

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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HELD AT: 250 Broadway-8th fl. Hearing Rm. 2

B E F O R E: Yusef Salaam
Chairperson

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Diana I. Ayala
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A P P E A R A N C E S (CONTINUED)

Jumaane Williams
Public Advocate

Michael Gerber
Deputy Commissioner of Legal Matters at NYPD

Jonathan Darche
CCRB Executive Director

Lindsey Smith
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Brooklyn Defender Services

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STOP

Christopher Leon Johnson

Richard Flores

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

Tito

Dr. Tawanna Gilford

David Donovan

Todd Maisel

SERGEANT AT ARMS: Good morning and welcome to the New York City Council hearing for the Committee on Public Safety. At this time, can everybody please silence your cell phones? If you wish to testify, please go to the back of the room to fill out a testimony slip. At this time and going forward, no one is to approach the dais. I repeat, no one is to approach the dais. Chair, we are ready to begin.

CHAIRPERSON SALAAM: Good morning, everyone, and thank you for being here to discuss several important bills regarding public safety. I'm Council Member Yusef Salaam, Chair to the Committee on Public Safety. I want to recognize the members of the Public Safety Committee who are here today. We have with us Council Member Marte and Council Member Holden. We're here to examine four bills that address transparency, accountability, and the public's right to information regarding NYPD's operations. First, we will hear Intro 1237 sponsored by Council Member Feliz, legislation that requires NYPD to regularly report comprehensive data on all criminal complaints and arrests. This legislation goes beyond tracking clearance rates for specific

crimes that the NYPD's required to report on and make it possible to track all crimes in the outcomes of the responses to those crimes. Although the NYPD's-- although the NYPD publishes complaint and arrest datasets, individual-- oh, and we have on Zoom Council Member Ossé. Although the NYPD publishes complaint and arrest data sets, individual crime reports cannot be matched to their corresponding arrests or case outcomes which prevents calculation of case level clearance rates and limits the public's ability to assess, investigate-- I'm sorry-- investigative performance across crime types or precincts. Intro 1237 aims to provide New Yorkers with a clearer picture of crime trends and police enforcement practices. The Committee will also hear Intro 1402, sponsored by myself, which requires the NYPD to report on its compliance with the State Freedom of Information Law. New Yorkers rely on FOIL to obtain information about police activity, policies, and incidents. However, reports have-- however, these reports have documented chronic delays, excessive use of extensions, and a frequent lack of timely or substantive responses. Intro 1402 would establish reporting requirements to detail how

many FOIL requests the NYPD receives, how long they take to process them, how many are denied, and the reasons for those denials. This information will help us understand whether the Department is meeting its obligations under the state law and where bottlenecks or structural issues persist. The Committee will also hear Intro 15-- I'm sorry-- Intro 1451 sponsored by Speaker Adams and Public Advocate Williams, legislation requiring the NYPD to provide the Civilian Complaint Review Board with direct access to body-worn camera footage. Body-worn cameras were introduced to promote transparency and accountability. Yet, the oversight agencies tasked with reviewing police misconduct complaints often face significant delays in obtaining footage. The CCRB has stated repeatedly that delayed access inhibits timely investigations, and in some cases, impedes its ability to substantiate misconduct. The NYPD for its part has raised logistical and privacy concerns. Intro 1451 seeks to create a clearer framework for direct access along with establishing rules on notifications, redactions, and the protection of sensitive information so that oversight can occur promptly and effectively. Finally, the

Committee will hear Intro 1460, sponsored by Council Member Brewer. This legislation regarding public and press access to encrypted police radio communications. Journalists and emergency service organizations rely on dispatch information to respond quickly to unfolding events to verifying facts and to provide accurate public safety reporting. Community groups have raised concerns that sweeping encryption without clear rules may obscure critical information that keeps the public informed. Intro 1460 would rely-- require the NYPD to adopt a formal radio encryption policy, ensuring that most dispatch communications remain accessible in real-time for credentialed journalists and emergency service partners with a short delay for the general public. Sensitive information such as criminal investigation techniques or confidential sources will remain protected. We look forward to hearing testimony today from the NYPD, the CCRB, legal professionals, journalists, advocates, advocacy organizations, and members of the public. With that,-- and also we have been joined by Council Member Cabán. With that, I'll turn to the sponsors of these bills for remarks, and thank my colleagues and sponsors of these bills and

all those testifying today. Actually, seeing no sponsors here today right now. Thank you all for being here and for your engagement in this very, very important conversation. Yes. So, I'll now pass it to counsel to administer the oath.

COMMITTEE COUNSEL: Good morning.

Testifying for NYPD we have Deputy Commissioner of Legal Matters Michael Gerber. Please raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth before this committee and respond honestly to Council Member questions? Thank you. You may begin your testimony.

DEPUTY COMMISSIONER GERBER: Good morning, Chair Salaam and members of the Council. My name is Michael Gerber, and I'm the Deputy Commissioner of Legal Matters for the NYPD. On behalf of Police Commissioner Jessica Tisch, I thank you for the opportunity to testify regarding the four bills being heard today. Intro 1237 would require the Department to disclose certain historical data to the public regarding criminal complaints and arrests and to periodically update the data set going forward. While we already disclose extensive data regarding criminal complaints and arrests, we

1 appreciate the benefit of connecting complaint
2 information and arrest information. We would only
3 ask that the update to the data set be annual rather
4 than quarterly. The Department otherwise has no
5 objection to this legislation. Intro 1402 would
6 mandate that DOI issue an annual report regarding the
7 Department's compliance with FOIL requests. The
8 Department has no objection to the proposed bill. In
9 the event that it becomes law, the Department will
10 fully cooperate with DOI in connection with the
11 annual report. Intro 1451 would direct the
12 Department to give the CCRB direct access to the
13 Department's body-worn camera system. The
14 fundamental problem is that in order to comply with
15 this bill, the Department would have to violate state
16 sealing laws. We cannot do that, and I respectfully
17 submit that the City Council should not put members
18 of the NYPD in a position in which they are being
19 directed by city law to violate state law. When a
20 criminal case is sealed pursuant to one of several
21 state statutes, the CCRB is not permitted to access
22 those sealed records without a waiver from the
23 defendant. Sometimes the CCRB obtains a waiver. We
24 provide the CCRB with the sealed materials in a way
25

1 that is no different than any other case. In the
2 absence of a waiver, the NYPD has to redact any
3 sealed information before providing it to the CCRB.
4 For example, if the CCRB needs body-worn camera video
5 and a portion of that video depicts an arrest that
6 was subsequently sealed, the NYPD must redact the
7 defendant's face, voice, and any other identifying
8 information before providing it to the CCRB.
9 Providing the CCRB with direct access to the body-
10 worn camera system means giving CCRB sealed records
11 without a waiver and without redactions. That would
12 violate state law. Unless the state law changes, we
13 cannot legally give CCRB direct access to our body-
14 worn camera system. I have been speaking about the
15 legal problem with the bill, but I think it is
16 important to make an additional point. The NYPD and
17 the CCRB have been working collaboratively and
18 successfully for years to ensure that the CCRB gets
19 the material it needs. Unredacted video is typically
20 produced to the CCRB in a little over a week. If
21 video needs to be redacted in compliance with the
22 sealing statutes, the CCRB will have that video on
23 average within one month. The CCRB is getting these
24 materials in a timely manner. That said, we'd
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welcome the opportunity to work with the Council to address any concerns it has about the production materials to the CCRB in a manner consistent with state law. Intro 1460 would require the Department to adopt a radio encryption policy. Radio encryption is critical for officer safety. It stops criminals from monitoring our radio frequencies which could enable them to evade capture, or even worse, ambush an officer. It prevents individuals from interfering with our radio communications in a manner that puts our officers and the public in danger. It also ensures that confidential, private information regarding victims and witnesses is not disclosed to the public. For these reasons, the Department has encrypted most of its radio channels. At the same time, there is an important interest in transparency and reporter's ability to respond in real-time to breaking news stories. That is why the Department has not encrypted and will commit to not encrypting a key radio channel utilized by the Department known as Citywide One. Reports of all critical incidents are automatically broadcast over Citywide One without encryption, even when they are also broadcast over other encrypted channels. This includes, among other

things, any report of a shooting, a robbery in progress, a call for assistance by a police officer, a water rescue, an active shooter, an explosion, a police mobilization, and any large-scale or unusual incident. We believe that maintaining Citywide One unencrypted addresses concerns from journalists and creates a wide range of transparency while ensuring that sensitive operational matters or confidential information is broadcast over encrypted channels. Intro 1460 as presently drafted, takes a different approach. It would require the Department to adopt a policy under which all radio communications across all channels would be accessible in real-time to professional journalists and emergency service organizations and to the general public on at most 10-minute delay with sensitive information redacted as necessary from each radio transmission. That is not possible. In 2024, the Department generated over 4.3 million radio runs, or more than 11,500 radio runs per day. Making very conservative estimates and assuming that each radio run has only 10 transmissions each lasting three seconds, the Department would have to review 36,000 hours of audio per year for sensitive information, or 99 hours per

1 day. We hope to work with the Council to craft a
2 radio encryption policy, memorializing the approach
3 being taken by the Department which ensures real-time
4 transparency and press coverage in a manner that is
5 workable and does not compromise officer safety or
6 individual confidentiality. Thank you for the
7 opportunity to speak with you today. I look forward
8 to answering any questions you may have.
9

10 CHAIRPERSON SALAAM: Thank you for your
11 testimony. I'd like to mention that we've been
12 joined by our Public Advocate Jumaane Williams. We've
13 also been joined on Zoom by Council Member De La
14 Rosa. I'll now pass it to our Public Advocate for
15 his opening remarks.

16 PUBLIC ADVOCATE WILLIAMS: Thank you so
17 much, Chair. Thank you so much all for being here
18 representing the administration. As mentioned, good
19 morning, my name's Jumaane Williams, Public Advocate
20 for City of New York. I thank Chair Salaam and the
21 members of the Committee on Public Safety for holding
22 this important hearing. Every day, NYPD officers
23 across the City record potentially hundreds of hours
24 of body-worn camera. Though police are not required
25 to record every interaction. There are many

instances when they must turn on the cameras. This footage often becomes important evidence in misconduct investigations. However, the CCRB, Civilian Complaint Review Board, does not have direct access to this footage, and instead must request it from the NYPD. BWCR, Body-worn camera footage, is especially crucial as there have been numerous documented cases where officers have lied under oath too the CCRB about their actions. Even in cases where officers have not intentionally lied, memory recall is unreliable and video footage is often the best way to accurately learn the sequence of events. Timely access to DWBC footage is critical during CCRB investigations as the statute of limitations to bring misconduct charges against officers is 18 months. Until recently, the NYPD refused to provide evidence later than 60 days before the statute of limitations as a matter of policy. Frankly, we're taking two months off of the timeline. NYPD has a historically purposefully thwarted misconduct investigations by refusing to complicate such as withhold important evidence like body-worn camera footage until the statute of limitation has passed. A notable example of this tactic was the NYPD killing of Kawaski

1 Trawick, a man experiencing a mental health crisis in
2 his home. Took so long for the Department to turn
3 over the BBC footage that CCRB brought Trawick took
4 the NYPD three months after the statute of
5 limitations. Introduction 1451, introduced by
6 Speaker Adams and which I'm a prime co-sponsor, would
7 grant the CCRB direct access to all BWC footage. It
8 is imperative that we lose one of the many loopholes
9 that NYPD exploits sometimes-- often exploits, I
10 should say, to avoid being held accountable for
11 misconduct. When officers know it is extremely
12 unlikely that they will face real consequences for
13 misconduct it creates culture of abuse with impunity.
14 Last year, the NYPD cost taxes over \$205 million
15 dollars in these misconduct lawsuits. I think we can
16 all agree this money would be better spent on other
17 things. In addition to giving CCRB direct evidence,
18 we must empower the CCRB-- we must change the way
19 that they discipline-- disciplining recommendations
20 get done, particularly with the commissioner being
21 the sole person that change any recommendations.
22 That's probably for another hearing. I'd love to
23 talk about that some more, and I'm sure that CCRB has
24 a funding and staff necessary to complete all
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investigations for misconduct under the jurisdiction?

Today, the Council is also hearing Intro 1416

introduced by Council Member Brewer and in which I am

also a co-sponsor which would preserve unencrypted

access to NYPD radio communications. This bill would

still protect sensitive information but ensure that

professional journalists and emergency service

organizations still have real-time access, and the

public have time delayed access to the

communications. In 2023, the NYPD the began

encrypting its radio communications without a

transparency plan implemented first, breaking a

nearly century-long practice for allowing the press

and the public to listen and learn about events in

their communities. Combined with frequent delays and

denials of public records requests, encrypting radio

communications make it harder to conduct oversight of

the NYPD. The State Legislature agrees that this

transparency is critical. In June, the state passed

the Keep Police Radio Public Act which reserves

access to communication for the press. This is the

first I'm hearing about Citywide One, so I'd love to

learn more about how that allows access. I know in

other places they have allowed encryption with some

delays, so I'm not fully understanding why we can't do that. But I urge the Council to pass Intros 1451 and 1460 and if necessary override a mayoral veto from Mayor Randy Mastro-- I mean, Mayor Eric Adams-- before the end of the session. The NYPD is trusted with the power and responsibility to keep New Yorkers safe, pursue justice and accountability, and transparency must always balance this power. Robust checks and balances make us all safer. Last, I'd like to say I was hoping to have better conversation around this with this administration. I find the Adams administration has made things more opaque and less transparent. I know today was announced that Commissioner Tisch will be-- will remain as the Commissioner of the NYPD. Personally, I think she actually has done some very good things. I have been concerned about a couple of decisions, in particular, when it comes to the Alan Feliz case and upcoming Delwran Smalls, Wayne Isaacs case, and I hope if this is the direction we're going in. When it comes to the Wayne Issacs case, the Commissioner will make the right decision so that we can understand where moving into new space of accountability. And also, with these hopefully we can have some very good

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2 conversations and move through this with some of the
3 less acrimony that we've seen in the past. Thank you
4 so much.

5 CHAIRPERSON SALAAM: Thank you. Sorry,
6 Commissioner, I should have added congratulations to
7 Commissioner Tisch. Thank you. So, I want to start
8 off with asking about Intro 1237, complaints against-
9 - complaints, arrests, and clearance rates. When a
10 New Yorker files a complaint, maybe after something
11 traumatic happens, how do they currently find out
12 what happened with that case, and what does that
13 experience feel like for them?

14 DEPUTY COMMISSIONER GERBER: Well, I'm
15 not sure I'm exactly the right person to answer that
16 question, but I'll do my best. So, what should be
17 happening, right, if complaint report is taken,
18 right, detectives investigating that matter, they
19 should be in touch with the victim, right? They
20 should be keeping them apprised. There are times
21 [inaudible] community affairs officers, often
22 detective him or herself, who's in touch with the
23 victim, obviously that's important, just in
24 connection with the investigation, but then also
25 keeping them apprised of development of the case. To

1 the extent an arrest is made and there's a now
2 pending prosecution, that contact may be with an
3 executive. It may also be with the relevant ADA. An
4 ADA may be-- should be, of course, in touch-- in
5 touch with the victim and keeping that person
6 apprised. I would just say more broadly that, you
7 know, to the extent individuals have concerns about
8 what's going on with their case, it's very important
9 they be able to reach out to the local precinct. And
10 again, whether that's the detective assigned, a
11 detective supervisor, member of Community Affairs,
12 you know, they can hopefully address any questions
13 they have. Now, we talked about this at prior
14 hearing, there always is or there often can be a
15 balance. You want to tell the victim of a crime as
16 much as possible, consistent with the integrity of an
17 ongoing investigation. You also don't want to give
18 incorrect information. You don't want to say there's
19 going to be an arrest if there isn't going to be an
20 arrest. So, there's always that balance, and then
21 you know, Chair, you asked about what's the
22 experience like for an individual who's been a victim
23 of a crime, obviously, potentially, incredibly
24 traumatic. I think one of our many obligations is
25

not only investigating criminal activity, but trying to give the victim, you know, a sense that we're doing everything we can to achieve justice for that person.

CHAIRPERSON SALAAM: Thank you. We hear from families who say that they never know whether an arrest was made. How would this bill help to restore trust by giving people closure?

DEPUTY COMMISSIONER GERBER: So, first of all, if the family of a victim does not know what's going on in a case, that's obviously not okay. It's not acceptable. They should be reaching out to the local command. And you know, to the extent, the case detective or the supervisor is not keeping them apprised, that's a problem, and that should not be happening. Now, the bill, does it address that issue? I guess to some extent, because I guess the idea is well, you're going to be seeing on a particular complaint you'll be able to sort of see for this particular complaint was there an arrest. So someone can, of course, look up-- could look at that particular complaint, potentially and sort of see, oh, is there an arrest here? But I have to say, I think the crucial piece here to the extent the

1 concern is about responsiveness from the Department,
2 we need to be responsive. We need to be following up
3 with victims, and if victims are coming to us, we
4 need to be getting back to them and telling them
5 whatever we can. I think that's really the answer.
6 I think the data is important for obvious-- for
7 understandable reasons. But I think-- I'm not sure
8 that the answer-- to the extent there are victims of
9 crime or family members of a victim who feel like
10 they're not getting enough information, that's
11 something we need to address. But I'm not sure the
12 reporting bill really gets at that ultimately.

14 CHAIRPERSON SALAAM: Okay. Right now,
15 the public database or data sets, rather, don't let
16 us match a complaint to the arrest that clears it.
17 From your perspective, why has this been so hard to
18 make it transparent?

19 DEPUTY COMMISSIONER GERBER: Well, I'm
20 not sure it's been so hard. I-- you know, we
21 obviously already report a lot of complaint data and
22 arrest data, because we're obligated to do so, or
23 it's something that we already, you know, decided to
24 put out to the public. The bill requires us to put
25 out data that links those two things. And as I said,

other than the sort of reporting time period, quarterly versus annually, we absolutely no objection to that. And I also should say that, you know, for several years now, we have been reporting clearance data that is based on arrests cleared in the relevant quarter, right? So, historically the clearance data was for a given quarter total arrests divided by total number of complaints for a given crime and for a given borough in that quarter. So, it was total arrest over total complaints. Now-- this has been true for several years, we put out, you know, we put out quarterly data that gives clearance rates and calculates those rates in various ways. So, we have the old calculation and we have a new calculation, and that new calculation-- I do want to emphasize, that new calculation is-- okay, let's say it's robberies in a particular borough. There were, you know, X number of robberies, robbery complaints in this quarter. For those robbery complaints, how many arrests were there in the quarter? So, that data is out there. It's been out there for several years, but I understand that with this bill you'll have both going forward and historical data that actually

allows-- actually links up the particular complaints and the particular arrests.

