

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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March 20, 2024
Start: 10:15 a.m.
Recess: 9:09 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Yusef Salaam
Chairperson

COUNCIL MEMBERS:

Joann Ariola
Diana I. Ayala
Tiffany Cabán
Carmen N. De La Rosa
Robert F. Holden
Rita C. Joseph
Christopher Marte
Chi A. Ossé
Carlina Rivera
Althea V. Stevens
Kalman Yeger

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

Jumaane Williams
Public Advocate

Edward Caban
NYPD Police Commissioner

Michael Kemper
NYPD Chief of Transit

Seth Severino
NYPD Assistant Commissioner of Management and
Budget

Tania Kinsella
NYPD First Deputy Commissioner

Jeffrey Maddrey
NYPD Chief of Department

John Chell
NYPD Chief of Patrol

Michael Gerber
NYPD Deputy Commissioner of Legal Matters

Kaz Daughtry
NYPD Deputy Commissioner of Operations

Mark Stewart
NYPD Deputy Commissioner of Community Affairs

Ruben Beltran
NYPD Chief of Information Technology

Carlos Nieves
NYPD Assistant Commissioner

Michael Lipetri
NYPD Chief of Crime Control Strategies

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

Joseph Kenny
NYPD Chief of Detectives

John Benoit
NYPD Chief of Personnel

Wilson Aramboles
NYPD Chief of Special Operations

Olufunmilola Obe
NYPD Chief of Training

Robert Barrows
NYPD Deputy Commissioner of Strategic Initiatives

Tracy Mulet
NYPD Inspector, Commanding Officer of School
Safety

Arva Rice
CCRB Interim Chair

Jonathan Darche
CCRB Executive Director

Darcel Clark
Bronx District Attorney

Michael McMahon
Staten Island District Attorney

Melinda Katz
Queens District Attorney

Eric Gonzalez
Brooklyn District Attorney

Bridget Brennan
Special Narcotics Prosecutor

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

Meg Reiss
Manhattan Chief Assistant District Attorney

Donald Nesbit
Local 372 DC37 AFSCME

Tina Luongo
Legal Aid Society Criminal Defense Practice

Stan German
New York County Defenders

Lisa Schreibersdorf
Brooklyn Defender Services

Ann Mathews
Bronx Defenders

Lori Zeno
Queens Defenders

Obi Afriyie
Legal Defense Fund

Jullian Harris-Calvin
Vera Institute of Justice

Aaliyah Guillory-Nickens
Youth Represent

Hailey Nolasco
Center for Justice Innovation

William Juhn
NYLPI

Isabelle Leyva
NYCLU Protest Monitoring Program

Joshua J. Shaw [sp?]

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

Dee Sams [sp?]

Alfredo

Lamya Agarwala
CAIR New York

Nerdeen Kiswani
Within Our Lifetime

Darren Mack
Freedom Agenda

Avni Pravin

Todd Maisel

Natalia Aristizabal
Make the Road New York

Ileana Mendez-Penate
Communities United for Police Reform

Daniel Cione
Within Our Lifetime

Walter Masterson

Nicole

Walter Ditman [sp?]

Kayt Tiskus
Collective Public Affairs

Raul Rivera
TLC Driver

Darius Rafieyan
Journalist

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

Devin Krishnaswami

Brenna [sp?]

Sunny Mun [sp?]

Phoebe Francis [sp?]

Eileen Maher
Vocal New York

Emily Reichert
CASES

Sergio Urzurin
ICE Watch

Tanesha Grant
Parents Supporting Parents

Alex Baldwin
Mutual Aid Organizer

David Jenkins

Gabriel Elsheahk

Jonathan Lam
Civil Liberties Union

Wiamary Waiyokah [sp?]

Daniele Gerard
Children's Rights

Messiah Ramkisson
Youth Justice Network

Alvin Dan [sp?]

