved in this, I was positively surprised,
20 actually shocked, to discover that local alternative
21 to incarceration programs have a higher rate of--
22 actually 15% higher rates of success than the program
23 I supervised in, and it's not in the military, it's
24 in the community.

2 Nassau County's mental health and drug treatment
3 courts have a success rate of 97% for the people with
4 mental health issues that go through their ATI
5 programs.

6 Now, it is a well-known fact that people with
7 mental health issues-- or the issues themselves
8 exacerbate in any prison environment, let alone in
9 city jails like Rikers. So by putting people on
10 Rikers, we literally are making their conditions
11 worse and harming our public safety. ATI programs
12 are the highest producers of public safety, and \$43
13 million is all you need to help--

14 SERGEANT AT ARMS: Your time has expired.

15 MS. SEGAL: \$15 million for alternative to jail
16 sentence programs, and \$28 for supervised release,
17 which is nothing compared to the funding which the
18 DOC is requesting for salaries and pension benefits.

19 COUNSEL: Thank you for your testimony.

20 MS. SEGAL: So I asked that you please, please
21 invest in what actually creates public safety.

22 COUNSEL: Thank you.

23 CHAIRPERSON HANKS: Thank you.

24 COUNSEL: Next, Ralph Brown.

25 SERGEANT AT ARMS: Time has begun.

2 MR. BROWN: --that it works. In a democracy we
3 vote to give administrators and others power over our
4 lives and our city. And with all power comes
5 responsibility, responsibility to exercise that power
6 to the very best of their ability without fear or
7 favor, and a responsibility not to abuse that power.
8 As citizens, our duty is to be vigilant when abuses
9 of power are evident. When a group formed to combat
10 terrorism is marshaling large and small crowds of
11 protest, our antennae should start to wobble. The
12 idea that terrorism and protest are grouped together
13 in an NYPD office somewhere should be challenged.
14 What are the training procedures here? What do
15 terrorists have in common with demonstrators? Black
16 Lives Matter and VOCAL, for example, are not
17 terrorist organizations. They're asserting their
18 First Amendment rights to demonstrate against abuses
19 of power, as is our duty as citizens, and we are
20 being policed by an anti-terrorist police unit.

21 This is in itself an abuse of power.

22 A democratic police force must recruit officers
23 from the community which they are policing, to
24 protect and serve us. No them-and-us mentality
25 between the community and the police. The SRG

2 behaves like the Russian State Police, sweeping
3 through Moscow to neutralize the anti-war movement.
4 They have a gang mentality who see all demonstrators
5 as the enemy. This is an abuse of power. The SRG is
6 abusing its power. We must defund and disband the
7 SRG.

8 I'd like to thank Chair Franks for her patience
9 today.

10 CHAIRPERSON HANKS: Thank you, and it's Hanks.
11 Sorry.

12 COUNSEL: Thank you. Is there anybody else
13 present currently that wishes to testify?

14 Seeing none, just need to quickly note for the
15 record those who signed up to testify, Natasha
16 Severan, Kendra J., Peggy Herrera, Vladamir Martinez,
17 Kelly Grace Pryce, Christina Rodriguez Hart, Marina
18 Weiss, Hadil Mishal, Gordon Lee, Toph Bayfon Berg,
19 William Aiello, Peggy Morales, Sharise Paloma, Robin
20 Caranito, Janine Kelly, Alex Stein, Juan Calcutta,
21 Walter Aston, Julian Harris Calvin, Harold Bank,
22 Antony Albergoti, Felisa Wisdom, Dr. Ibrina Moody
23 World, First Trillionaire LLC, Alexis Killeen
24 Lafrace.

2 CHAIRPERSON HANKS: So thank you all for staying
3 in today. I want to acknowledge that the NYPD has
4 been in the house for the entire hearing. And I
5 appreciate you staying for the entire time to hear
6 the public testimony. I just wanted to note that for
7 the record. Everyone have a great evening and this
8 meeting is adjourned.

9 [GAVEL]

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 28, 2023