CHAIRPERSON SALAAM: Are there crime categories where victims almost always wait longer for answers, and what explains this difference if there are?

DEPUTY COMMISSIONER GERBER: I'm not sure about that. I-- I mean, it really depends. I would say it depends much more on just the nature of the particular crime and the circumstance and the evidence, right? There are crimes where immediately-- sometimes there's an immediate arrest, right? Sometimes patrol is making an arrest right away. There are times when there's a lot of evidence for a variety of reasons and we're able to move quickly and make a quick arrest. There are times when for reasons totally beyond our control, there may be very little evidence. And you know, the detective bureau, the detectives are going to work incredibly hard and they are incredibly talented, to solve those crimes. They are-- have to work with the evidence that they have. So I don't know that it's really about a particular crime type as much as-- you know, there are times when given just the circumstances of the

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2 crime and the evidence available, there will be a
3 quick arrest. There are times when as good as our
4 detectives are, it's going to take a lot longer to
5 solve that crime, and as you know, there are
6 situations in which crimes go unsolved despite our
7 best efforts, despite incredibly hard work by
8 detectives, sometimes the evidence just isn't there.
9 That happens.

10 CHAIRPERSON SALAAM: How would clearer
11 data actually help detectives on the ground,
12 especially in precincts that are under-resourced or
13 stretched very thin?

14 DEPUTY COMMISSIONER GERBER: How would
15 data help?

16 CHAIRPERSON SALAAM: Clearer data.

17 DEPUTY COMMISSIONER GERBER: Well, I
18 don't know that-- I don't think the work of the
19 detective bureau and the individual detectives is
20 really driven by the sort of data we're talking about
21 here. What I mean is they're committed and they work
22 every day to solve crimes. They're doing their very
23 best. It's a tremendous amount of oversight,
24 obviously. You know, and they're frankly, you know,
25 a part of CompStat which is sort of the, you know,

1 the central hub of so much of crime work is about
2 looking at the work of the detective bureau,
3 particular squads, you know, what's-- work that's
4 being done on cases. To the extent-- to the extent
5 we find cases where the leadership of the Department,
6 the enforcement leadership of the Department feels
7 like not enough work has gone into it or there's been
8 a failure to follow up on things, you know,
9 supervisors are going to hear about that and they're
10 going to push very hard on that. So, there's a lot
11 of effort and focus that goes into making sure that
12 our detectives are doing everything they can to solve
13 crimes to the best of their ability consistent with
14 the evidence, consistent with the law. I don't know
15 that the Intro 1237 really goes to kind of how the
16 detectives do their work. I think Intro 1237 is about
17 transparency with the public, additional data for the
18 public, analysis that can be done by researchers or
19 by other members of the public.

21 CHAIRPERSON SALAAM: We often hear that
22 clearance rates are affected by witness cooperation.
23 Supports could improve these outcomes aside from
24 staffing.

DEPUTY COMMISSIONER GERBER: Chair, could you say-- I didn't hear the question. Could you just-- sorry.

CHAIRPERSON SALAAM: Sure. We often hear that clearance rates are affected by witness cooperation. What supports could improve these outcomes aside from staffing?

DEPUTY COMMISSIONER GERBER: So, I first want to say, it really does depend on the nature of the crime, right? There are certain-- you can easily imagine fact patterns. While witness cooperation is going to be absolutely crucial, dispositive, right? You have a key witness. There otherwise isn't a lot of evidence, and whether that person is cooperative or not is going to make all the difference in the world. There are other circumstances in which our detectives were able to gather lots of other evidence, you know, the forensic evidence or video evidence and can build a very strong case sometimes even certain witness cooperation. So, it really does depend. And then with-- you know, one of the things that we need to do in every case, and it goes to a question you asked earlier is about, you know, being in touch with victims and witnesses following up, you

1 know, engaging, building trust with them, that's all
2 crucial, and that's something that our officers and
3 our detectives do every day.

4 CHAIRPERSON SALAAM: I want to move to
5 Intro 1402. Everyday New Yorkers tell us that FOIL
6 feels like a black hole. You send the request and
7 hear nothing for months. Do you recognize that
8 experience from inside the Department? Is it
9 different or is it--

10 DEPUTY COMMISSIONER GERBER: So, I can
11 certainly appreciate why some people might experience
12 it that way at times. I think we have had a real
13 challenge with FOIL, and just in candor, right? So,
14 from 2018 to 2024, we saw 161 percent increase in
15 FOIL requests to the Department. So, in 2018, it
16 was--

17 CHAIRPERSON SALAAM: [interposing] What
18 was that number? You said 100 and--

19 DEPUTY COMMISSIONER GERBER: [interposing]
20 161 percent increase in FOIL requests. So, in 2018,
21 the total number of FOIL requests we got was 14,389.
22 That was in 2018. In 2024, that number was 37,432.
23 So there's been an extraordinary increase in FOIL
24 requests, and it's not just the number of requests,
25

1 right, it's the number of requests and then the
2 universe of documents, video, other things we have
3 responsive to those requests which also has gone up
4 dramatically. So, we're at a point where we're
5 getting, you know, roughly-- actually, going to be
6 over 3,000 FOIL requests per month. So, there's a
7 tremendous amount coming in. Back in 2023 and then
8 in 2024, we did increase the staffing in FOIL, but it
9 wasn't enough to keep up. So, part of the answer has
10 to be on our end further increasing FOIL staffing.
11 You know, we are taking a lot of steps to make that
12 experience easier for New Yorkers, Chair, to your
13 question. You know, the reality is most of the FOIL
14 requests come in over an online portal, right? We do
15 have people who call. We do have people who walk in,
16 and when people call or walk in, we always have
17 someone who's responsive and helps walk them through
18 the process. It is easier administratively,
19 obviously if it's through the portal just in terms of
20 tracking things and following up. And so, to the
21 extent someone's calling or emailing, I think I would
22 expect them to find someone who's available to help
23 them and walk them through this. In terms of getting
24 back to people, there is a tremendous, tremendous

1 range. And that depends often on the nature of the
2 request. If someone is asking-- you know, someone
3 says, hey, I would like a complaint report. That's
4 it. We should be able to turn that quite quickly.
5 It's discreet. It's one document, straightforward.
6 We also get requests that are massive. Voluminous
7 requests for records going back many years, we were--
8 documents that are in hard-copy, that are going to
9 require review for FOIL exemptions or redactions, and
10 that's going to take a lot longer. So, I think our
11 FOIL team is working incredibly hard in a challenging
12 situation just given the sheer volume of what we have
13 coming in. I do want to say I know-- I do appreciate
14 there are times when people are making requests and
15 they're frustrated that things aren't turned around
16 sooner. But just a little bit of data to give, I
17 think, some context. The 2020-- of the requests
18 we've gotten so far in 2025, over 40 percent of those
19 are already cleared, already respond to people. From
20 last year, 2024 requests we're at 77 percent. So,
21 close to 80 percent. You know, one thing we've been
22 focused on is at the same time-- sort of to the
23 extent there are requests coming in that we can
24 respond to easily, like requests for 361 [sic],
25

1 turning that quickly while also having a separate
2 team working on just trying to clear backlog. So,
3 one thing that we've done-- that backlog team so far
4 this year has cleared 19 percent of the pre-2025
5 backlog. So, we are on it. We are engaged on this
6 issue. We appreciate the need to clear the backlog.
7 We appreciate the need to turn requests as
8 expeditiously as possible. Again, a part of this is
9 getting more resources for FOIL, and we've-- you
10 know, we're going to make that request again in the
11 upcoming Preliminary Budget to increase FOIL staff.

13 CHAIRPERSON SALAAM: Just out of
14 curiosity, does the Department use AI to help them in
15 some of these gaps?

16 DEPUTY COMMISSIONER GERBER: No. So, you
17 know, I think there's a lot of certainly think-- we
18 think about kind of ways that AI could help, and they
19 are conceptually so many areas where AI could be
20 helpful obviously, but we also have to be very
21 deliberate and thoughtful about this. How we use AI,
22 making sure we do it in a way that's rigorous and
23 careful. We don't want this to be a haphazard
24 approach. The Department needs to think about AI
25 holistically across the Department. What are the

1 policies? What are the procedures? And that is
2 certainly a project that we need to be working on
3 long-term. So, you know, is there going to come some
4 future date at some point when AI is able to help us
5 address a variety of issues? Yes, I think so, but
6 that day is not today. And so, you know, AI is not
7 going to solve this problem now, and to your point,
8 if individuals are waiting and they're frustrated
9 right now, AI's not going to solve that problem. So,
10 we need to work on it with the tools that we have.

12 CHAIRPERSON SALAAM: And just out of
13 curiosity as well from the Department's perspective,
14 are there any parts of the FOIL process that cause
15 you all frustration?

16 DEPUTY COMMISSIONER GERBER: Well, I
17 think-- I'm not sure about frustration--

18 CHAIRPERSON SALAAM: [interposing] I mean,
19 I know the public is frustrated.

20 DEPUTY COMMISSIONER GERBER: exactly.
21 Yeah, I think-- I think it's just-- it is
22 challenging, because-- the FOIL statute is a
23 remarkable thing, right? It is. Anybody, anybody can
24 come to a city agency and request data and documents.
25 You don't have to be a reporter. You don't have to

1 be in advocacy. Any individual can do it, and it is,
2 like I said, pretty extraordinary, and it's a tool
3 for transparency. We are-- we're a large
4 organization. There are a lot of different pieces
5 and moving parts. Obviously, at this point, a lot of
6 stuff is electronic, though historical records
7 sometimes are in hard copy, and so the sheer volume
8 and scope of FOIL requests is challenging. I wouldn't
9 say frustrating, because that's our job, but it is
10 challenging. In a world in which we're getting, like
11 I said, 3,000 requests coming in every month, and in
12 the nature of things, just over time, this sort of
13 possible universe of responsive things just grows and
14 grows and grows, that does present administrative
15 challenges. But I just want to say, with those
16 challenges, I am very proud of the work our FOIL team
17 does. You know, this is work that happens in sort of
18 behind the scenes, right, but it is very important
19 work and we are really working very hard to do better
20 in what is administratively a challenging situation.

22 CHAIRPERSON SALAAM: We've been joined
23 also by Council Member Ariola. So, when a request is
24 delayed multiple times, what typically is the reason
25 behind those extensions? You know, I mean, we hear

1 from journalists and families that appeals often get
2 granted later. Does that suggest the first denials
3 are overly cautious?
4

5 DEPUTY COMMISSIONER GERBER: So, there
6 are two different things going on here. There's the
7 extensions and then there's the appeals. I think
8 those are really two separate issues. So, just to be
9 clear, the statute allows for extensions, and there's
10 case law in this. The New York Court of Appeals have
11 talked about this in case called Data Tree [sic],
12 that their department in a case called Save Monroe
13 [sic]. So, the fact that there are multiple
14 extensions in and of itself is not a problem under
15 the FOIL law. Under the FOIL law, when a request
16 comes in, within five business days you either grant,
17 deny, or acknowledge it and give an estimate of when
18 you'll be able to decide whether to grant or deny the
19 request. So,-- and that's totally fine, right? The
20 idea of saying hey, we're going to need more time is
21 fine, and the case law is clear that you can ask for
22 additional-- you can say, hey, we're going to do
23 additional extensions. The question is
24 reasonableness. When these issues get litigated, the
25 question is, is this reasonable? And if you look at

the case law, you look at the cases, the factors that the courts consider are kind of what you'd expect.

How voluminous is the request? How complex is the request? To what extent is it going to require a lot of time and effort in terms of review and potentially redactions for FOIL exemptions. One of the factors actually that the courts looked at is how many request and how voluminous more broadly are the requests coming in to the city agency in question.

In our case, incredibly voluminous. So, it's a multifactor analysis, and so the fact that there are multiple extensions and things take time, even of itself is not inherently a problem. It depends. You know, if there are multiple extensions taking, you know, a very long time to get a single complaint report, well, that seems unreasonable, right? If there is a massive document request for hard copy documents, you know, going back many, many years that are complex in nature, okay, that's going to take a lot more time, and the statute and the case law accounts for that. Now, with regard to appeals-- so, the way it works, right, is if a FOIL request is denied or if someone is-- you know, it was granted but there are certain things that were withheld,

1 there are redactions, if someone is unhappy with kind
2 of the outcome, they have a-- they first appeal
3 internally, right? There's an administrative
4 internal appeal. If they're still unhappy with that,
5 they can file an Article 78 proceeding. You know,
6 our appeals officer, and this is where it gets a
7 little bit confusing-- so, sometimes what happens is
8 because there is no fixed time frame in the statute,
9 the requestor will say hey, it's taking too long. I
10 think this is unreasonable. I think this is a
11 constructive denial. You haven't denied it
12 officially, but for me it's taking too long. I'm
13 treating this as a denial, and therefore, I'm going
14 to appeal. Now, sometimes the response from our own
15 appeals process is hey, look, that wasn't a
16 constructive denial. This was premature. But
17 sometimes-- sometimes the answer goes like this,
18 look, this is premature, but you know what, we are
19 going to be producing these documents neutrally
20 anyway. Instead of remanding it and letting this
21 process play out longer, just at the appellate level,
22 let's just give the documents now, right? So, I want
23 to be clear, that may or may not be an issue in terms
24 of timing, but the fact that the appeals officer says
25

hey, give the documents now, it doesn't mean we were getting it wrong before, it means that it was taking too long for the requestor. That's a timing issue, not a merits issue, if that makes sense.

CHAIRPERSON SALAAM: How do you balance the legal need to protect sensitive information but the public's need for transparency, especially when trust in institutions is fragile? And also, do you think the FOIL turnaround times affect public trust in the NYPD, and how do you see that playing out?

DEPUTY COMMISSIONER GERBER: So, in terms of, you know, privacy rules, the FOIL statute has a set of exemptions. Under the law, there are certain things that we're allowed to redact, and that's what we do. In terms of FOIL exemptions or redactions, we're following the law to the best of our ability, to the best of our ability. In terms of public trust, again, I think we are doing our very best with the resources that we have right now with the flood of requests coming in to be as responsive as we can. We definitely need more resources. We want to get more resources, and that like I said is a big part of our Preliminary Budget request. One thing that I have emphasized, and I think we're doing better with

1 this, is having supervisors on the FOIL team being in
2 contact with journalists, being in contact with
3 advocacy organizations. We can't be in contact with
4 everybody all the time. The volume is so enormous.
5 That's not possible. But particularly when you have
6 these larger requests, and then sometimes-- you know,
7 for reporters obviously there's time sensitivity. We
8 want to be engaging and trying to understand, for
9 example, if it's going to be a rolling production, is
10 there something that's a priority for you. So, you
11 made this massive request. It is going to take some
12 time, but is there something that you're really
13 looking for first that we can get to you earlier. I
14 think if you rewind a few years, I think there was a
15 lot less of that communication. I think there's a
16 lot more of that communication now. I certainly have
17 had instances when I've gotten-- I've been contacted
18 by either advocacy organizations or journalists who
19 are looking to sort of move things along with a FOIL
20 request, or there was a particular piece of a FOIL
21 request that was very time sensitive. We've been
22 able, I think, often-- not always, but often-- to
23 accommodate them. I think that's very important.

CHAIRPERSON SALAAM: Want to move into CCRB's granting the access to the NYPD body-worn camera footage. We want to know how does the NYPD learn that a criminal proceeding has been sealed pursuant to the sealing statutes? These are actually a line of questions from our speaker, Speaker Adams.

DEPUTY COMMISSIONER GERBER: sure. So, in our department-- in the Department records, right, the-- arrest reports, for example, those are sealed in our system. If-- I mean, we rely on OCA for that information, but you know, we have a system in place so that OCA is telling us, hey, you know, arrest number whatever is sealed. That arrest report is going to be sealed, and you know, that will flow through to various places where that arrest information is contained. So, if you were look up that arrest number you would see, you know, sealed. You would not be able to access it. So, I think that may answer your question.

CHAIRPERSON SALAAM: It does to a degree, but at what frequency does the NYPD learn that a case has gone from unsealed to sealed?

DEPUTY COMMISSIONER GERBER: Right. So,-
- and this is part of the challenge. So, sealing,

1 right, it changes every day. So, there's a feed that
2 we get from OCA, multiple feeds, actually. I think
3 the feed is every day. I think it's daily. It's
4 possible I'm wrong about that, but I'm pretty sure at
5 least some of the feeds are daily, and so then
6 internally in our systems in terms of, you know, the
7 arrest reports and stuff like that, that's coming in
8 on a daily basis. And then that's going to be
9 reflected-- again, I'm not sure if it's like
10 literally instantaneous or it takes a little bit of
11 time in the system to flow through, but it will flow
12 through to, for example, arrest reports that are
13 sealed or summonses that are sealed, or on our
14 complaint reports the sort of-- there was a section
15 for-- there are fields for arrest information, that's
16 going to seal. So, that's how it works.

18 CHAIRPERSON SALAAM: What information
19 does the NYPD receive about a case if it becomes
20 sealed, and does it receive the arrest number or the
21 docket number?

22 DEPUTY COMMISSIONER GERBER: So, I'm not
23 sure technically how the connection is made between
24 the OCA data and our data. I just don't know, but I
25

do know that that feed definitely comes over, again, on a, I think, daily basis.

CHAIRPERSON SALAAM: When a case become sealed, what is the process for NYPD ensuring that records related to the case are sealed in NYPD databases?

DEPUTY COMMISSIONER GERBER: Right. So, to the extent you have, you know, the arrest report being the most obvious document, right? If that arrest is sealed, that arrest report will be sealed. On the complaint report, if you have, you know, a field for arrest information, that electronically gets sealed. So, you know, this is doable in an electronic system where it can flow through, right? Hey, this is a discreet document. This is the arrest report. That arrest is sealed. This document seals. Hey, there's a field for an arrest. This arrest is sealed. That field is sealed.

CHAIRPERSON SALAAM: How soon after the NYPD learns that a case has been sealed are the associated records sealed in the NYPD's database?

DEPUTY COMMISSIONER GERBER: So, like I said, we do rely on OCA for that, right? I can't say what the timing is on their end. That is, how long

1 from sealing to when it comes over from the OCA side,
2 I'm not sure about that. That's a question for OCA.
3 I think on our end, once it comes through, it's going
4 to be nearly immediate. Again, it may not be
5 instantaneous, because I can't speak to like once it
6 comes in from OCA kind of how long it takes to sort
7 of flow through the system. But it's not going to be
8 I think a substantial period of time. Once OCA has
9 notified us, those electronic fields or electronic
10 documents that are arrest, you know, arrest document
11 or an arrest field, will seal within our system.