Alex Stein

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

Klea Hazizaj

Peter Tarson

1
2 SERGEANT AT ARMS: Good morning and
3 welcome to the New York City Preliminary Budget
4 hearing on Public Safety. At this time, can
5 everybody please silence your cellphones? If you
6 wish to testify, please go up to the Sergeant at Arms
7 desk to fill out a testimony slip. If you have any
8 questions, you can ask the Sergeant at Arms and we
9 will help you out. This time and going forward, no
10 one is to approach the dais. I repeat, no one is to
11 approach the dais. Thank you for your cooperation.
12 Chair, we are ready to begin.

13 CHAIRPERSON SALAAM: Good morning
14 everyone and welcome to the Fiscal 2025 Preliminary
15 Budget hearing for the Committee on Public Safety. I
16 am Council Member Yusef Salaam, Chair of the
17 Committee on Public Safety. Today we will discuss
18 the fiscal 2025 Preliminary Budget for the Police
19 Department, the Civilian Complaint Review Board, the
20 District Attorneys, and Special Narcotics Prosecutors
21 to understand the Administration's budget proposals
22 for three agencies that play a central role for
23 public safety. I would like to welcome the
24 leadership of these three agencies. I also want to
25 acknowledge that we are joined by our Speaker,

1 Speaker Adams. We are joined by our Public Advocate.
2 We are joined by Council Members Holden, Ossé, and
3 Ayala. In the Fiscal 2025 Preliminary Plan, these
4 three agencies have a combined total budget of \$6.3
5 billion that supports 54,074 budgeted positions.
6 This plan includes large changes to NYPD's budget and
7 minimal changes to CCRB's and the DA's budget. Today
8 I'm interested in learning about the PEG restoration
9 to NYPD's budget, specialized units, associated costs
10 to the City, and the changes to the Capital
11 Commitment Plan. I am eager to learn about the
12 budget requests and needs submitted by CCRB.
13 Additionally, I am excited to learn about the
14 priorities of our DAs and the SMPs. In addition to
15 addressing wrongful convictions and alternate to
16 incarceration policies and decisions that are vital
17 to moving us one step closer to lowering our
18 incarceration population and to meeting the City's
19 goal of closing Rikers Island. Hopefully, we can work
20 together to accomplish the changes needed to these
21 agency's budgets. There are many important budget
22 actions in this plan, and we hope to better
23 understand them after this hearing. The Committee
24 would also like to discuss these and other budgetary
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1 changes in the Adams Administration's budget and
2 their impact on public safety. I look forward to our
3 fruitful conversation with ongoing oversight
4 hearings. However, we have a lot of work ahead. I
5 look forward to hearing about the changes in this
6 plan and getting updates on new programs and CCRB's
7 services for New Yorkers. I would also like to thank
8 our Public Safety Committee staff for their hard
9 work, our Financial Analyst, Owen Kotowski, and Casey
10 Lajszky, Policy Analyst, Chad Benjamin, Counsel
11 Jeremy Whiteman, and Senior Counsel Josh Kingsley. I
12 would also like to thank my Chief of Staff, Jordan
13 Wright and Budget Director, Mufazzal Hossain. And
14 with that, I would like to pass it to the Speaker.

16 SPEAKER ADAMS: Thank you very much, Mr.
17 Chair. Welcome Commissioner. I welcome all of you to
18 the Chambers once again. Thank you, Chair Salaam,
19 for leading today's Preliminary Budget hearing for
20 the Committee on Public Safety. Today, we will
21
22 examine the Fiscal Year 2025 Preliminary Budget
23 related to the New York City Police Department,
24 Civilian Complaint Review Board, and the City's
25 District Attorneys, and Special Narcotics Prosecutor.

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2 The proposed Fiscal Year 2025 Preliminary Budget for
3 NYPD \$5.75 billion which is less than one percent or
4 \$50 million less than the Adopted Fiscal Year 2024
5 for the Department and \$550 million or 8.7 percent
6 less than its current Fiscal Year 2024 budget. The
7 Department's uniformed budgeted headcount for Fiscal
8 Year 2025 in the Preliminary Budget remains unchanged
9 from its Fiscal Year 2024 budget level at adoption
10 last June and is 659 fewer positions for the upcoming
11 fiscal year than it was in the adopted financial plan
12 last June. As part of its program to eliminate the
13 gap, or PEG, in the November Plan, the Administration
14 proposed cutting five future Academy classes. Yet,
15 in January, the Administration restored an upcoming
16 April 2024 class in the Preliminary Budget. As of
17 January, the Department had spent \$635 million for
18 Fiscal Year 2024 overtime costs, 23 percent or \$107.6
19 million more than budgeted at adoption last June.
20 The Preliminary Budget added \$249 million in new
21 needs for fiscal year 2024 overtime expenditures to
22 total \$788.7 million, a 52 percent or \$271.3 million
23 increase from what was budgeted at adoption. At the
24 current spending rate, the actual overtime cost is
25 expected to be nearly double its budgeted amount at