13 CHAIRPERSON SALAAM: Is the NYPD able to
14 generate a list of NYPD-related cases that have been
15 sealed, and who would be responsible for generating
16 that list? What types of information about those
17 sealed cases would be-- would they generate? For
18 example, arrest numbers, docket numbers.

19 DEPUTY COMMISSIONER GERBER: So, I mean I
20 think-- I'm not the data person. I'm confident that
21 we could generate a list of, you know, sealed arrest
22 numbers, for example. Again, the number of changes
23 on a daily basis or near daily basis, so that number
24 is constantly in flux, but could we generate a list
25 of arrest numbers that have been sealed, I certainly

would think so or we could the functional equivalent. Again, I'm not the data person, but I would assume that that is doable.

CHAIRPERSON SALAAM: Is the NYPD able to also generate a list of cases that have been assigned to Family Court, and if a case is reassigned to Family Court how is the NYPD notified? What information does the Department receive and how frequently do they receive that information?

DEPUTY COMMISSIONER GERBER: So, again, Family Court sealing, there's going to be some sort of feed that's going to come over, again, from OCA. I don't-- I'm not sure [inaudible] identical to the sort of "regular" OCA feed or has certain nuances that are different because of the Family Court piece of it. But again, that should be flowing through any which way.

CHAIRPERSON SALAAM: In 2021, the Office of the Inspector General for the NYPD published a report which found that the NYPD co-mingled sealed, unsealed, and juvenile arrest body-worn camera footage in the body-worn camera footage cloud platform evidence.com. Is this still the case as of late 2025?

DEPUTY COMMISSIONER GERBER: It is. So-- it is. So, this is a real challenge for us on multiple fronts. There are a few different pieces to this. So, we have on our body-worn camera system over 50 million videos. You know, the numbers are astronomical. We don't have any, you know, available means to sort of flag the videos as sealed as that changes over time, right? So, sealing can happen a day later, a month later, a year later, multiple years later. The officers who were involved in an arrest, you know, often may not even know that a case was later sealed, right? So, they're-- you know, they-- there's no way for them to flag that in the body-worn camera system, because it happens later and they are often unaware of it. They may not even be in the NYPD anymore. It just depends. So, there's no simple way or readily available way to us to just sort of-- to sort of capture hey, these are-- this is a video leading to a sealed arrest. And there's another problem, and this is-- it's just very, very hard. So, you know how I was saying before that you-- it's easy to have sort of-- to seal things or easier to seal things when you have a discreet document. This is the arrest report, okay? This

1 thing, this document seals. You have a field on a
2 complaint report regarding arrest. That field gets
3 sealed. The challenge is this, in a video you don't-
4 - you may have a portion that seals. Many other
5 portions of the video do not seal, in fact are
6 crucial for ongoing criminal investigations, and
7 there's no way-- it's not like a field on a document
8 where you can say, okay, this like-- this space here
9 is the arrest space, so you seal this off and the
10 rest you use. In a video, right-- you could have--
11 you can easily imagine a body-worn camera video,
12 officers doing exactly what they're supposed to do in
13 terms of activation, responding to a scene, talking
14 to a victim or victims, talking to witnesses,
15 physical evidence and where it is being captured on
16 body-worn camera video, and then a few minutes later
17 effectuating an arrest. Let's say that arrest, you
18 know, let's say that case is later dismissed and its
19 sealed. Okay, so that-- the arrest piece of that
20 video, that person who was arrested and now their
21 case has been dismissed and sealed, so that person's
22 identity implicates sealing. And that's one thing we
23 would redact for CCRB, right, redact the person's
24 face and voice and all that. But the rest of that
25

1 video, the victim saying what happened, witnesses
2 describing what happened, physical evidence that's
3 been captured on video, like that is not sealed.
4 That is actually-- that is not sealed at all, and in
5 fact, that may be crucial for an ongoing
6 investigation. And so that is part of the challenge,
7 too, is that even if-- even if we had a way-- which
8 we don't-- to say, oh, this video, there's an arrest
9 on this video where the arrest was subsequently
10 sealed, it's not the whole video was sealed. It's
11 just one part. And then how to do that-- we can do
12 that on a one-off basis, right? CCRB is asking for--
13 you know, needs video. We're going to give them the
14 video. Oh, there's a sealed arrest that's captured
15 here. We make necessary redactions, we get it to
16 them. But doing that on wholesale basis, like
17 systemwide for 50 million videos, you know, I'm not
18 sure how we do that.

19
20 CHAIRPERSON SALAAM: Has the Department
21 taken any steps to begin to segregate footage as
22 required by relevant state statutes?

23 DEPUTY COMMISSIONER GERBER: So, just to
24 be clear, it's not that the-- the ceiling statute,
25 the core sealing statute, 16050, 16055, does not

1
2 require-- there's nothing in that statute that says
3 here's how you have to keep the sealed and unsealed
4 records. Now, it does speak to use of those records,
5 right? But the issue-- the fact that there are
6 sealed and unsealed records together is not in and of
7 itself the legal problem. This issue is, okay, like
8 making sure that sealed records are not being used
9 improperly, and those are-- there are two different
10 things. And again, we at least right now do not have
11 like a-- you know, within the system that we have and
12 the volume of videos that we have, and you know, the
13 technology as it's set up, as the system is set up,
14 we don't have a good way to separate these things
15 out. So, it's a challenge for us.

16 CHAIRPERSON SALAAM: Has the Department
17 consulted the cloud platform vendor Axion [sp?] to
18 determine how body-worn camera footage can be
19 segregated based on whether an arrest has been sealed
20 or if it is a Juvenile Court case?

21 DEPUTY COMMISSIONER GERBER: So, those
22 are conversations that we are looking to have, but
23 the issue is, in part, that at best-- even if you
24 could somehow overhaul the system. So, let's say you
25 overhaul the entire system, you know, and maybe some

1 day we can do that. Maybe some day we overhaul the
2 entire system, but even if we did that, you still
3 have the problem of videos where a portion is sealed.
4 The rest is unsealed. I don't know that that's really
5 an Axon [sp?] issue or even a technology issue. It's
6 just a fundamental challenge that we have. You
7 know, to be blunt, you know, the sealing statute I
8 think it passed somewhere-- I think it was in the
9 mid-1970s. If you look at the case law that talks
10 about the application of the sealing statute and
11 sealing, it really by-in-large is talking about a
12 world of, you know, a piece of paper in front of
13 someone, a judge looking at a piece of paper. There
14 even is in some of the cases, some of the Court of
15 Appeals cases, I think, you know, there's talk about
16 when you're looking at a particular thing and
17 sealing-- you know, think about a document. You're
18 doing this case-by-case. You know, that regime-- the
19 regime you have in the statutes in the 70s and that
20 sort of, okay, we're assessing, you know, sealing on
21 like a case-by-case basis, on a document-by-document
22 basis, you know, that's fine, maybe for a world-- for
23 like a paper world, you know, where the case file is
24 like in a folder that you have on your desk. In a
25

1 world in which you have like here, you know, 50
2 million videos, I'm not sure we do. I'm just
3 genuinely not sure.
4

5 CHAIRPERSON SALAAM: So, just that I
6 understand the answer correctly, you have not yet had
7 conversations with the Axion?

8 DEPUTY COMMISSIONER GERBER: We have had--
9 - we have had some conversations with Axon about what
10 it might be like to overhaul the system to do this,
11 we have.

12 CHAIRPERSON SALAAM: So--

13 DEPUTY COMMISSIONER GERBER: [interposing]
14 But to be clear, it's-- like, we've never done this
15 before. Not only have we never done it before, I
16 don't think any Police Department in the country has
17 done this. The Axon system is not set up for that,
18 obviously, a nationwide system, as you know. So,
19 have we had some conversations, yes. But like
20 anything about doing this is speculative. It will
21 take a tremendous amount of time, and again--

22 CHAIRPERSON SALAAM: [interposing] Have
23 they kind of given an idea in terms of time, cost
24 estimates?
25

DEPUTY COMMISSIONER GERBER: So, I can say this--

CHAIRPERSON SALAAM: [interposing]
[inaudible] correspondence?

DEPUTY COMMISSIONER GERBER: it would not be measured in days or weeks or months, right? We are talking-- measure it in years with this whether that's one year, or two years or three, I'm not sure. But again, not days or weeks or months. And again, even if we did that, even if we could wave a magic wand right now, I'm not sure it solves the problem, because you still have a situation where in various videos you have portions here and portions there that are sealed, and there's-- you know, I'm not aware of any means of systematically sort of tagging oh, like this portion of the video, this-- you know, this video at the 20-minute mark, this is sealed, and this video here at the five-minute mark, this is sealed. You know, here the sealing is for two-- I'm not sure what that looks like. I will say-- I will say like I said in the testimony, you know, in terms of CCRB access, you know, the solution is for CCRB to be able to have access to sealed records. Alright, under the statute as it-- at the state statute, the state

1 sealing statute there are some narrow categories,
2 statutory categories of who's allowed to access
3 sealed records and for particular purposes,
4 particular circumstances. CCRB is not on that list.
5 CCRB is not allowed to see sealed records. CCRB is
6 essentially like anybody else who's not on that very
7 short list. And so, you know, in terms of the issue
8 of CCRB direct access, if the state statute changed,
9 if CCRB had access-- if CCRB could access sealed
10 records legally, there would not be a legal problem
11 with their having direct access to body-worn camera.

12 CHAIRPERSON SALAAM: Is it possible in
13 terms of those conversations that you've had with
14 Axon that you would be able to share that information
15 with us in terms of like the nature of the
16 conversations, the estimate in terms of time--

17 DEPUTY COMMISSIONER GERBER: [interposing]
18 Yeah, I mean, I'm not the person to speak to that,
19 because it's technology side folks, and I want to
20 emphasize, like, this is not a situation-- there's
21 not a situation where they've said, oh, if you want
22 to do that, here's the project plan, here's the time.
23 It's not like that at all. This is nothing they've
24 ever done, because no other police department in the
25

1 country, at least that uses Axon, has asked for
2 anything ever remotely like this. And so this is all
3 speculative. But you know, I think we will have
4 future conversations with them about this, and you
5 know, I think we're certainly-- if we have more of a
6 concrete sense of what this would look like, you
7 know, we'd want to be transparent with the City
8 Council about that, but again, we don't-- we're not
9 at a stage-- it's not a situation where it's like,
10 oh, here's the proposal and here's the cost and
11 here's the timing. It's not like that. it's okay,
12 hey, this is an idea, is this something that could be
13 done? I mean, possibly potentially-- again, we're
14 talking, you know, year or years and something that's
15 never even been scoped out before.

17 CHAIRPERSON SALAAM: Is it correct to say
18 that when body-worn camera footage is uploaded to the
19 cloud on evidence.com, various type of meta data are
20 added and can be later added to that video?

21 DEPUTY COMMISSIONER GERBER: Right. So,
22 officers-- and there are rules about this. Officers
23 either tag their video. There is tagging that
24 officers do, and there are various tags for various
25 purposes, some related to discovery, some related to

1 compliance. You can imagine why we want officers to
2 tag videos in different ways. I do want to emphasize,
3 though, that typically the officers are doing that
4 tagging or should be doing that tagging in not real-
5 time, but you know, shortly after the video is
6 generated, right? And so, you know, at the end of
7 tour, or where the timing is, we're talking very
8 shortly after the video is generated the tagging is
9 done. Given the sheer volume of video that is
10 generated, right, an individual officer would not be
11 able to just to go back over an officer's body-worn
12 camera video over some lengthy period of time and do
13 tagging across the board that again is sort of
14 physically impossible. And again, the challenge with
15 sealing is that it could happen at any time. There's
16 no set timeframe and it could be a day or two later.
17 It could be a few weeks later. Could be months or
18 even years later, right? So, whatever we can say
19 about officer tagging, I mean, that's really separate
20 from sealing flags which-- you couldn't ask an
21 officer to tag body-worn camera for sealing. They
22 wouldn't even know. And so that I don't think would
23 work. But is there meta data or is tagging that
24 officers do, yes, absolutely.

CHAIRPERSON SALAAM: Does this meta data for video include the arrest number?

DEPUTY COMMISSIONER GERBER: Yes. So, for discovery purposes, arrests need to be tagged with the arrest number, yes.

CHAIRPERSON SALAAM: Okay. So, if a single video capture what ends up being multiple arrests, are all associated arrest numbers included in the video's meta data?

DEPUTY COMMISSIONER GERBER: So, I think the answer is yes. You know, I don't-- I've never done the tagging myself, so I'm not exactly certain. It would make sense that if you have multiple arrest numbers, that those multiple arrests should all be associated with that video, but I would have to-- I'd want to confirm that. It makes sense, and I would think so, but I would need to confirm.

CHAIRPERSON SALAAM: Does the video meta data also include the docket numbers or numbers for cases associated with the footage?

DEPUTY COMMISSIONER GERBER: I would assume-- I would have to check on that. I would assume it's just the arrest number. It is-- the tagging needs to be done to allow us to produce the

1 materials in discovery for the case. So, there-- to
2 the extent we are getting at is a link between the
3 arrest and the prosecution. Yes, the tagging if done
4 properly allows that we push out the case to the DA's
5 office, you know, that material will sort of get
6 swept up in what is sent over electronically to the
7 DA's office. Again, how it works manually, I'm not
8 certain, but yes, there was a means for linking up
9 the arrest to that-- to the prosecution.

11 CHAIRPERSON SALAAM: Does the body-worn
12 camera cloud platform allow videos to be assigned
13 certain types of tags? For example, if a video is
14 related to a homicide or a terry [sic] stop?

15 DEPUTY COMMISSIONER GERBER: Yes,
16 absolutely. Absolutely, yes.

17 CHAIRPERSON SALAAM: Okay. Are the
18 videos related to either of those things tagged as
19 such?

20 DEPUTY COMMISSIONER GERBER: Yeah, so the
21 tagging, for example, the nature of the investigative
22 encounter, level one, level two, level three, level
23 four. Again, I don't know all the tags, but yes,
24 this sort of tagging absolutely can be done.

CHAIRPERSON SALAAM: Does evidence.com allow a group of videos to be assigned particular tags in bulk? In other words, would it be possible for a group of videos to be assigned a single new tag?

DEPUTY COMMISSIONER GERBER: There is definitely a mechanism for bulk tagging. That exists. Now, how that works exactly, the nature of bulk tagging, I'm not certain, but yes, there is a mechanism for tagging multiple videos at the same time. That is doable.

CHAIRPERSON SALAAM: Would it be possible for the NYPD to use a list of arrest numbers for sealed cases and arrest numbers for Family Court cases and assign those cases a specific tag?

DEPUTY COMMISSIONER GERBER: Right. So, this is the issue. We-- that system, which can change on a daily basis, right, does not speak to the evidence.com system, right? So, the-- yes, we have the OCA feed speaks to our system and we're able to in real time make those flags in our system. We don't have a mechanism at present that connects OCA data to evidence.com videos, right? So, there's no-- and that electronic connection I think is what you're

getting at, again maybe someday we could do that. I think-- is it possible at some future date, yes, I think it'd be possible at some future date, but we're not there. We're not close, and again, again, even if you did that, you still have the problem of these videos actually aren't all sealed. I mean, that's the issue. And I-- this is important, right? You can have a case, right, you could have multiple individuals, you know, carry out an armed robbery, a shooting, a murder. One of those individuals gets arrested, that case is dismissed for whatever reason. That person's arrest is sealed, but that criminal investigation is ongoing, right? That murder investigation is ongoing. That evidence is very, very important that evidence not be closed off to the detectives who are working on that case. That would be a terrible thing, and that I think is part of the challenge. There's a technological piece, Chair, which you're speaking to, but there's also this challenge of what do you do when certain sealed information is mixed in with material that is unsealed, and that is important, critical at times, for ongoing investigations and important, you know, for oversight. So, I guess, CCRB again, there's

1 certain sealed material. There's other material CCRB
2 needs to do its work, right? We have a way of
3 accommodation that now, but that's crucial, right?
4 In a world in which you said okay, there's some
5 sealed information on this video, and therefore the
6 entire video seals completely, that would be
7 terrible. It would be terrible both for
8 investigations and fighting crime. It would also be
9 terrible for oversight. So, whatever else-- whatever
10 ultimately happens, like, that would be a huge
11 problem.
12

13 CHAIRPERSON SALAAM: If the NYPD received
14 notification that a case is now sealed, can it work
15 out a way to tag that video as sealed in the cloud
16 platform?

17 DEPUTY COMMISSIONER GERBER: Right. So,
18 this really goes with what we were just talking
19 about. I think the-- on the technology part of this,
20 right, the long-term answer would be to sort of have
21 some way for automating the process, but manually I
22 don't see how it would possibly work. But on an
23 automated basis, right, in the same way that we do it
24 for our own documents, some day we could do it for
25 video as well. Again, it only solves the first part

1 of the problem. That solves the flagging videos part.
2 The question is then what do you do when you have
3 both sealed and unsealed information within the
4 video. But yeah, I think, again on a long-term basis
5 potentially we could do that. We're not anywhere
6 close, but some day I think we could.

8 CHAIRPERSON SALAAM: Has the NYPD
9 contacted the cloud platform vendor to do this with
10 its own body-worn camera videos?

11 DEPUTY COMMISSIONER GERBER: Well, it's
12 what we were talking about earlier. I mean, we have--
13 we have had some conversations about this, and the
14 message back frankly has been that we can talk about
15 it, and it's not outside the realm of possibility,
16 but it's something that's never happened before. It's
17 never been done. You know, the kind of thing you
18 can't-- we'd have to sort of plan it out and figure
19 out how much it would cost and the time frame and the
20 scope of it. obviously, it would be a major
21 undertaking. You know, we're talking about also like
22 a massive platform. We would not want to do this--
23 if we're going to do it, we have to be sure we do it
24 right. It's very important that if we do this, it be
25 done the right way. So, we-- not something we could

1
2 be set. I-- you know, in terms of how granular it
3 is, I'm not sure, but certainly there are different
4 permission levels within the Department.

5 CHAIRPERSON SALAAM: Is it possible, for
6 instance, to create a user permission that is
7 prohibited from accessing a video that is-- that has
8 like certain tags, for example, like sealed?

9 DEPUTY COMMISSIONER GERBER: Right. So,
10 in some-- if we got to a place, right, someday, where
11 you had, you know-- okay, all these videos are tagged
12 as sealed. Could we then shut off access to those
13 videos? Yes. But again, the problem is, if you're
14 a detective investigating a case, say a murder
15 investigation, those videos may actually be crucial
16 evidence in your ongoing investigation, and the stuff
17 is not sealed. It's-- you know, someone describing--
18 a witness describing what that witness saw. The
19 witness saw a murder. That's caught on video. That
20 video could be on the same video as an arrest. That
21 could happen in a number of crimes, in a robbery, a
22 shooting, whatever. I just-- I really do want to
23 emphasize even in a world-- if you shut off access to
24 sealed records entirely to those sealed videos where
25 the sort of key evidence and sealed material is mixed

1
2 in, well, what are we doing exactly? Are we saying
3 that the detectives can't investigate that case? Are
4 we saying that CCRB can't access that material for
5 its work, right? For both investigative and
6 oversight purposes, there are things on these videos
7 that are critically important.

8 CHAIRPERSON SALAAM: Got you. So, I will
9 pass it now to my colleagues, starting with Council
10 Member Cabán.

11 COUNCIL MEMBER CABÁN: Thank you. They
12 left you all by yourself today.

13 DEPUTY COMMISSIONER GERBER: I am.

14 COUNCIL MEMBER CABÁN: Okay. I'm going
15 to back to some of the Chair's initial questions. I
16 just want to get a little bit more granular with the
17 details. You testified that NYPD learns that a
18 criminal proceeding has been sealed pursuant to the
19 sealing statutes that you rely on OCA, and the-- and
20 OCA sent you a list. That's correct?

21 DEPUTY COMMISSIONER GERBER: It's a feed.
22 It's-- I think-- again, I'm not the tech side person.

23 COUNCIL MEMBER CABÁN: Yeah.
24
25

DEPUTY COMMISSIONER GERBER: I think it's in a-- some sort of file whether it's Excel or otherwise, but yes.

COUNCIL MEMBER CABÁN: So, I can make it super easy. I'm actually holding an affirmation of the Deputy Inspector of the Information Technology Bureau who--

DEPUTY COMMISSIONER GERBER: [interposing] Inspector Mascia, yes.

COUNCIL MEMBER CABÁN: confirms that yes, they rely on-- you rely on OCA. You get sent a list, and that list or that feed does come every single day.

DEPUTY COMMISSIONER GERBER: Yeah.

COUNCIL MEMBER CABÁN: And that's according to the affirmation.

DEPUTY COMMISSIONER GERBER: Yeah.

COUNCIL MEMBER CABÁN: Okay. So, one answer I don't think we got is what specifically, like what information receive about the case-- about a case when it becomes sealed? Does it-- like, do you receive the arrest number or the docket number?

DEPUTY COMMISSIONER GERBER: I know that we receive enough information to allow it to flow

COUNCIL MEMBER CABÁN: [interposing] So,
can you get back to this committee--

COUNCIL MEMBER CABÁN: on whether you receive specifically the arrest number or the docket number?

COUNCIL MEMBER CABÁN: Great, thank you.

Okay. And you said that-- you testified that the NYPD learns that a case has been sealed. The associated record is sealed in the NYPD database. Like that process is nearly instantaneous, correct?

COUNCIL MEMBER CABÁN: [interposing]

Those were your words.

COUNCIL MEMBER CABÁN: Yeah. I--

DEPUTY COMMISSIONER GERBER: [interposing]

But it happens quickly.

COUNCIL MEMBER CABÁN: Okay, great.

Thank you. And I'm going to move away from that for a second. I just want to talk about the purpose to frame this, the purpose of sealing-- the sealing statutes, right? Like, and this is important for the record. We seal to prevent undue prejudice against the accused from knowledge of inadmissible or impermissible information, right? Because it is-- it goes back to our constitutional rights towards the presumption of innocence and also the constitutional right that the state bears the burden of proving guilt beyond a reasonable doubt which is a really high burden. So, like, using that framework I'm going to give an example. You know, I'm in arraignment in night court, so obviously you all very much well know by now that I was a public defender. I'm representing a client and the prosecutor gives a bail argument and is talking about these prior arrests, these prior things, and then all of a sudden the judge goes, "Stop right there, counselor." Where are you seeing that particular arrest or incident, because it's not on my screen. Is that sealed?" And

1 everyone else that assistant prosecutor gets caught
2 using sealed information, and that's like-- that's a
3 huge no-no. again, because of that constitutional
4 right and the need to prevent that undue prejudice
5 that's outlined in our laws. So, knowing how
6 important that right is, I just am not convinced that
7 evolving technology is an excuse to water down that
8 right about protecting that fundamental right, and
9 it's imperative, right? And so I know that you have
10 testified that it is burdensome. It's too burdensome
11 to catch up to be able to do this on a case-by-case
12 basis. And in fact, I have in front of me another
13 case out of the Supreme Court of State of New York
14 before Judge Frank, who I used to appear in front of
15 when he was a new judge. But the Bronx Defenders are
16 the plaintiffs. The City Law Department is
17 representing the City, and they essentially say the
18 same thing, that being able to seal these things are
19 unduly burdensome. But we don't violate people's
20 constitutional rights because it's hard, right? The
21 burden is on the state. It remains on the state, and
22 that's just a reality we have to live with, and the
23 state has to decide what technologies they can and
24 can't use to maintain the protection of our
25

1 constitutional rights. So, that's just like a
2 statement I want to make about the record, but I also
3 want to address your testimony, your initial
4 testimony where you said that the-- Intro 1451 would
5 violate state law and that, you know, you're
6 currently, you know, in compliance with the law and
7 this would force you in conflict with state law,
8 correct?

9
10 DEPUTY COMMISSIONER GERBER: You have my
11 testimony. I read the document.

12 COUNCIL MEMBER CABÁN: Okay, so yes, so
13 then that is correct.

14 DEPUTY COMMISSIONER GERBER: Well, I'm
15 not sure you quoted it exactly right, but you have my
16 testimony. You have it.

17 COUNCIL MEMBER CABÁN: Well, that this
18 law would-- this law would put the NYPD in a bad
19 position because it conflicts with exiting state law.

20 DEPUTY COMMISSIONER GERBER: My testimony
21 is that we cannot give CCRB access to sealed records
22 without a waiver or redactions, and that direct
23 access would do that.

24 COUNCIL MEMBER CABÁN: Would be in
25 violation of the state law.

DEPUTY COMMISSIONER GERBER: Yes.

COUNCIL MEMBER CABÁN: So,-- may I have another minute or two to make my point? So, I guess my understanding is that-- and you've testified to this with the complications around Family Court. You already are in violation of the state law. Like, do you think-- whether-- do you think the NYPD has a legal obligation to segregate sealed and unsealed records, and whether or not you're complying with that legal obligation? Because you're already-- you're storing them already and it's currently in violation because Court Act 381.3 requires keeping juvenile and adult records separate. So, OIG says that the NYPD's co-mingling violates that state law. So you're already in violation because of the complicated co-mingling that's happening in Family Court.

DEPUTY COMMISSIONER GERBER: so, there's actually two separate issues, right? One is a sealing issue and one is Family Court regarding keeping adult and juvenile records separate, separate and apart from sealing. I think they're actually two different issues. But I hear what you're saying, and I think I've said multiple times that we have work to do.

1
2 There's no question about that. I do think whatever
3 else one can say, I stand by this, I don't think the
4 City should pass a law that would compel us to do
5 something that violates state law. I do stand by
6 that.

7 COUNCIL MEMBER CABÁN: But we are
8 acknowledging that you're already violating state law
9 with the co-mingling of these materials in Family
10 Court. And I guess my point is this, if that's the
11 concern-- to give the CCRB direct access, NYPD has to
12 comply with the sealing statutes by separating the
13 sealed and unsealed body-worn camera footage, and as
14 we've seen in the testimony, you can do it by tagging
15 footage as sealed or unsealed based on the arrest
16 number in evidence.com, and then giving the CCRB
17 permissions to access everything except for the
18 footage that's tagged as sealed. And so the affidavit
19 that I referenced earlier is relevant, because it
20 shows that NYPD receives the case sealing information
21 from OCA every single day as you testified as well.
22 So you can use that daily information to ensure the
23 footage is tagged as sealed. I get that that's like
24 a big project, but again, when we are weighing
25 efficiency, where we're putting our resources,

1 updating technology, or our fundamental
2 constitutional rights-- I think our fundamental
3 constitutional rights have to win out. My last
4 question that I'll leave with you hear is-- I mean,
5 well, one point and one last question is-- you know,
6 you testified in your initial testimony that the NYPD
7 and the CCRB have been working collaboratively and
8 successfully for years. I would say that I've been
9 here four years. Many an oversight hearing where
10 CCRB comes up and says please help us because the
11 NYPD isn't collaborating, isn't giving us the
12 information we want in a timely manner, whether it's
13 the POST Act, whether it's other reporting bills,
14 whether it's the discipline cases. So, it sounds
15 nice on paper, but that's just not the testimony that
16 we receive every single oversight hearing when we
17 have CCRB in the mix. So, my question is, you know--
18 it would be helpful to know in the context of the
19 body-worn camera area what policies or procedures for
20 determining when body-worn camera footage seals, and
21 if you have like set policies or procedures for
22 segregated sealed from unsealed footage?
23
24
25

DEPUTY COMMISSIONER GERBER: Sorry, I'm not sure I understood the-- can you repeat the question? What's the question?

COUNCIL MEMBER CABÁN: Sure. If the NYPD has official policies or procedures for determining when body-worn camera footage seals, and if you have any policies or procedures for segregating sealed body-worn camera footage from unsealed footage? And the reason why I'm also asking this is because in that case with the Bronx Defenders-- and Judge Frank rightly questions this-- the city's lawyer says that well, they're not automatically sealing them, and again, they said that it would be prohibitive to try to this case-by-case thing, because it's just hard. But essentially if it's not sealed when it should be, the city's lawyer is saying, "Well, if we want to use it for investigatory purposes, we'll go to the court and ask for permission to do that. we're just going to-- out of the-- like, we're going to do it. we don't have to be told we're not going to look, even though we shouldn't look at it. we know we shouldn't look at it. We should get the permission from the court. We can access it, but we're doing the right thing, we're not. We're not accessing. We're going

1 to go to court first. The judge rightfully says,
2 "You know, if we can access it, I don't think that
3 that's actually what's going to happen." I think
4 people are just going to go access it and not use
5 that discretion or that discipline and come to the
6 court and ask for it, and that's why it's important
7 that it's sealed.

8
9 DEPUTY COMMISSIONER GERBER: I mean, we
10 do go and get unsealing orders in connections various
11 investigations. That happens.

12 COUNCIL MEMBER CABÁN: Right, but if
13 it's--

14 DEPUTY COMMISSIONER GERBER: Pursuant to
15 the statute, as you know.

16 COUNCIL MEMBER CABÁN: But if we're
17 talking about body-worn camera footage that currently
18 is not sealed, but should be, right, there-- the
19 position is that you can access it. Right? It's
20 like what I talked about that arraignment example
21 where like you're not supposed to look at something,
22 but your'e looking at it, right? And so I don't know
23 that the city, certainly this oversight body, would
24 comfortable with that body-worn camera footage being
25 available. Although, we-- the NYPD or the officer

1 might know, hey, technically it's supposed to be
2 sealed. It's not physically sealed because it's too
3 hard for us to do it, but it should be sealed. So
4 I'm going to go to the judge and ask if I can look at
5 thing, and like we're supposed to believe that that's
6 what's happening.

8 DEPUTY COMMISSIONER GERBER: So, a few
9 points.

10 COUNCIL MEMBER CABÁN: And the judge
11 actually puts it on the record that he-- that's his
12 concern, because he doesn't really think that that's
13 what would happen.

14 DEPUTY COMMISSIONER GERBER: So, a few
15 points. One, again, as I testified earlier--

16 CHAIRPERSON SALAAM: [interposing] Before
17 you answer, I just want to remind us that we will
18 have a second round of questioning.

19 COUNCIL MEMBER CABÁN: That's it. tha'ts
20 my final.

21 DEPUTY COMMISSIONER GERBER: Just to
22 address a few points just for now, one: Again, we
23 have the system that we have. The technological
24 constraints that we have as the system presently
25 exists. I think I described earlier kind of the

1 challenges in order to address both the technological
2 piece of this and this unusual- not unusual-- but
3 this challenge of the intermixing of sealed and
4 unsealed within a video. I do want to make one
5 point, two points. One, again, this issue about the
6 co-mingling in and of itself, you know, it's not
7 really a sealing issue. I don't think those sealing
8 statutes actually really speak to that. and the
9 separate issue in Family Court about adult and
10 juvenile records. But with regard to our cooperation
11 with CCRB and whether we are getting them materials,
12 you know, in a timely fashion whether we are working
13 collaboratively with them. You know, I think
14 certainly for the past I would say two and a half
15 years that is 100 percent true. I stand by that.
16 CCRB's going to be testifying after me or later.
17 Please ask them. Ask them if they agree or if they
18 disagree, and they'll say what they'll say, but I
19 stand by that.

20
21 COUNCIL MEMBER CABÁN: Okay.

22 CHAIRPERSON SALAAM: Alright. We'll now
23 hear from Council Member Holden.

24 COUNCIL MEMBER HOLDEN: Thank you, Chair,
25 and thank you Deputy Commissioner, again, for your

DEPUTY COMMISSIONER GERBER: [interposing]

Yes.

DEPUTY COMMISSIONER GERBER: [interposing]

Not all things, no.

DEPUTY COMMISSIONER GERBER: Yes.

DEPUTY COMMISSIONER GERBER: So, I would say there are two pieces of that. One, before I answer your question, I just-- we should never be in a situation in which we are, you know,-- like, the City Council should not be directing us to do something where we know this will violate state law.

You know, there are times when there are constraints and there are problems and there are issues, but my point is, in a world in which everyone knows, like giving CCRB sealed without redactions, without a waiver would violate state law. And then to sort of deliberately say, we are going to do that-- put aside consequences for a second, I think it just goes sort of a fundamental question about the rule of law and how we think about that and the need to comply with the law as best we possibly can. In terms of consequences, so it depends. You know, there-- if you look at the case law in situations in which sealed records are used in a proceeding or used in an investigation-- and to Council Member Cabán's point, this is an incredibly serious thing. There are some cases where court has said, well, for various reasons, yes, it was an error, but we're not going to, you know, dismiss the case. There are other situations in which, you know, certainly disciplinary proceedings in other contexts have been dismissed, where the entire, sort of, case has fallen apart because it emerged that some crucial piece of evidence was sealed. And again, the analysis is a little bit complicated. It's not-- I can't say, oh,

1 if you used sealed records, automatically the case
2 gets dismissed. That's now how it is. A court will
3 look at multiple considerations. But the fact that
4 whether it's in a criminal case or in a disciplinary
5 proceeding, if the prosecutor, and this would include
6 CCRB, is using sealed records, and then it emerges--
7 wait a minute, you're allowing unsealed records
8 improperly, that puts the case in jeopardy. And then
9 on top of that, you worry about liability issues.

11 COUNCIL MEMBER HOLDEN: Well, that's what
12 I'm curious about.

13 DEPUTY COMMISSIONER GERBER: Yeah, so
14 that, too, but I--

15 COUNCIL MEMBER HOLDEN: [interposing] So,
16 what could this cost the city in the way of let's say
17 somebody's rights, a defendant's rights were
18 violated?

19 DEPUTY COMMISSIONER GERBER: It's hard to
20 answer to answer that question, but I-- and so I
21 think there is a liability issue. But I think I just
22 want to emphasize, before you even get to that, we
23 want to do our very best to follow the law. We
24 should not deliberately be doing something that
25 violates state law.

COUNCIL MEMBER HOLDEN: Which I'm surprised-- I've been on the Council now almost eight years. I've never seen a case or at least a bill like this that-- because the Council legislative division would always defer to state law and not try to violate it. This is the first time I'm hearing something egregious like this. This would-- it's an obvious one. The bill even mentions state law. But the way you describe the video, the body-worn video being released and redacted many times, this doesn't allow you to do that really.

DEPUTY COMMISSIONER GERBER: No. So, the way we do it now is if CCRB needs records, we make the necessary redactions, they get their video, and they do what they need to do. In a world in which you have direct access, right, it's a different regime. CCR-- it's not a redaction regime. It's CCRB going into any of these videos, including videos where there's sealed material, and again, as a matter of state law, that's just a problem. And frankly, if they ended up relying on sealed materials in let's say in an APU case where they're the prosecutor, that could put the case in jeopardy. It's not good for anybody.

COUNCIL MEMBER HOLDEN: Right. Yeah.

So, just one other-- I'm running out of time. So, just on Intro 1460 you described Citywide One. Could you elaborate on that?

DEPUTY COMMISSIONER GERBER: Yes. So, we have various-- there are various radio channels that we use. Some of them are what they call zone, like the zone channels, which are-- Chair, may I just finish up the--

COUNCIL MEMBER HOLDEN: [interposing] I think I'm okay. I mean, consider the previous questions.

DEPUTY COMMISSIONER GERBER: Got it. So you have the zones which are typically like two precincts. Every once in a while it's three, but typically two precincts you have the zones. Then you have borough channels, and then you have citywide channels. Those are broadcast citywide across all five boroughs. And what I was getting at before is for any critical incident, and I listed some of them-- there's a longer list-- for any critical incident, you know, that'll get broadcast over multiple channels, right? You might-- it'll typically get broadcast over the local zone channel. It'll get

1 broadcast over Citywide One which again is
2 unencrypted. Now, it may-- depending on the radio
3 code, if it requires special operations, for example,
4 if we're going to have to send ESU in, it's going to
5 go-- you know, it's going to go to special operations
6 channel. ESU is going to make plans to make, you
7 know, by [inaudible] addressing some very dangerous
8 situation. You know, the way it works is you have
9 these radio codes. So, you know, the 911 call comes
10 in. The person, the 911 call-taker, hears the
11 description and then they enter that in the system as
12 a radio code associated with that, and then depending
13 on the radio code, that automatically goes to various
14 radio channels, right? And so there's a whole set of
15 radio codes that automatically will get sent to the
16 dispatcher for Citywide One and automatically gets
17 sent out over Citywide One. So, the whole-- anyone
18 anywhere in the city can hear it. If that answers
19 your question.
20

21 COUNCIL MEMBER HOLDEN: Well, again, the
22 codes are-- right now, we have them for precincts,
23 that we can tap into that. that's going to be--
24
25

DEPUTY COMMISSIONER GERBER: [interposing]

No, no, no. So, the-- when I say radio codes, I mean
is the nature of-- like a 1013, for example.

COUNCIL MEMBER HOLDEN: Right.

DEPUTY COMMISSIONER GERBER: Officer
needs assistance.