1 adoption and exceed actual spending on overtime for
2 Fiscal Year 2023, which was \$950 million. The
3 continued spending and significant excess of the
4 budget on overtime only intensifies concerns about
5 the Department's management of its budget and
6 workforce. The proposed Fiscal Year 2025 Preliminary
7 Budget for CCRB is \$22.6 million which is \$2.8
8 million or 11 percent less than its fiscal Year 2024
9 Adopted Budget, and \$1.9 million or 7.8 percent less
10 than currently budgeted for this fiscal year. Due to
11 the November PEG, the CCRB's budgeted headcount for
12 Fiscal Year 2025 in the Preliminary Budget is 31
13 positions less than its Fiscal Year 2024 level at
14 adoption last June. The agency's role to provide
15 oversight for civilian misconduct complaints is
16 essential to the trust necessary to improve public
17 safety. To fulfill its mission, CCRB must have the
18 budget and workforce necessary to conduct its
19 investigations in an effective and timely fashion.
20 We remained concerned about the Administration's
21 commitment to follow through on ensuring CCRB
22 receives the budgeted funds agreed upon in the
23 Adopted Budget which has a detrimental impact on
24 public safety. The Preliminary Budget for the City's
25

1
2 District Attorneys and Special Narcotics prosecutor
3 totals \$563.8 million which is nearly \$22 million
4 more than the adopted Fiscal Year 2024 budget, but
5 \$52.6 million less than the current budget. Ensuring
6 our city's District Attorney Offices have the
7 resources to retain staff and support proven
8 alternative to incarceration programs has a direct
9 impact on their contributions to improving public
10 safety. It affects their ability to complete cases
11 in a timely way to promote justice for all New
12 Yorkers and to avoid excessively lengthy pre-trial
13 detainment and ensure appropriate responses that
14 reduce recidivism. This council recognizes that
15 ensuring public safety for all New Yorkers and
16 addressing issues of crime and violence requires an
17 all-of-the-above approach that includes the use of
18 law enforcement, human services, transparency, and
19 accountability. New York City's ability to address
20 the underlying needs of its residents by expanding
21 mental health and homeless services, supporting re-
22 entry and diversion programs, and investing in victim
23 services are of equal importance to the advancement
24 of public safety. Commissioner Caban, I want to
25 welcome you once again to Council Chambers, and we

1
2 look forward to hearing your vision for the NYPD's
3 role in these efforts and plan for efficiently and
4 responsibly maintaining the significant city
5 resources proposed for the Department. Similarly,
6 this committee is key to haring about the needs and
7 proposed resources for the CCRB and District
8 Attorneys. Thank you very much for your attention.
9 Welcome once again. I turn it back over to Chair
10 Salaam.

11 CHAIRPERSON SALAAM: I'd like to mention
12 that we've been joined on Zoom by Council Member
13 Cabán, and we have also been joined in-person by
14 Council Member Stevens. I'd like to turn it over to
15 our Public Advocate.