COUNCIL MEMBER HOLDEN: Oh, you're
talking about the-- yeah, the--

DEPUTY COMMISSIONER GERBER: [interposing]
So, a 1013, you can imagine that going over multiple
channels, obviously.

COUNCIL MEMBER HOLDEN: Right.

DEPUTY COMMISSIONER GERBER: But one
channel that will go over automatically is Citywide
One, unencrypted channel.

COUNCIL MEMBER HOLDEN: Okay, right.

DEPUTY COMMISSIONER GERBER: And the idea
that all these major-- all these major incidents or
types of crime, a variety of matters that, you know,
are of public interest and the kinds of things that I
totally understand reporters want to go cover in
real-time. That's all it is now and will be--

COUNCIL MEMBER HOLDEN: [interposing]

Right, but the bad guys won't get the important information that they could--

DEPUTY COMMISSIONER GERBER: [interposing]

Right, right. So, and I want to be crystal clear about this, the-- to the extent, you know, you have some-- you have an active shooter. Okay, so the fact there's an active shooter will go out over Citywide One, unencrypted. Special operations is doing what it's doing. That will be encrypted, as it should be. So, it's not that all information about what we're doing in response to a particular situation will be over Citywide One, but the fact that it is happening-- hey, there's been a shooting at this location. There's a robbery in progress at this location. There's been an explosion at this location. All that sort of thing, the kinds of things that reporters are going to want to go cover, unencrypted, and we're prepared to commit to that.

COUNCIL MEMBER HOLDEN: Thank you, Chair.

CHAIRPERSON SALAAM: You're welcome.

We'll hear now from Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you very much, and I heard earlier because I could listen,

1 because it's not encrypted, this hearing, just so you
2 know. That's a joke. I want to follow up on Council
3 Member Holden's question. So, I-- thanks to you, I
4 do understand what Citywide One is, but my question
5 would be things like local journalist. They want to
6 know, like, what about the helicopter above that's
7 making noise for one hour. That doesn't seem to be a
8 crime, but it is something that is of interest. I
9 don't know if that would be covered. Armed hijacking
10 inside a neighborhood parking garage, I supposed that
11 would be covered as an example. But the photo
12 journalist is also an issue, because he or she wants
13 the picture. You can't get the picture afterwards.
14 So, I guess my question is-- first of all, thank you
15 for even considering the issue of encryption and what
16 is or isn't, and I appreciate the opportunity to keep
17 working on this and coming up with something that we
18 all can agree on. But I guess I wanted to know just
19 a little bit more about some of these local issues. I
20 talked about store theft when we met. That would not
21 be covered. But are there some other issues that you
22 think could be in Citywide One that may not be now
23 that would not be-- DV-- that would not be sensitive,
24 that would not be something. Because the local folks

are interested-- I hate to say the word quality of life, but the helicopter above is a quality of life issue.

DEPUTY COMMISSIONER GERBER: Right.

Though the helicopter above, I mean, it's a little hard to do this in the abstract. To the extent the helicopter above is-- if we have a helicopter it's probably because there's actually been some large-scale--

COUNCIL MEMBER BREWER: [interposing] And they want to know that. So that would be covered?

DEPUTY COMMISSIONER GERBER: Right. So, any large-scale or unusual incident is on Citywide One. An usual incident for us-- I mean, I guess it's actually colloquial meaning, anything that's, you know, not sort of your run of the mill radio codes will go out over Citywide One.

COUNCIL MEMBER BREWER: What about fires, how does that? I know it's a different system. Does fires get covered or that would be completely different?

DEPUTY COMMISSIONER GERBER: That's FDNY. I don't know.

COUNCIL MEMBER BREWER: Okay. And road crashes, that's the other thing that people are interested in. This is what-- it's not quality of life, but it sort of borders on that topic.

DEPUTY COMMISSIONER GERBER: Right. So, road-- a vehicle crash would not go out over Citywide One.

COUNCIL MEMBER BREWER: Okay, alright.

DEPUTY COMMISSIONER GERBER: I do think--

COUNCIL MEMBER BREWER: [interposing]
These local people like that stuff. Go ahead. I don't know what that is.

DEPUTY COMMISSIONER GERBER: You know, you mentioned, I think it was an armed--

COUNCIL MEMBER BREWER: [interposing] In a garage. This would-- these were examples given to me: armed robbery in a garage. I assume that would be covered.

DEPUTY COMMISSIONER GERBER: Any-- any robbery in progress, armed or not, goes out over Citywide One.

COUNCIL MEMBER BREWER: Okay.

DEPUTY COMMISSIONER GERBER: It is a tremendous number of events, and it is a wide range

1 of coverage. Now, it's not everything. I do think,
2 and I really do want to emphasize this again. You
3 know, when you get-- there is a universe of calls
4 that come in that go over the radio that really do
5 implicate privacy issues. We've been talking more
6 about the operational sensitivity, but there are real
7 privacy concerns.
8

9 COUNCIL MEMBER BREWER: We understand
10 that.

11 DEPUTY COMMISSIONER GERBER: And I think
12 that's really important, and I think a challenge we
13 have is-- and I think different than other places, is
14 the sheer volume.

15 COUNCIL MEMBER BREWER: Correct.

16 DEPUTY COMMISSIONER GERBER: You know?
17 And I just think whatever ultimately the answer is
18 precisely, I think it has to account for these
19 various interests and be something that is
20 administratively feasible, and that we can do, you
21 know, in a rigorous way without generating, you know,
22 significant errors, because we want to make sure the
23 cops are safe, public safety, privacy concerns, but
24 consistent with that, you know, our view is that
25 Citywide One really does a tremendous amount to sort

1
2 of give journalists and photojournalists kind of what
3 they need.

4 COUNCIL MEMBER BREWER: Now, there's a
5 state bill that has not been signed by the Governor.
6 Does that include what we're talking about? Is it
7 broader? Is it less? What are you doing about that
8 state bill?

9 DEPUTY COMMISSIONER GERBER: So, that
10 state bill is before the Governor. The bills, they
11 overlap substantially. They're not-- I don't think
12 they're identical. They overlap substantially. I'd
13 have to go back and look to really sort of say
14 precisely where the differences are. The general
15 framework of the state bill and your bill are the
16 same. There are, I think, some-- I think some
17 warning [sic] changes and maybe some substantive
18 differences, but the basic structure is the same.

19 COUNCIL MEMBER BREWER: So, are you
20 supporting the state bill or not, or have you
21 testified on it?

22 DEPUTY COMMISSIONER GERBER: No, no, so
23 we-- we do not support the state bill really for the
24 reasons particularly here--
25

COUNCIL MEMBER BREWER: [interposing]

Right, and I just wanted to show that you're not supporting them and not us.

DEPUTY COMMISSIONER GERBER: No, no, no.

COUNCIL MEMBER BREWER: Trying to get clear here.

DEPUTY COMMISSIONER GERBER: No, no, no.

And look, we'll see if that bill becomes law. I just-- we just don't know.

COUNCIL MEMBER BREWER: Okay. On technology, how is it different, I guess, pre getting exempt-- moving on encryption now? Is there a difference in the technology? Is it the same? Have you updated? What's the story in terms of--

DEPUTY COMMISSIONER GERBER: [interposing]

So yeah, we've upgraded. There's been a massive upgrade in the radios. It's been phased in over time. There's still ongoing encryption that is happening through the end of this year and the first quarter of next year. Almost all the zones are encrypted. Most, but not all the borough channels are encrypted. I mean, look, one of the issues is that our radios-- and I'm definitely not the expert on this, but our radios were getting old, like, really, really old.

COUNCIL MEMBER BREWER: Right, right.

DEPUTY COMMISSIONER GERBER: There definitely was a need to upgrade. We want to-- we want to be at the cutting edge of technology, not behind. Encryption has become the national standard, I think for the reasons that I tried to articulate. So, there very much was a need for that upgrade and for the encryption. And then, you know, what we're working to figure out is okay, how do we, having done that, accommodate sort of the, you know, concerns principally of reporters and journalists?

COUNCIL MEMBER BREWER: Okay. And then of course, there's always going to be the request for journalists, obviously for people like the central park medical unit to have special consideration, because I mean, I don't-- that has come up. Is that something that you would consider for beyond the Citywide One? Or is that not something that is on your list of support?

DEPUTY COMMISSIONER GERBER: So, there's a whole--

COUNCIL MEMBER BREWER: [interposing]
Because those are the people who are asking. Now,

maybe Citywide One will be enough for these individuals.

DEPUTY COMMISSIONER GERBER: Right. So, there's a whole separate piece to this of okay-- and whatever the-- you know, we have sort of the-- okay, we have encrypted channels. We have Citywide One unencrypted. We have-- separately we have some unencrypted channels that are also remaining unencrypted for a different purpose, and that is to communicate with various outside entities that don't have access to our system.

COUNCIL MEMBER BREWER: Okay.

DEPUTY COMMISSIONER GERBER: So, you know, one thing that the Department has been working on under-- as per Commissioner Tisch's directive is--

COUNCIL MEMBER BREWER: [interposing] I like her.

DEPUTY COMMISSIONER GERBER: is, you know, we need to have a system if-- whatever the outside entity is, whether it's an emergency service, whoever it may be, if they are requesting access to our channels-- okay, this VS [sic] system. There's an application. There's a process. Explain what they're looking for, their needs, technological side,

1 practical side, a committee to review these
2 applications, and there are multiple answers, right?
3 There's a range of-- you can have access to our
4 channels. You can have access to certain encrypted
5 channels. One possibility is, you know, look, you
6 can have access-- we will set it up. We'll make it
7 work for you to have access to these channels, but
8 they're not encrypted, but that are monitored and you
9 can communicate with us back and forth over the
10 unencrypted channels. I mean, in some cases the
11 answer could be hey, listen, given what you've
12 described, you don't need access to our channels at
13 all.
14

15 COUNCIL MEMBER BREWER: Got it.

16 DEPUTY COMMISSIONER GERBER: But I do
17 want to emphasize there really is in place now in a
18 way that maybe was not the case before, really a very
19 rigorous process for reviewing these requests.

20 COUNCIL MEMBER BREWER: And people do use
21 that process? People are using that process?

22 DEPUTY COMMISSIONER GERBER: Yes, I
23 should say, it's really very much ongoing. So, you
24 know, there's something that's happening now, and
25

frankly reviewing kind of-- the Department is looking at, alright, so who historically has gotten access?

COUNCIL MEMBER BREWER: Okay.

DEPUTY COMMISSIONER GERBER: Who has access now? If that makes sense.

COUNCIL MEMBER BREWER: Okay.

DEPUTY COMMISSIONER GERBER: Frankly, even if you had access before, like well let's just-- okay, we're going to go through this process. Fill out the form. Like, why do you have access? And the answer might be that makes total sense. Or the answer might be like, that doesn't make so much sense. So, that process is ongoing, and that is, you know, very much case-by-case, entity-by-entity, and I think what we're doing makes a lot of sense.

COUNCIL MEMBER BREWER: Alright, so we're looking forward to working on this bill with you, and I thank you very much. Just one last comment about paperwork. I assume that the person applying from either the medical unit or the journalist is doing it online, but the person going to the-- you know, getting the car crash, bicycle crash paper at the precinct is still doing it on paper. I'm just saying, and we just want to work on that with you.

DEPUTY COMMISSIONER GERBER: You mean on the FOIL requests?

COUNCIL MEMBER BREWER: No, just going to get the information so you can go to the insurance company.

DEPUTY COMMISSIONER GERBER: Oh, oh, oh.

COUNCIL MEMBER BREWER: At precincts, and then you can't get the paper. So, I have to call for the paper. I'm really good at calling for that piece of paper, but I would love to do that online.

Different topic, but--

DEPUTY COMMISSIONER GERBER: [interposing] Understood.

COUNCIL MEMBER BREWER: let's work on paper.

DEPUTY COMMISSIONER GERBER: Understood.

COUNCIL MEMBER BREWER: Thank you.

CHAIRPERSON SALAAM: I think that might be it for you. Thank you-- thank you for your testimony.

DEPUTY COMMISSIONER GERBER: Okay. Thank you very much. Thank you.

CHAIRPERSON SALAAM: We'll now open up the next part of the hearing for testimony from the CCRB.

COMMITTEE COUNSEL: Good morning. We'll be having testimony from CCRB Executive Director Jonathan Darche. Please raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth before this committee and respond honestly to Council Member's questions?

EXECUTIVE DIRECTOR DARCHE: Yes, I do.

COMMITTEE COUNSEL: Thank you. You may begin your testimony.

EXECUTIVE DIRECTOR DARCHE: Thank you. Good morning. My name is Jonathan Darche, and I use he/him pronouns. I am the Executive Director of the New York City Civilian Complaint Review Board, testifying here today as our Agency is currently without a Chair or Interim Chair. I am grateful to have the opportunity to testify here and to address this council. Specifically, I have been asked to speak about Int 1451, Direct Access to Body-worn Camera Footage. I want to begin by emphasizing that this issue is extremely important to the Agency and to civilian oversight of police, more broadly. Body-

worn camera footage is a significant component of our investigative process. In both 2023 and 2024, the CCRB received over 6,000 hours of body-worn camera footage each year, and in 2025, we're on pace to match that mark. That footage has come in via thousands of individual requests, 2,076 so far in 2025. It's a lot of work. But it matters. Body-worn camera footage allows us to close cases on the merits at a higher rate. In 2025 to date, we've been able to render a determination in 80.75 percent of complaints where there is body-worn camera footage available to view. When we do not have this footage, that percentage drops to 53.71 percent. The CCRB has long advocated for the Agency to have direct access to Body-Worn Camera footage, including during our most recent testimony to this committee in September. The most important benefit of direct access is that it would strengthen the democratic legitimacy of our investigative process. The CCRB is a civilian-led police oversight Agency, the largest in the country. When New Yorkers come to us with a complaint regarding potential NYPD misconduct, they know that we are civilians, just like them, and that we are not beholden to the NYPD. That matters. That civilian-

led independence was baked into our identity by Mayor David Dinkins and this Council when it voted to restructure our Agency in 1993. Since then, we have been guided by the principles of independence and impartiality. But when our investigators request body-worn camera footage from the NYPD, it is procedurally necessary for the NYPD to enter the investigative process. This tests our independence. The NYPD must review the raw footage and make a decision on how best to fulfill the CCRB investigator's request. In some instances, the NYPD may be unable to find footage matching a particular date, time, or location. Even when these decisions are correct or made in good faith, it undermines the CCRB's independence to rely on the NYPD to make those decisions. Having direct access to body-worn camera footage eliminates this disconnect. It means that, from beginning to end, the CCRB is managing its own investigative procedures. It means that all the decisions made in an investigation are being made by civilians, not the NYPD. This matters. This bill is a positive step, and the CCRB has been clear about the profound impact direct access to body-worn camera footage would have on our work. We appreciate this

1 Council's willingness to act on the issue. While the
2 CCRB is excited about the prospect of obtaining
3 direct access to body-worn camera footage, I want to
4 note that to fully realize the benefits of the bill,
5 we will require resources and an exemption from New
6 York State's sealing statutes. But with this bill,
7 the Council is showing a commitment to the ideals of
8 civilian oversight, and it is doing so at a moment
9 when civilian oversight itself is in desperate need
10 of this type of public support. This matters. I thank
11 you for that commitment, and I look forward to
12 answering your questions.

14 CHAIRPERSON SALAAM: Thank you for your
15 testimony. So, I want to ask about access workflows
16 and current delays that you all may be experiencing.
17 How long does it currently take the CCRB to obtain
18 body-worn camera footage from the NYPD after making a
19 request?

20 EXECUTIVE DIRECTOR DARCHE: On average,
21 eight days-- eight days.

22 CHAIRPERSON SALAAM: Of all CCRB
23 investigations that request body-worn camera footage,
24 how many experience delays and what is the average
25 during-- duration of those delays?

EXECUTIVE DIRECTOR DARCHE: So, the average time to receive a response is eight days. As long as the CCRB has been requesting body-worn camera footage, there are approximately 1,000 complaints that involved footage where we needed redactions, and those complaints it can take much, much longer than eight days, sometimes in excess of 100 days or 200 days to get the redacted materials. But again, that's a small number of complaints compared to the larger universe that we have. There are generally-- you had mentioned workflow. Do you mind if I expand upon that a little? So, when we make a request, our investigator sends it to our Document Request Specialist. The Document Request Specialist sends the request to NYPD Legal. NYPD Legal has a staff member assigned to them that conducts the search, and if NYPD Legal determines that there are sealed materials in the footage, then they ask us for a waiver. Now, we as often as possible get waivers proactively from people when they file complaints with us. But the nature of body-worn camera footage and the sealing statutes makes that difficult, because, you know, one person may file a complaint with us, but body-worn camera footage may have

multiple people in it who have cases that are involved or have reason for that footage to be sealed. It's not just the criminal procedure law and the Family Court Act, it's also Civil Rights Law 50B which protects victims of sexual assault. And so if you have people in the picture who might not have been arrested, so you don't even know who they are, it becomes difficult to ascertain how to get a waiver from that. So that the next step is to ask the Department to redact the footage. And it's interesting because this didn't start from the NYPD. This process started because of the Law Department actually made a determination that they felt body-worn camera footage was akin to an arrest record. I actually think that-- and I-- and there have been courts that have gone both ways. I think body-worn camera footage, the city should-- the city's position should be that body-worn camera footage would be a 911 call. I understand that there are privacy advocates who are against that, but I think that these materials aren't sealed. As deputy Commissioner Gerber said, when the sealing statutes were enacted back in the 1970s, they were envisioned as a document related to a particular case, and then that document

1 would be sealed. We have somehow let that expand,
2 that concept expand, so now that there are certain
3 videos where a portion may be sealed and a portion
4 might not be sealed, it's just not what the statutes
5 were intended to regulate, and I think that we would
6 be better off to view these things as akin to a 911
7 call and that they are not sealed at all under the
8 sealing statutes. But as long as we are going to
9 view them as sealed, then the CCRB needs to be exempt
10 from the sealing statutes.
11

12 CHAIRPERSON SALAAM: Understood. What
13 specific internal bottlenecks does the CCRB face
14 under the request-based system?

15 EXECUTIVE DIRECTOR DARCHE: So, I-- our
16 process is that we make a request to the Department,
17 and then the Department finds the data and sends it
18 back to us. There are two delays in that process.
19 First, there are sometimes where the CCRB makes a
20 request and the Department is unable to find out--
21 unable to find responsive body-worn camera footage
22 from the nature of our request. Sometimes as the
23 investigation goes on and we get more information, we
24 are able to narrow the request so that the Department
25 is able to find the footage. Sometimes we interview

an officer and the officer comes and says, no, I had my body-worn camera on that day, and then we're able to go back and give the Department more information, and they will respond with the body-worn camera footage. The other bottleneck is when we are unable to get waivers, and there needs to be redactions before the CCRB can get access to the records.

CHAIRPERSON SALAAM: Can the CCRB provide examples of where late footage materially impacted the outcome or timeliness of an investigation?

EXECUTIVE DIRECTOR DARCHE: So, it's difficult to choose once case, because it is-- I'll go back and see if we can find one. That eight days is an average. So there are some that come back sooner and some that take longer, and part of the problem is that a delay in one case spirals to affect many cases, and so it is tough to look at things in a vacuum like that, because we are so-- we have so many cases and relatively few staff, it becomes problematic very quickly.

CHAIRPERSON SALAAM: I want to go to operational capacity under direct access. If direct access is granted, how will the CCRB screen and search footage?

EXECUTIVE DIRECTOR DARCHE: So, our investigators would use the Axon system-- it's name is escaping me right now, I apologize, even though Deputy Commissioner Gerber mentioned it 500 times-- evidence.com, evidence.com, in the same way that the Department uses evidence.com. And we would be able to-- the reason it would reduce the bureaucratic obstacles to fast investigations, is that the investigator who has the case and knows the most about the incident of the people involved can just go and look for the footage as opposed to having to fill out a request, send it to the Department and the Department look and then the Department send it back. With regard to how the CCRB would use the information, we have a legal review and a FOIL review that makes sure that the evidence that we release to the public is-- does not contain sealed or private information, and we would continue to do that.

CHAIRPERSON SALAAM: Will the CCRB require additional staff, training, or IT upgrades to responsibly manage direct access?

EXECUTIVE DIRECTOR DARCHE: With regard to the IT issue, we think we would be able to use the NYPD's contract with Axon to get licenses for our

1 staff to be able to use evidence.com. So, I don't
2 think it'll have an IT impact. There is an impact on
3 the amount of footage we have, but that is there
4 whether we're getting it from NYPD or getting it
5 directly.
6

7 CHAIRPERSON SALAAM: I want to move into--
8 - on the staffing side, we think there's a minimum of
9 an additional 25 investigators, and some of our
10 estimates are as high as 50, but we need to-- that is
11 on top of the request that we made last year for 140
12 more people that was unmet. So, like right now, the
13 CCRB is closing-- we're on pace to close 2,000 cases
14 that are within our jurisdiction without an
15 investigation, because there was just no way for us
16 with our current level of staffing to investigate
17 those complaints in a timely way. Based on what the
18 Council did by giving us 20 more people and the
19 ability to pay them in the last budget, we have been
20 hiring up, trying to get to that headcount of 100--
21 that additional headcount that you provided us so
22 that we can take some of the categories of complaints
23 that are on our list of allegations that we do not
24 investigate even though they're in our jurisdiction.
25 But we are still below the allocated headcount. To

add this additional work, it is going to be significant.

CHAIRPERSON SALAAM: I want to move to legal and statutory compliance. How does the CCRB currently handle footage that after becomes sealed or is part of a sealed proceeding, and does the CCRB have protocols in place for destruction or restriction of records when cases are sealed post investigations?

EXECUTIVE DIRECTOR DARCHE: So, we have a review process before any information is released to the public, and we make sure that our systems are secure so that information is not leaked. We have-- as Deputy Commissioner Gerber described, it is tough to know what footage in a body-worn camera footage-- what portion of body-worn camera footage is sealed or unsealed without going and reviewing it, and that is because it is not as simple as saying individual number one was arrested, that arrest is sealed, so this body-worn camera footage and that body-worn camera footage should also be sealed. You're dealing with cases where there may be people in the background who are not directly connected to an incident that are-- that also would cause the case to

be sealed if you were using the Law Department's current definition of body-worn camera footage as an arrest record.

CHAIRPERSON SALAAM: And this is about vendors and maybe some technical questions. Has the CCRB consulted with Axion or another vendor regarding technical requirements for direct access?

EXECUTIVE DIRECTOR DARCHE: Yes. The CCRB-- there would not be a technical problem to be CCRB obtaining direct access. There would be the issue of sealed records and the issue of the additional investigative burden being transferred from NYPD to CCRB. But there is nothing inherently different for a CCRB investigator having access to evidence.com or an NYPD employee having direct access.

CHAIRPERSON SALAAM: Got you. Can you tell us lastly about the-- well for me-- lastly about the Delwran Small/Officer Wayne Issac case?

EXECUTIVE DIRECTOR DARCHE: So, Officer Isaacs shot Delwran Small on July 14th, 2016. In 2017, the New York State Attorney General's Office tried Police Officer Isaacs for a homicide, but Police Officer Isaacs was acquitted. The CCRB was informed by a prosecutor on the criminal case that

Police Officer Isaacs claimed at trial he was motivated to shoot Mr. Small because Police Officer Isaacs did not want Mr. Small to take his Department weapon. In May 2018, the family filed a complaint with the CCRB. In July 2020, the CCRB substantiated misconduct against Police Officer Isaacs. In October 2020, through its Administrative Prosecution Unit, filed charges against Police Officer Isaacs with the Police Department. Later that month, Police Commissioner Shea declined to retain the prosecution and the Department served charges on police officer Isaacs. In 2021, the city settled a lawsuit by Mr. Small's family. During the litigation, Police Officer Isaacs demanded the city insure him, because he was acting within the scope of his employment as a police officer when he killed Mr. Small. And then, a federal judge ruled in favor of Police Office Isaacs, so the city had to pay the vast majority of the money that went to Mr. Small's family. In April 2022, Police Commissioner Sewell declined a request from Police Officer Isaacs to retain the prosecution and dismissed the charges against him. In September, Police Commissioner Tisch declined a request Police Officer Isaacs to retain the prosecution and

1 dismissed the charges against him. Courts have held
2 that the CCRB, if it uses a reasonable process and
3 follows CAPA [sic], gets to define its jurisdiction
4 within the charter. The Police Commissioner gets to
5 decide who represents the Department in disciplinary
6 cases. Two weeks after a third Police Commissioner
7 decided to let the CCRB try the disciplinary case
8 against Police Officer Isaacs, Deputy Commissioner
9 Maldonado dismissed the case and took it off the
10 trial calendar. She did that two weeks after a third
11 Police Commissioner instructed that the CCRB try
12 Police Officer Isaacs. She did that despite the fact
13 that during the criminal trial, Isaacs claimed he
14 shot Delwan Small to keep Mr. Small from taking his
15 service weapon, and she did that despite the fact
16 that Isaacs demanded the city pay the family because
17 he killed Mr. Small in the course of his duty as a
18 police officer. I've been familiar with Commissioner
19 Tisch since she was a Deputy Commissioner at the
20 Department. I have a lot of respect for Commissioner
21 Tisch and her team. I'm confident she will reject
22 this deeply flawed recommendation and order the trial
23 to go forward.
24
25

CHAIRPERSON SALAAM: Thank you. We'll now hear from Council Member Ariola.

COUNCIL MEMBER ARIOLA: Thank you so much for coming in to testify today. I want to go back to our Public Advocate's part of his testimony. He says in giving-- in addition to CCRB direct access to evidence, we must empower CCRB to enact its own disciplinary recommendations and ensure they funding and staff necessary to complete all investigations for misconduct under their jurisdiction. So, in further clarification of this bill, I would just like to know that if the CCRB has total access to police body-worn cameras where they can set up a team to review the body camera footage, as a result, could they-- if it goes over the time allowable, could the CCRB still generate their own complaints against police officers without any complaint being lodged?

EXECUTIVE DIRECTOR DARCHE: Council Member Ariola, I think I understand the question, but if you could clarify the portion about-- is it concern that the CCRB will self--

COUNCIL MEMBER ARIOLA: [interposing]
Correct.

1 EXECUTIVE DIRECTOR DARCHE: Will-- or is
2
3 it--

4 COUNCIL MEMBER ARIOLA: [interposing] Will
5 it--

6 EXECUTIVE DIRECTOR DARCHE: a timing
7 issue, which is the concern?

8 COUNCIL MEMBER ARIOLA: So, if it goes
9 over the statute of limitations time, when you have
10 the opportunity to review their body-worn footage
11 from their camera, can the CCRB still lodge a
12 complaint on their own against that officer?

13 EXECUTIVE DIRECTOR DARCHE: So, I--

14 COUNCIL MEMBER ARIOLA: [interposing]
15 Under this bill.

16 EXECUTIVE DIRECTOR DARCHE: So, I just
17 want to say, before I give the short answer to your
18 question, I'm going to reverse. Normally, I do short
19 and then long. But the long part first is the CCRB
20 does not have enough resources right now to currently
21 investigate all the complaints we get. The CCRB has
22 had the power since the last Charter revision and the
23 rules that were passed to implement the Charter
24 revision to initiate its own complaints. We have not
25 done so in a single case, because we are already

1 drowning with the number of complaints we are getting
2 and the resources we have to investigate. So, I
3 understand your concern, and the short answer is yes,
4 we could, but A: we just don't have the capacity to
5 do that, and B: we would not-- we are not in the
6 habit of-- it is unlikely that we would find
7 misconduct that was in body-worn camera footage tht
8 had not been explained-- had not been discovered
9 previously that was exempt from the statute of
10 limitations. So, it-- I understand the concern. It
11 is theoretically possible under the language of this
12 bill, but it is just not a realistic concern.

14 COUNCIL MEMBER ARIOLA: And so just in
15 addition from your testimony, what I'm really hearing
16 is that it's not a matter of not getting the
17 information in a timely fashion or it being eight
18 days late. What it really is, is that you don't have
19 the funding or the staffing to get through the maybe
20 thousands of, you know, camera footage, thousands of
21 footage, you know, hours of footage that you need to
22 get through in order to make a determination within
23 the statute of limitations, because you lack the
24 staffing and funding to do so.

EXECUTIVE DIRECTOR DARCHE: That is all true, but I also think there is a value in the independent nature of the agency saying that we do not have to go through the Department to get access to our evidence. And I understand that it is inevitable that there is some interaction between the Department and the CCRB. There has to be. But-- and I think they're going to times where a CCRB investigator misses something that the NYPD searcher would have missed as well, right? Like, I'm not guaranteeing that there will be no errors in finding footage because a CCRB person is doing it rather than an NYPD person. But the potential for narrative of a conspiracy where because footage wasn't found during the initial search by the Department-- do you mind if I finish-- that there was a consp-- that there was a-- that it wasn't that it wasn't found, but there was a deliberate failure to give us that footage. That is a poisonous environment and a poisonous thought that grows, and we can drain that swamp by giving the CCRB direct access.

COUNCIL MEMBER ARIOLA: Thank you.

CHAIRPERSON SALAAM: Thank you. We'll go to Brewer and then Holden.

COUNCIL MEMBER BREWER: Thank you very much. My question is in how many cases or is it all would the footage be helpful? Number one. And then secondly, I think you could argue that it might be helpful for all sides, because the facts are there. So I'm just trying to get a sense of how important it really is.

EXECUTIVE DIRECTOR DARCHE: So, in roughly 80 percent of our complaints where we have body-worn camera footage, we are able to reach a determination on the merit. That means a complaint is substantiated, found within guidelines or unfounded. What we have noticed since body-worn camera footage has been introduced, the number of unsubstantiated complaints closed by the CCRB has gone down, because we are able to reach a determination on the merits. The number of substantiated complaints has gone up and the number of within guidelines and unfounded complaints have gone up, because we're reducing the number of complaints where we can't make a determination, and we have found body-worn camera footage has been an essential part of that reduction.

CHAIRPERSON SALAAM: Thank you. Council Member Holden?

COUNCIL MEMBER HOLDEN: Thank you. Executive Director, you said that 2,000 cases that you can't handle right now, and you know, there's no funding source or at least mention of funding on the bill, I believe. So, we'd have to negotiate that. how much was your ask in the last budget for funding CCRB, and what did you actually get?

EXECUTIVE DIRECTOR DARCHE: We asked for \$50 million and we got \$26.

COUNCIL MEMBER HOLDEN: Okay, so that's-- that's negotiation with both Council and the Mayor's Office.

EXECUTIVE DIRECTOR DARCHE: Correct.

COUNCIL MEMBER HOLDEN: So, you got half, roughly half.

EXECUTIVE DIRECTOR DARCHE: Correct.

COUNCIL MEMBER HOLDEN: With this bill if this gets through you ask for the resources, obviously. You haven't gotten them in the past, and exemption from New York State sealing statutes, is that ever done?

EXECUTIVE DIRECTOR DARCHE: So, there is a bill that the Council set a home rule resolution on to Albany in the last session that actually passed the Senate, but did not get out of committee in the Assembly. So, I defer your expertise as actual elected officials on whether it can get passed or not, but I think it's an essential bill for effective oversight of the NYPD by my agency.

COUNCIL MEMBER HOLDEN: And you've gone to Albany to talk about this?

EXECUTIVE DIRECTOR DARCHE: So, no. So, maybe under the last administration I might have been to Albany, but we do our-- our lobbying generally has to go through New York City state leg. So, we have not been asked to go.

COUNCIL MEMBER HOLDEN: So, if you got the \$50 million that you had requested in the last budget, you could actually do this and not close 2,000 cases?

EXECUTIVE DIRECTOR DARCHE: Correct. The-- I just want to point out that Deputy Commissioner's testimony about the sealing statutes and how it impacts the-- their ability-- and how it impacts the nature of the footage. If you're using

1 the Law Department's definition of body-worn camera
2 footage as an arrest record, he's 1,000 percent
3 right, and that's why-- and because the city has
4 taken that position, we are forced to ask for the
5 state to exempt us from sealing statutes. But I
6 agree with the lower court cases, and there are no
7 really higher court cases on this yet that analogize
8 body-worn camera footage to a 911 call. And if the
9 city were to take that position, then we could move
10 forward without being exempt from the sealing
11 statutes because the sealing statutes wouldn't apply.

13 COUNCIL MEMBER HOLDEN: Just a point of
14 information, if you can just tell us, let's say
15 there's multiple officers involved, five officers
16 involved in the arrest. You get all these footage--
17 you have to ask for all five, and do you get it?

18 EXECUTIVE DIRECTOR DARCHE: So, the short
19 answer is yes. Generally speaking, we will be-- we
20 up front when we get a complaint ask for waivers and
21 then we make requests as soon as we can. Now,
22 sometimes our request doesn't get the full results.
23 So, we may get footage of one or two officers and
24 then that gives us more information that we're able
25 to say hey, we saw this officer that also had their

body-worn camera light on, so can't we get that footage. Or you said there was no responsive footage, but now we have this unusual occurrence report and it mentioned this officer. Did they have body-worn camera footage and that will reveal something. Sometimes we'll have an interview and a member of service will come in and say yeah, I had my body-worn camera or my partner had their body-worn camera, and then that's how we'll know. So, it's not a--

COUNCIL MEMBER HOLDEN: [interposing] It's complicated.

EXECUTIVE DIRECTOR DARCHE: Yes.

COUNCIL MEMBER HOLDEN: so many times there's different angles that you didn't see and you didn't know existed even sometimes, right? Or another officer from a distance might have had. I'm sure this is a very complicated issue, but you-- the NYPD testified they're doing a better job in getting you the body-worn footage. Is that true?

EXECUTIVE DIRECTOR DARCHE: Yes, the NYPD legal has been working extremely hard to get us body-worn camera footage in a timely way. The first time-- it used to take hundreds of days to get body-worn

camera footage. But the Department reorganized how they--

COUNCIL MEMBER HOLDEN: [interposing] And that's under Jessie Tish, the Commissioner? Is that recent or is that--

EXECUTIVE DIRECTOR DARCHE: [interposing] the hundreds of days is years ago.

COUNCIL MEMBER HOLDEN: No, just under this Commissioner, is it better than it was in the past under previous commissioners.

EXECUTIVE DIRECTOR DARCHE: I think it is very, very similar.

COUNCIL MEMBER HOLDEN: Similar, okay.

EXECUTIVE DIRECTOR DARCHE: because I think it's between six and eight days for several years now.

COUNCIL MEMBER HOLDEN: Okay, alright. Thank you.

CHAIRPERSON SALAAM: Thank you for your testimony. I just want to mention for the record that DOI has submitted their testimony, and--

EXECUTIVE DIRECTOR DARCHE: [interposing] Can I--

CHAIRPERSON SALAAM: Yes. Alright, that now concludes the testimony for the Departments. I now open the hearing for public testimony. I remind the members of the public that this is a formal government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times. The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not present audio or video recordings as testimony but they may present, or submit rather, transcripts of such recording to the Sergeant at Arms for inclusion in the hearing record. If you wish to speak today at today's hearing, please fill out an appearance card with the Sergeant at Arms and wait to be recognized. When you are recognized you will have two minutes to speak on today's hearing topic and the eligibility being considered. If you have a written statement or additional written testimony and you wish to submit for the record, please provide a copy of that testimony to the Sergeant at Arms. You also email written testimony @testimony@council.nc within

72 hours of this hearing. Audio and video recordings will not be accepted++ I now call the first panel.

COMMITTEE COUNSEL: When you hear your name, please step up. I apologize in advance if I butcher your name. Kathleen McKenna, Jackie Gosdigan, And Lindsey smith. When you're ready, you may begin.

LINDSEY SMITH: Good afternoon. Thank you for inviting us to speak. My name is Lindsey smith. I'm a staff attorney at the Cop Accountability Project at the Legal Aid Society. Starting off with Intro 1451, we support this bill. Direct access to body-worn camera is critical for timely and accurate CCRB investigations and outcomes. This direct access is not something new. This exists in several other jurisdictions that use Axon as their body-cam provider. Those are New Orleans, the District of Columbia, Portland, and Chicago. They all use Axon. They all provide direct access. There are examples of NYPD delaying turning over body-cam until the CCRB's statute of limitation has expired, otherwise delaying that turnover. So, in the case of Alan Feliz [sp?], relevant footage was withheld for over two years. In the case of Kowaski Trawick's [sp?]

1 killing, withheld for over a year. I want to just
2 flag that there's nothing in this bill that requires
3 NYPD to break the law. There's a specific section in
4 the bill, Section 1C, that specifically exempts
5 access that would violate existing law. So, this
6 kind of contention that this Intro is requiring NYPD
7 to break state law is just not correct. Second, the
8 NYPD has to adjust its policies and its technology to
9 comply with the state law. Right now, there are no
10 barriers with providing unsealed records to CCRB.
11 What needs to happen is the NYPD can do what the
12 Commissioner described-- what the Deputy Commissioner
13 described up here which is get that list of sealed
14 arrest numbers and bulk tag those videos on Axon. If
15 there are those-- if there are cases that have this
16 partial sealing issue, you know, that can be dealt
17 with on a case-by-case basis. But what can happen
18 right now with a straightforward technological
19 solution is this access to unsealed body-worn camera
20 footage. May I briefly state our position on the
21 other two bills? I know my time is up.