16 PUBLIC ADVOCATE WILLIAMS: Thank you so
17 much, Mr. Chair and Madam Speaker. Peace and
18 blessings to everyone, Commissioner Caban and the
19 entire NYPD leadership. As mentioned, my name is
20 Jumaane Williams and Public Advocate for the City of
21 New York. I'd like to thank Chair Salaam, the
22 Speaker, and members of the Committee on Public
23 Safety for holding this important hearing. The NYPD
24 is by far the biggest and most expensive police
25 department in the country, and also unfortunately,

1 very often called to do social service functions.
2
3 And if you permit me just to remind there was a few
4 surveys that actually showed that most of almost
5 universally agree where it is best to use law
6 enforcement and where it is not. The Adams
7 Administration did a survey, I believe, almost three
8 years ago, asking what was the best way to address
9 the crime that was going on. The first two answers
10 were housing and mental health. The third was law
11 enforcement. There was another recent survey
12 discussed what was the worst things that were
13 happening in the City. Affordability was number one.
14 In January there was a statewide survey. The
15 question was which of the following would you say the
16 single greatest cause of crime in New York. It went-
17 - first was poverty, substance abuse, mental illness,
18 breakdown of the family, migrant influx, inequality.
19 Lack of enforcement, I believe came in seventh, and
20 that remarkably was across democratic and republican
21 lines. Skewed a little bit differently on the
22 republican, but the end result was the same which
23 says to me there is a tremendous understanding of
24 what we need to do to address crime, and I believe
25 having spoken to much of the leadership in the Police

1 Department as well, there's also agreement there.
2 And so unfortunately, that agreement doesn't seem to
3 lend itself to where our finances go or where we
4 focus to build infrastructure. The NYPD is often
5 called to address issues of homelessness and mental
6 health crisis. We know that dispatching police to
7 remove people perceived to be homeless or
8 experiencing symptoms of mental health and mental
9 illness, acute mental illness, hasn't worked long-
10 term in the past, and that we must invest in non-
11 police responses to people in mental health crisis to
12 address the falling health crisis, to help address
13 substance abuse. The Mayor's Subway Safety Plan has
14 once again exacerbated police overtime surge. I
15 think people might be shocked to learn that the NYPD
16 was actually never defunded. Most other agencies
17 were. A big part of that has to do with law
18 enforcement-- sorry, with overtime. According to the
19 City Comptroller, Fiscal Year 2024, the City has
20 spent \$461 million through December on NYPD uniform
21 overtime, \$109 million more than spent for the same
22 period in Fiscal Year 2023. It's on target to spend
23 \$925 million for the next year. There was a recent
24 report, and I forgot the timeframe. It was either
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2 six months or a year, but overtime went from \$4
3 million to I believe \$155 million. What was
4 interesting about that is crime decreased outside of
5 the subway during that time period more than it did
6 inside of the subway, and despite the recent
7 deployment of New York State Troopers and the
8 terrible deployment of National Guard to city
9 subways, a recent shooting occurred on the A Train as
10 it pulled into the Hoyt-Schermerhorn Station that
11 houses a police station currently. This says to me
12 that police alone can't solve this, and I think
13 everybody here agrees with that. It doesn't mean
14 that our law enforcement doesn't have a role to play
15 and that all of us don't have a role to play, but it
16 does say we continually have an overreliance on our
17 law enforcement. And what we keep pushing to solve
18 these problems are not what everyone agrees is what
19 we have to do. And so what I'm hoping is that we
20 have the courage and leadership to not just put money
21 where it needs to go, but to build out an
22 infrastructure of non-police Responses that New York
23 City's actually asking for. And hopefully this
24 conversation doesn't continue to change and turn into
25 anti-police or non-anti-police. I think everyone

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2 agrees, as again, based on the surveys, based on
3 discussions that we have, but some reason the NYPD is
4 the only one who has access to the type of overtime
5 that they claim they need, and other agencies don't
6 have the access to the resources they need to build
7 out the infrastructure that we all say we need. The
8 Mayor and the Administration and I often disagree, if
9 not in words, but often in implementation and
10 practice the most impactful ways to address crime and
11 violence in the City, but I applaud his support of
12 alternative solutions to violence, including the
13 Crisis Management System, a network that deploys
14 terms [sic] of credible messengers. I do believe
15 with that there's been stagnant in how that system is
16 deployed and grown, and making sure it's working in
17 the long-term. So my hope is that we can all sit
18 down and make sure all of these things are working
19 together and that everyone has the resources that
20 they need, not just one agency. I think if we really
21 want to support our law enforcement partners, the one
22 thing we can stop asking to do is everything, because
23 they can't do everything, and that's harmful. And
24 when my mother or-- who had a bullet go through her
25 window, or my sister who's dealing with someone who's