22 CHAIRPERSON SALAAM: Yeah, the time is
23 up. If it's something that can be stated or submitted
24
25

that's-- if it can be submitted, that'd be great. If it can be stated within 30 seconds.

LINDSEY SMITH: Absolutely. So, we appreciate the intent of Intro. 1237. We can't support it as-is because of privacy interests. That exact location and age is going to be deanonymizing for a lot of information. We support Intro 1402. Encourage the Council to also pass Intro 1235 on the Stated calendar which would create a new citywide FOIL portal. Thank you very much.

CHAIRPERSON SALAAM: Thank you.

JACQUELINE GOSDIGIAN: Hi. Good morning. My name is Jacqueline Gosdigian. Actually, it's afternoon now. Jacqueline Gosdigian and I'm Supervising Policy Counsel with Brooklyn Defender Services. I've also been a public defender for over 15 years. We're very grateful to the Committee for giving us the opportunity to testify today. Police transparency is an essential measure for holding the NYPD accountable for the discriminatory and abusive policing practices that they employ. As defenders, we see officers with long histories of civil rights abuses continue to police the same streets and harm community members. BDS strongly supports requirng

1 NYPD to provide CCRB with direct access to officer
2 body-worn camera footage. It is important to note
3 here that because the Police Commissioner retains
4 veto power over any internal findings and
5 recommendations for discipline by the CCRB, there's
6 no meaningful mechanism in place for holding NYPD
7 accountable, but direct access to body-worn camera
8 video footage will greatly assist the CCRB, and NYPD
9 is more than capable of doing this. NYPD has spent
10 millions of dollars on document and case management
11 systems. Partnering with companies like Microsoft
12 and IBM, each of the NYPD's data systems are designed
13 to make the collection and sharing of information
14 particularly body-worn camera footage, and the kind
15 of information required by New York's discovery
16 statutes quick, straightforward, and simple.
17 However, even though it has never been easier, there
18 have been infamous delays in their response to
19 turning over body-cam and responding to FOIL
20 requests. Additionally, I want to point out that
21 when a CCRB investigation starts and someone makes a
22 complaint, they sign a sealing waiver. So, this
23 argument that NYPD would be violating state sealing
24 laws doesn't apply. I also think it's worth noting
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here that under that logic, NYPD's own possession of the sealed video footage would be a violation of the law. Additionally, we know that sealed arrest records are part of NYPD's domain awareness system as well. The current level of stop and frisk abuses combined with a web of NYPD Special Response Teams, taskforces, and use of surveillance technology represents a covert return to Broken Windows policing, and now more than ever the city must insist on transparency and hold NYPD accountable. Thank you.

CHAIRPERSON SALAAM: Thank you for your testimony. Any questions? Thank you.

LINDSEY SMITH: Thank you very much.

COMMITTEE COUNSEL: Again, when you hear your name, please step up. Dennis Prince Mapp, Bruce Cotler, and Robert Roth.

CHAIRPERSON SALAAM: And you may begin in any order that you would like. Two minutes.

ROBERT ROTH: Mr. Chairman, members of the Public Safety Committee. My name is Robert Roth. I'm a media lawyer and an accredited journalist. I'm speaking here today on the subject of radio encryption, Intro 1460. Everyone in the press corps

I am sure appreciates Council Member Brewer and her co-sponsors making an effort to help restore the ability of the press to listen to police communications. Please allow me the opportunity to make several suggestions on how this bill can be even better. In 2023-- first, on subparagraph B of this proposed law, I submit that this makes the NYPD have way too much discretion in formulating what their policies could be. In 2023, for example, the NYPD began allowing movies to be filmed with drones, but it still hasn't allowed photojournalists to cover the news with drones. So, I recommend these following four suggestions. One: limit the amount of the cost that will be required to listen to the radio. Here is a [inaudible] bearcat police radio scanner. It costs about \$100, but the NYPD radios cost thousands of dollars. The NYPD can easily require something they want and then nobody can afford to use it. Next, if they allow something other than a radio-- a handheld radio, like a website, it should be able to scan, because you want to be able to listen to just one radio station at a time. Finally, if the police are going to be making policies, they should be required to listen to recognized press organizations

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2 for input before they make those policies. And
3 finally, please place a deadline for the
4 implementation of this bill. I would like to remind
5 the Council that it took 75 years for the NYPD to
6 implement the policy on shooting pictures with
7 drones. I would pleased to answer questions from any
8 of the members of the committee.

9 CHAIRPERSON SALAAM: Thank you.

10 BRUCE COTLER: Good afternoon, Council
11 Members. Please let me introduce myself. My name is
12 Bruce Cotler. I am the President of the New York
13 Press Photographer's Association. We are here today
14 to support Intro 1460. The City Council should
15 understand the signing-- that signing this bill is
16 not an act against policing, but in support of
17 creating greater trust between police and the public.
18 There is a reason that members of the press are
19 nicknamed the Forth Estate [sic]. We are not the
20 enemy of the law enforcement, but a necessary check
21 on potential abuses and corruption. A civil
22 democratic society doesn't destroy these checks and
23 balances, but instead heeds those messengers to make
24 society fairer and safer. The City Council must move
25 forward and sign the Intro 1460, access to encrypted

1 radios. It must be made law for Police Departments to
2 give legitimate press access to radio transmissions
3 and communications, as they have had for decades. It
4 comes down to trust in law enforcement and the trust
5 has worn thin for many people. It is reflected in
6 the courts where cops are accused of bias in the
7 streets where officers are treated with suspicion and
8 derision, and will only be maintained if not worsened
9 if transparency and accountability are not allowed.
10 Through bills like this, the Departments have given a
11 long way to establishing trust by using body-worn
12 cameras, but encryption radios without giving the
13 press access takes away these vital checks and
14 balances that are necessary to maintain credibility
15 and trust in the rule of law. Without the trust, it
16 only becomes harder to do the necessary job of
17 protecting and serving the people of New York. We
18 are not enemies, but partners, fellow servants trying
19 to keep New York City safe. This bill will be a
20 major tool toward the goal. Thank you.

22 CHAIRPERSON SALAAM: Thank you. I think
23 you have a few questions. We'll start with Council
24 Member-- oh, before, okay. Got it.

PRINCE MAPP: Thank you. Good afternoon, Council Members. My name is Prince Mapp. I'm head of Community Coach [sic] at the Citizen App. I've been with this company since creation. So, at this point, you can call me the senior citizen. I say that with a smile, but it reflects 10 years of real work, real service, and deep commitment to keeping New Yorkers safe and informed. I'm here today to speak about the importance of maintaining access to unencrypted radios and what the laws of that access meant for our ability to support the city and the people who call it home. Citizen operates in 85 cities across the United States, and we are proud partners of Axon, a leader in public safety technology. Together, we help create a stronger more transparent ecosystem where residents, public officials and first responders have greater situational awareness, not less. Here in New York City, Citizens has always been an asset, not a liability. We have never cost the city a single dollar, yet we help protect millions every single day, including 50 percent of New Yorkers who have downloaded Citizen. Our platform real-time impact is undeniable. According to leaders of violence interrupters movement in New

1 York City, Citizens has reduced alert times from 45
2 minutes to under 90 seconds, contributing to
3 reductions in shootings 63 percent in New York City.
4 This is a powerful and timely accessible information
5 in the city of this size. For the past decade, we
6 have been part of the public safety fabric of New
7 York City, and in all that time, not a single
8 incident has occurred where citizen put an officer or
9 responder in any harm's way. On the contrary, we
10 receive numerous subpoenas every week from law
11 enforcement, including the NYPD, requesting
12 information, video to help solve cases, locate
13 witnesses, and establish critical timelines. That is
14 a true partnership. Over the years I have personally
15 met with Council Members, Assembly Members, Senators
16 across New York State to discuss the Keep Police
17 Radio Open Act. Those conversations were honest,
18 grounded in reality. When information is public,
19 people are safer. The legislator agreed. The bill
20 passed in both houses proving that transparency is
21 not only important, it is necessary. Today, the bill
22 sits on the Governor's desk awaiting a signature.
23 The message from leaders across the state is clear,
24 keep information and open [sic] save lives. I don't
25

CHAIRPERSON SALAAM: We do have your testimony here, and this testimony will be submitted for the record as well. But if you can sum up what you want to say--

CHAIRPERSON SALAAM: Thank you. I'll now open it up for questions, starting with Council Member Holden.

COUNCIL MEMBER HOLDEN: Thank you, Chair.

Thank you all of your testimony. As a former photojournalist in a previous life, I certainly am sympathetic. But I also have to look at the other side. Now the police are saying that some of the bad guys get the-- they've been caught with police radios that you can buy-- you used to buy at Radio Shack

1 when they existed. And there were \$100, \$150. I have
2 scanners. I have two that I listen to, and that's how
3 I knew about what was happening in my neighborhood,
4 because-- and in real-time you know it right away
5 that there's something going on down the block. I
6 listened to Citizen Now. I subscribe to that. So,
7 is there a middle ground here that we could, you
8 know-- because right now, the press credentials are
9 very different than when I was operating. You had to
10 jump through hoops to get a press pass, fill out a
11 lot of forms, or at least prove that you're a
12 photojournalist or a reporter or whatever. Now, it's
13 almost like anybody can get it which I'd like you to
14 comment on that procedure.

15
16 ROBERT ROTH: Which part exactly, sir?
17 The application process for the press credential?

18 COUNCIL MEMBER HOLDEN: Both. If you--
19 people now or almost everyone with a phone can say
20 they're a journalist and get credentials if they have
21 podcast, you know, their social media. It was much
22 more difficult years ago.

23 ROBERT ROTH: Well, I'd like to address
24 that, if I may, sir? And that is I have testified at
25 every single hearing whether from the City Council

or the NYPD or other-- or the Mayor's Office of Media and Entertainment since 2010, so I am very well familiar with this. Under the settlement that the city made in the case of Martinez Alaki [sp?] versus City of New York, the so-called blogger case. The City was required to change the system for issuing press credentials. Now, this has changed a couple of times since then, and under the passage of the bill Intro 2118 of two years ago or so-- or 2021, I'm sorry. You can look it up-- which created the Mayor's Office of Media and Entertainment Press Credentials Office. The rules were changed to allow six assignments, six covered events within two years. Now there are some issues and I share with you the concern, as I believe, Mr. Cotler, of people have no news presence. They make a-- they post things on Instagram or X or threads or Reels, or anything like that which is not really news media. And you're right, there is a concern, and we've been discussing that, and what to do about it right now I think is not within the time limit of this meeting, but I would be most pleased to discuss with you or any members of the committee at some other time what some

ideas are. With respect to the use of the radio, could you revise your question again, for me, sir?

COUNCIL MEMBER HOLDEN: I'm looking for a middle ground. That means if we give--

ROBERT ROTH: [interposing] Oh, yes. Yes, may I-- may I address that?

COUNCIL MEMBER HOLDEN: Go ahead, alright.

ROBERT ROTH: As much as I respect Deputy Commissioner Michael Gerber-- we do know each other-- I must vehemently dispute his characterization that all you need as a journalist is to listen to Citywide Channel One. That is ridiculous. That is just another example of the patriarchal attitude of the NYPD, as in we know what you need. We know what's best for you. I should tell you that when I was on the street as a photographer, Citywide One was not my first primary channel. My first primary channel was actually SOD [sic] One. But he decided for me that that's all I need, so he's wrong. And that's another thing to have to say is you know right now, Council Member, the Deputy Commissioner of Public Information in the NYPD decides what they think is worth a news release. I cited an example of this in my testimony two years ago that is available in writing. What if

1 they don't decide it's worth a release. What if the
2 police decide well, this radio transmission doesn't
3 need to be on Citywide One? Then what? All the
4 journalists are cooked. Citizen is also cooked.
5 They won't be able to hear it, and the public won't
6 know anything about it either because they said it
7 doesn't need to be on Citywide One.

9 PRINCE MAPP: Can I give you an example?
10 So, my mom was walking to Rite-Aid and there was a
11 person in Rite-Aid causing a disturbance. It wasn't a
12 robbery. It wasn't a shooting, but the person in
13 Rite-Aid was beating people up. That call did not
14 come across the channel, right, and my mom was
15 heading to Rite-Aid, but someone actually called me,
16 and I told her, hey, mom, something's happening in
17 Rite-Aid, and she was heading that direction. So,
18 everything's not coming across those channels. We
19 are focused on situational awareness, and we want to
20 be look-- so to your point is, we want to make-- we
21 want to be looked at as a trusted source. Not
22 everybody is going to be a trusted source, but we
23 want to be looked at as a trusted source, because
24 we've been doing this for ten years, and we have
25

never put any officers in jeopardy since we've been here.

COUNCIL MEMBER HOLDEN: Thank you. Thank you, Chair.

CHAIRPERSON SALAAM: Thank you. Council Member Brewer?

COUNCIL MEMBER BREWER: Thank you very much. Along those same lines, particularly on the photo front, because I have gotten a lot of complaints from local media, real media reporters about the same thing. I think you heard me earlier. It's the helicopter above. It's the so-called robbery which may not be a real robbery, it might be more what your mom experienced. I have store thefts, many too often. So, what would you suggest along with Council Member Holden would be the encryption policy? What would you suggest would make more sense than just Citywide One?

ROBERT ROTH: If I may respond to that. Thank you for the great question, Council Member Brewer. As I noted two years ago, the NYPD is probably other than the military, the biggest customer of Motorola in America, and the NYPD could easily say to Motorola, make us a batch of radios,

1 and we want to get rid of the transmit function in
2 them. There should be no transmissions, but we want
3 to have the ability to receive, and we want to have
4 the ability to decide which frequencies will be
5 received, and because all those radios have
6 electronic serial numbers, we can decide who's going
7 to get one. The NYPD could loan them out, lease them
8 out, maybe even authorize people to buy them, and
9 that way they can control them. And also, the great
10 thing about this is their big concern, what if
11 unauthorized transmission are made? Well, they would
12 know exactly where they're coming from. I don't know--
13 - I don't have an electronic engineering background,
14 so I couldn't' modify such a radio, but they could
15 and they would know where they're coming from. I will
16 attach to my new written testimony a copy of my
17 previous written testimony so you have that as a
18 reference point. They can do this. currently, I
19 have research-- I went to Uniden [sp?], the
20 manufacturer of this popular scanner, and they said
21 they have nothing that they could sell us because of
22 encryption. So, it is very hard to find a radio that
23 we could use, but I share with you the concern that
24 we can't just have one channel.
25

COUNCIL MEMBER BREWER: In terms of photography, is that something-- I mean, tell me how you're-- in a sense it's even more challenging for the photojournalist.

BRUCE COTLER: I've been a photojournalist for 43 years. I started out with Radio Shack scanners, moved along. Now, I can-- I have a group of photographers. We all talk, and when we hear, it's kind of like a chain. That's how we find out. I'll give an example. Last night in Bay Ridge, a call came over. Police needs assistance. That was it. It turned out ICE was in the neighborhood. They were looking for someone. There were residents in the neighborhood that were getting rowdy. It never came over. A neighborhood called [inaudible] says we've called someone. They called someone, and that's how it got. Terrible. It's just--

COUNCIL MEMBER BREWER: [interposing] So, nothing-- none of that would be on Citywide One.

BRUCE COTLER: No.

COUNCIL MEMBER BREWER: Because it doesn't--

BRUCE COTLER: And also Monday-- it was late Sunday night, I think it was like 12:43 in the morning where someone was shot in, I think it was Brownsville. The police decided to drop a sheet, as we call it, on Tuesday morning. Hours later.

COUNCIL MEMBER BREWER: No photo there. No photos there.

BRUCE COTLER: Nothing. They're trying to direct the narrative. Can't be. They can't tell us what we can cover. We have to decide that.

COUNCIL MEMBER BREWER: Real examples are helpful.

BRUCE COTLER: I'll get you plenty.

COUNCIL MEMBER BREWER: That would be helpful. Real examples would be helpful.

PRINCE MAPP: Council Member, can I add something to that? So, the Department of Justice sent out a memo saying that the city should go encrypted, but they-- it was clear that they said that we should [inaudible] PII, personal information. And that was the main reason why encrypted was actually brought into existence, because they didn't want people's personal information out there. We've used technology. We use human beings and AI to make

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COUNCIL MEMBER BREWER: Yeah. My friends are concerned because they want to keep the-- an accurate count in the neighborhood of what crime exists, and they're feeling as the reporter-- these are the local reporters, they can't do that because they're not able to have the actual information. So, that's another-- how do you keep tabs on the stats if

ROBERT ROTH: Mr. Chairman, I know you're pressed for time, and I just want to add one statement to sum things up. Contrary to what the Police Department said, particularly when former Chief Beltran testified two years ago, we are not the "bad guys." In fact, I challenged the NYPD to years ago, and I repeat this challenge today. Police radio scanning has been in use by the press for decades, at least sic, maybe seven maybe more. Please show me one case of where an accredited journalist was found to have used a police radio scanner in the commission of a crime. So far, they have never come up with one. Forgive me. So, I repeat the same statement. We are not the "bad guys." We are being profiled.

COMMITTEE COUNSEL: Thank you. For the next panel, if you hear your name, please step up. Apologize if I pronounce your name incorrectly.

Amaury Dujardin and David Siffert. You may begin when you're ready.

DAVID SIFFERT: Good morning, Chair Salaam and members of the Public Safety Committee. Thank you for having us this hearing. First, on 1402, it's a very important bill for STOP. We file a ton of FOIL requests, especially at NYPD. It's not atypical from when we originally file requests to when we finish getting completion of documents turned over. It could be four or five years. By that time, the information is stale. That should give you a sense of how important it is that we get this kind of information. Second thing I'll say is that NYPD is actually not the worst agency in New York City, believe it or not. The Office of the Mayor, for example, has worse response times than the New York City Police Department. As a result, I think what's really important is what's on the Stated Calendar for next week, Intro 1235, Council Member Brewer's bill. Getting that passed would make a big difference, because it would cover all New York City agencies and require broader reporting, but I do think that 1402 is particularly important because it requires DOI recommendations on NYPD reform which we've seen with

respect to the POST Act can make a big difference in terms of shaping policy in the city. Next on the CCRB camera footage, STOP has long taken the position of skepticism towards body-worn cameras because they can be used selectively by the New York City Police Department to shape narratives in ways that favor them. A 2016 study by George Mason University found that 8.3 percent of offices and jurisdictions with body-worn cameras use them to prosecute police officers, and 92.6 use them to prosecute private citizens. These cameras are much more likely to prosecute private citizens than they are to prosecute police officers. This is in large part because of the flexibility of the Police Department selectively to release information. The second thing I want to say here is to contradict something that the Deputy Commissioner of Legal Matters said. It is not the case it is illegal for NYPD to disclose to CCRB sealed footage. What is illegal is for them to possess it in the first place. So, what they're worried about here is not that this is going to require them to break the law, but rather that it'll disclose they're already breaking the law by illegally possessing sealed video footage. And then

1 very quickly on radio transparency-- first, we've had
2 unencrypted radio transmission for decades, including
3 some of the lowest crime rate time periods in New
4 York City. I have not seen any justification of
5 moving to encrypted transmission, but if we do, this
6 bill is really important, 1460. Not only does it do
7 some of the things that the state bill which passed
8 this year and is awaiting the Governor's signature
9 does, but it also requires disclosure of this
10 information to the general public and not just
11 journalists which is very important. Thank you.

12
13 CHAIRPERSON SALAAM: Thank you for your
14 testimony.

15 AMAURY DUJARDIN: Good morning members of
16 the Committee on Public Safety. My name is Amuary
17 Dujardin and I'm the Policy Manager at Citizens
18 Union. I thank you for the opportunity to testify
19 today. Two years ago, Citizens Union testified in
20 favor of Intro 1451 under a different number then,
21 and today we'll do the same, largely with the same
22 testimony and updated data. While CCRBs access to
23 body-worn camera footage seems to have improved,
24 Citizens Union believes that it is best to codify the
25 Board's access to materials into law so tactics

intended to undermine the Charter and the investigations into misconduct do not return under different leadership. Pursuant to the New York City Charter, the Civilian Complaint Review Board has the power to compel the attendance of witnesses and require the production of such records using other materials as are necessary for the investigation of matters within its jurisdiction. In the past, however, the New York City Police Department in practice withheld significant relevant information, especially apparent in the use of body-worn camera footage, from the CCRB or produced it after substantial delays and often with redactions. The CCRB has cited its inability to complete investigations of complaints with getting BWC footage, including delayed responses, false positives, false negatives, and inconsistent responses by the NYPD. This bill would streamline investigations and ensure there are no roadblocks in access. Obtaining footage allows the CCRB to resolve conflicting testimonies and receive a clearer interpretation of the circumstances of an encounter. They have been especially effective in getting fully-investigated complaints closed on the merits,

1 allowing the CCRB to determine whether an officer's
2 actions are misconduct. CCRB data continues to show
3 the rates of both substantiated and unfounded
4 findings significantly increased in investigations
5 with BWC footage. As mentioned, there has been
6 notable progress made in providing the footage, but
7 the best way to ensure the continued safe and
8 democratic application of policing is to strengthen
9 and streamline systems of oversight and
10 accountability. The CCRB should have prompt and full
11 access to footage from body-worn cameras and all
12 other NYPD documents and materials relevant to its
13 investigations. Thank you.

14
15 CHAIRPERSON SALAAM: Thank you.

16 COMMITTEE COUNSEL: Thank you all for
17 your testimony. Before I turn to the last person, if
18 you're here to testify in-person, please sign in a
19 slip with the Sergeant of Arms at the back. When you
20 hear your name, please come up. Christopher Leon
21 Johnson. You may begin when you're ready. After
22 that, we will turn to Zoom.

23 CHRISTOPHER LEON JOHNSON: Okay. Hello,
24 Chair Salaam, Chair Holden. My name is Christopher
25 Leon Johnson. I'm here to show opposition to Intro

1460, and the reason I'm opposed to it this bill is because of the fact that in the past four years ever since the 2020 settlement, they give-- the city has given the wrong type of people press passes. I think Bob Holden know who those names are of who they gave press passes to, and those people should not be given access to the radios, because what they do is they relay the information to some of the worst type people on X and social media and make this whole city look bad. They make it look like this city's like-- this city's on fire. Now, in 2026, we'll have a new Mayor which name is Mr. Zohran Mamdani, and like I said, even this bill get passed in the City Council in December, he's going to veto it, because he's going to be the root of like the crime in the city, and he doesn't want his name to look bad. And we all just found out today that the Commissioner will be the new [inaudible] Commissioner on the administration, so they're going to whatever they got to do to bury this bill. And like I said, even if this bill get passed, this bill is going to get vetoed by the Mayor, by Mayor Mamdani, because you have 30 days after the day, unless you do it the 25th. It's going to die in January. But I want to

1 end this here with the bill for Adrienne Adams about
2 the cameras. I want to be in opposition to that,
3 because the fact that we have to protect certain in
4 the city like domestic violence victims. And people
5 just don't like being on camera, even in a public
6 place. I'm a journalist myself and I'm in the public
7 street. There are people that get mad at me for
8 recording them in a public place. So it's like,
9 because when you start finding out oh, they're
10 domestic violence victims, they're immigrants,
11 they're migrants, they don't want to be on the
12 camera. So, you have to-- you got to look at that
13 side. Like, a lot of people who don't want to be on
14 camera who don't want their stuff to be publicized,
15 especially when you don't know who's going to be
16 watching that stuff at CCRB. So, it's something
17 [inaudible]. Look, I understand that this bill is on
18 the table. This is the last, like, three sessions
19 left, but Intro 1460 is not-- I don't think it's good
20 to happen right now, because the wrong people got the
21 press passes in the city. It should not be going
22 through-- I'm not saying names, but we all know who
23 they are, who shouldn't have a press pass. If like I
24 said, the City Council introduced a bill to where
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1 it's like the City Council should decide who gets
2 their press pass revoked. There should be a hearing,
3 like get all the names of the people that have a
4 press pass and start revoking them one-by-one,
5 because once you start revoking certain people press
6 passes from the far left to the far right, and we all
7 know who they are. We all know who the names are in
8 this-- I'm not saying their names. We all know who
9 they are in this politics stuff, right and left.
10 Maybe bills like this will be [inaudible] for the
11 public. So, like I said, the wrong people got the
12 press passes right now in the past four years, and
13 this is not-- this is not good. You can't-- not
14 everybody's a journalist. You got reactionaries and
15 Antifa folks who got press passes, and it's not
16 correct. It's not right. I don't have a press pass. I
17 know what's going on. I'm not-- I'm not mad about
18 that, but there's many people. I could give you a
19 list who should get their press passes revoked. But
20 Intro 1460, is not right with these people having
21 press credentials in 2025 and 2026, and they're going
22 to get their press pass renewed in 2027. Should have
23 press credentials. Unless you-- like I said, Salaam,
24 you introduce a bill to make it where the City
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Council have the right to get involved and revoke passes like you did, Mr. Holden, when you revoked John Rinoli [sp?] pass, which is great that you did. It's not-- this is not right. So, thank you so much. Enjoy.

CHAIRPERSON SALAAM: Thank you for your testimony.

CHRISTOPHER LEON JOHNSON: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Before I conclude in-person public testimony, is there anybody left here that would like to testify in-person? Seeing none, I'll be turning to Zoom. When you hear your name and you're unmuted, please begin. Tawanna Gil-- Doctor Tawanna Gilford.

DR. TAWANNA GILFORD: Hello. Good afternoon. My name is Doctor Tawanna Gilford, and I am a licensed psychologist and an individual impacted by an unsealed FOIL request. First, I would like to thank Speaker Adams, members of the Council, the Chair of the Public Safety Committee, and the legislative staff for all of the hard work you do to keep this city moving forward. I also thank you for giving me the opportunity to testify. I joined you this morning to express my unequivocal support for

the amendment of the administrative code to enforce compliance with FOIL requests, also known as Intro 1402-2025. As a family member of an individual who was wrongfully convicted at the hands of two officers with questionable histories, I know the detrimental effects of not having access to exculpatory evidence that could have changed the trajectory of my relative's criminal conviction. Had our FOIL request been complied with, then a jury and judge would have had access to information that would have cast doubt on the officer's credibility. In our specific case, officer's records were requested, but shielded due to the privacy of disciplinary records. It was not until the passage of the law to repeal 50A that gave the public access to CCRB complaints that had been lodged against the officers. To-date, we have not received, but would like to obtain disciplinary records of the arresting officers to learn why the officer in our case was one, transferred to three different units within a short span of time; two, may have possibly been demoted from a special unit back to becoming a patrol officer; and three, may have been possibly placed on desk duty during the last year of employment prior to his early retirement. In closing,

I would like to state that while this amendment may not help my family to get the closure that we have been longing for since 2013, having enforcement of the law may certainly vindicate others who may be at risk of experiencing a wrongful conviction--

SERGEANT AT ARMS: [interposing] Your time has expired. Thank you.

DR. TAWANNA GILFORD: at the hands of bad actors in law enforcement. Thank you for your attention. I yield back my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next is David Donovan.

SERGEANT AT ARMS: You may begin.

DAVID DONOVAN: Yes, thank you very much. My name is David Donovan. I'm President of New York State Broadcasters Association. Trying to get a-- yes. President of New York State Broadcasters Association. Thank you for giving me the opportunity to testify today. We strongly-- I represent radio and television stations across the state. I also organize the broadcast emergency alert system for New York State and have worked spectrum management in a former lifetime down in Washington, including police spectrum management. We support 1460. We have

1 testified two years ago on this issue. This issue
2 began back in February of 2023 where we presented
3 NYPD with a plan to allow journalists access to
4 police communications. The fundamental issue here
5 and the biggest concern is for both police and the
6 community is that right now with-- right now, the
7 only citizens can gain access to information about
8 police activity in certain areas of the city is they
9 get it by mobile phone. They get it by a bystander,
10 and that can often present either intentionally or
11 unintentionally a biased version of what the police
12 are actually doing. So, I truly believe that having
13 and allowing journalists access in real-time is
14 exceedingly important. In the 90 years since we have
15 been dealing with this issue, there's not one example
16 of a journalist having access that's caused any
17 problems or harm any law enforcement officer. Let me
18 address, if I may, the statements that were made
19 earlier about shifting unencrypted communications to
20 Citywide One. That's a huge shift in position which
21 by the way is a step in the right direction. But it
22 doesn't go after the real problem. The reason why
23 you have an architecture which is based on precinct,
24
25

borough and citywide is because if you have all police communications that are important--

SERGEANT AT ARMS: [interposing] Your time has expired. Thank you.

DAVID DONOVAN: go up to City One-- let me just finish, please. Go up to City One, it can't handle it which is why they went to this architecture in the first place. So, we are like-- how are we skeptical as to allowing the Police Department to determine that this communication goes on City One, but we're not going to allow other local information to go on New York City One, thereby keeping the whole system encrypted. Thank you very much.

COMMITTEE COUNSEL: Thank you for your testimony. Next up is Todd Maisel. You may begin when you're ready. Thank you.

TODD MAISEL: Okay. My name's Todd Maisel. I'm a founder of the New York Media Consortium which recruits 15 organizations now, all press organizations. I want to address some of the things that were mentioned by the police representative. Firstly, privacy concerns, they're unfounded, because all private information is sent to their central command via telephone. They all have

phones. Secondly, they don't put over fatal crashes. You'll never know if there's a bicycle crash or somebody was struck by a vehicle. They don't put it over. They decide what is important. So, not all homicides are broadcast. Also, ongoing incidents are not updated. Particular injuries are not updated. We don't know what is actually going on in some of these incidents. There may be one person, may be two persons shot. We don't know. They're putting over whatever they decide is the news, whatever is the narrative. We need the press-- and I've been a member of the press for 40 years. I've been listening to radios my entire life during that time, and I got to tell you, one channel for us to listen to that they decide is the news is just wrong. It's totally wrong, and it needs to be corrected, and we support Gale Brewer's amendment there. Also, just as an added-- I have 20 FOILs out with the NYPD that have never been satisfied. Some of them have been rejected. I have one with the Office of Information Technology because we suspect that they've been using their budget to supplement the NYPD's budget on communications. Every month I get an update, for the last two years that they're still trying to get the

information that I'm asking for, two years. So, your FOIL legislation is also very important. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. That concludes the Zoom portion of public testimony. We will be going back to public testimony for last in-person. Thank you. We'll now call Richard Flores. You may begin your testimony when you're ready.

RICHARD FLORES: Thank you for giving me the opportunity to testify today. Beginning in 2016 I have repeatedly reported many incidents of gross police illegality and misconduct by the NYPD to the CCRB. Incident reports have included illegal false arrest, detainment at One Erickson [sp?] Place precinct, and at the Manhattan Detention Complex. I have repeatedly reported the failure of the Department of Investigation by a deputy investigator a Leslie Budeau [sp?] whom I spoke with and a policy director whose name is Dean McKenzie [sp?]. Also, investigators at the NYPD Internal Affairs, the last phone call that I received was by a Sergeant Lee whom after I called him never returned my phone calls. All the officers at various precincts, particularly Midtown Precinct North, the 20th Precinct, and the

10tth Precinct in Queens Village where my family lives, to report various crimes that have been committed against myself and my family. Crimes ranging from attempted murder, physical and mental abuse, rape, theft of property, slander and defamation of character that to this day have not been officially investigated by the NYPD or the CCRB, as far as I know, or any city or state judiciary with regards to any of the crimes that have been committed against myself and my family. In addition to filing incident reports to the CCRB in 2021, if you recall, two New York State investigators from the Bureau of Criminal Investigation interviewed me at the YMCA Vanderbilt BRC concerning my complaints of corruption and illegality that was occurring there which resulted in a cover-up and suppression of evidence, including surveillance video of all crimes occurring at the BRC facility which has continued to consistently for over four years continue this behavior by what I understand to be volunteers, some who have felony records, security that work there, Allied Security, and civilians who enter the facility without my consent and the security's consent. I will go further to say--

CHAIRPERSON SALAAM: [interposing] Sir?

Recognizing that your time has expired. I do have a question for you. Because of the nature of your testimony, do you have legal counsel?

RICHARD FLORES: I've tried to get legal counsel, and I've not been able to successfully get anyone to take my case. The last time I went to a legal office was in Queens about a month ago. My mother actually told me to go to this office and see if they could help you. So I went to the office. I went through the list of things that they help people with. They don't help anyone in terms of housing. They said, sir, we don't take housing cases here. The only thing that they took cases for--

CHAIRPERSON SALAAM: [interposing] You mentioned some pretty serious other allegations--

RICHARD FLORES: [interposing] Yes.

CHAIRPERSON SALAAM: as it relates to the nature of your testimony, and I'm thinking that relying on the CCRB to investigate those particular things and bring forth said charges might not necessarily be the right so to speak avenue. That's why I asked if you have legal counsel regarding those. You mentioned some very, very serious

allegations, and so I do want to perhaps maybe capture the rest of your testimony if you can send that to us via testimony@nyc.gov, council.nyc.gov. just because of the nature of the time, the time has expired for your verbal testimony, but we definitely will take written testimony from you.

RICHARD FLORES: And would I be able to get anyone from City Hall to help me with getting legal counsel to start a case?

CHAIRPERSON SALAAM: You're in Queens?

RICHARD FLORES: I'm in Manhattan.

CHAIRPERSON SALAAM: You're-- which district?

RICHARD FLORES: Well, 47th Street. I don't recall the district off-hand.

CHAIRPERSON SALAAM: So, then we just may-- what we may have to do is circle back offline to connect you with your Council Member so that they might be able to help you with what you need in terms of remedying your situation.

RICHARD FLORES: Okay. So, what would be the process at this point to get legal?

CHAIRPERSON SALAAM: Oh, no, you can just sit right there after you finish, and I'll try to connect you with the right resources that you need.

RICHARD FLORES: Okay.

CHAIRPERSON SALAAM: Absolutely.

RICHARD FLORES: Okay. Thank you.

CHAIRPERSON SALAAM: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up, Tito? You may begin when you're ready.

TITO: Thank you for your time, Mr. Salaam. I appreciate it. I came here last time. For years I've been asking for assistance and help because I was attacked and terrorized by law enforcement in two different states. I can't get police reports. I am unable to get a job. I've been stalked and followed around. When I tell law enforcement I'm being stalked and followed around, they are refusing to take a report. I was assaulted with a deadly weapon. Again, they keep refusing to take reports. It seem like law enforcement is behind it who is attacking me. So, I need some assistance. This been going on for years and years and years, and I put my evidence up online. My car being sabotaged.

1 I've been assaulted. Like, you know, these things
2 keep going on. So, again, if I'm executed, my
3 evidence is online that these things are happening to
4 me. They could pretend that it's not happening to
5 me, but you know, I put the evidence up there. So,
6 I'm trying to get police reports [inaudible]. I'm
7 trying to get investigation. This been going on for
8 years. I'm still being terrorized. I'm still unable
9 to find a job. If I get a job, I start, and then
10 they change their mind. I get a job, work there one
11 day, then they change their mind. I get another job.
12 I start-- [inaudible] I go okay, I change my mind.
13 So, I'm being followed around. I say by [inaudible]
14 law enforcement. So, that's why I keep asking for an
15 investigation to go on. Excuse me. And also police
16 reports. Since I was assaulted, I'm trying to get
17 police reports. This been going on for years and
18 years and years. That's what I have to say. I need
19 some assistance.
20

21 CHAIRPERSON SALAAM: So, I'm not sure if
22 you came in while the previous person was testifying
23 as well. What Council District are you in?
24
25

1
2 TITO: I'm not sure, but I'm in Queens
3 since you know being terrorized. I'm not sure.
4 Queens I know. So, what side?

5 CHAIRPERSON SALAAM: Alright, so the best
6 course for you also would be to connect you with your
7 Council Member to figure out ways forward, because
8 the type of assistance that you need really has to be
9 local.

10 TITO: Okay, okay.

11 CHAIRPERSON SALAAM: Yeah. So, if you
12 standby after-- I mean, the time expired as well, but
13 if you just standby for a moment, you could sit back
14 in your chair, and I'll see if I can get some
15 resources your way as well.

16 TITO: Okay. Alright, thank you.

17 CHAIRPERSON SALAAM: Thank you.

18 TITO: I appreciate it.

19 COMMITTEE COUNSEL: Thank you for your
20 testimony. It's the last call for in-person. Last
21 call for Zoom. Seeing no hands on Zoom. That's the
22 end of public testimony.

23 CHAIRPERSON SALAAM: Thank you. That
24 concludes today's business. This hearing is now
25 closed.

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COMMITTEE ON PUBLIC SAFETY

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COMMITTEE ON PUBLIC SAFETY

162

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 December 15, 2025