1
2 mentally-ill can't-- my sister, in particular, can't
3 figure out who to call. That's an issue. If my mom
4 calls law enforcement, I want someone to be able to
5 provide the service that she needs. But if she needs
6 another service, she should be able to get that as
7 well, and we have to be able to build that out.
8 Lastly, it's vital to adequately and robustly fund
9 our public defender services. While free legal
10 defender services for anyone who needs them are
11 mandated by federal and local law, these
12 organizations are consistently underfunded. It is
13 low-income New Yorkers who ultimately face the
14 consequences of budget that often favors District
15 Attorney's offices deprived of the robust legal
16 representation that they need and deserve. I want to
17 make sure that everybody has the funding they need.
18 So, the DAs, I hope they support us getting the
19 funding to the local defenders as well. That would
20 help everyone get to a speedy trial, which I believe
21 is one of the biggest issues that we're dealing with
22 that we're not addressing. Looking forward to the
23 conversation continuing. Thank you so much.

24 CHAIRPERSON SALAAM: Thank you. I also
25 would like to acknowledge that we've been joined by

1
2 Council Member Marte, and I'd like to pass it to
3 Counsel.

4 COMMITTEE COUNSEL: Thank you so much,
5 Chair. We'll now be hearing from the Police
6 Department. For the Police Department we'll be
7 hearing from-- let me start from the top. We'll be
8 hearing from Police Commissioner Edward Caban, Deputy
9 Commissioner Kaz Daughtry, Deputy Commissioner
10 Michael Gerber, Chief John Chell, Chief Jeffrey
11 Maddrey, First Deputy Tania Kinsella, and Deputy
12 Commissioner Seth Severino. I believe we also have a
13 number of folks who are in the audience, so if you're
14 going to answer a question, please state your name
15 when you come up to the table, and we will
16 acknowledge you there. So before you begin, can you
17 please raise your right hand and just affirm the
18 following: Do you affirm to tell the truth, the
19 whole truth and nothing but the truth in your
20 testimony before this committee and to answer
21 honestly to Council Member questions?

22 UNIDENTIFIED: Yes.

23 UNIDENTIFIED: Yes.

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2 COMMITTEE COUNSEL: Seeing that you all
3 acknowledged that statement, you may begin. Go
4 ahead.

5 COMMISSIONER CABAN: Okay. Good morning
6 Speaker Adams, Chair Salaam, and all members of the
7 Council and everyone else who joins us here today.
8 It is my pleasure to come before you to explain and
9 answer questions regarding the NYPD's portion of the
10 Mayor's Preliminary Budget, the 2025 fiscal year.
11 I'm also honored to speak about the incredible work
12 being done by the men and women I'm privileged to
13 lead. Joining me this morning are members of my
14 Executive Staff, all of whom have key insights to
15 share about their area of expertise. Growing up as a
16 Puerto Rican kid from the Bronx, I took inspiration
17 from baseball, especially Roberto Clemente. Clemente
18 was a hero of mine, a trailblazer whose life
19 tragically ended far too early. But the impression
20 he left on me and so many others continue to this
21 day, and there's one thing he said that has always
22 stayed with me which is, "If you have a chance to
23 accomplish something, don't make things better for
24 people coming behind you and you don't, you are
25 wasting your time on this earth." This sentiment is

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2 one of the main reasons I became a cop. It is
3 something all of us in the field of public service
4 can relate to, and throughout my 33-year career I've
5 had the opportunity to work with a variety of like-
6 minded leaders on behalf of the residents of this
7 city, including many elected officials from this
8 body, all of whom have brought passion to their
9 purpose. And while we may not agree on everything,
10 we have certainly worked on projects that have
11 brought cops and community closer together in the
12 name of public safety. Fast-forward to this morning,
13 sitting before you for the first time as New York's
14 top cop, I can honestly say I've never been more
15 amazed at just how far New York's finest will go to
16 help someone in need, and indeed to make things
17 better for those coming behind us. It is with that
18 spirit of devotion and commitment to the greater good
19 that I now share some details about the Department
20 and our collective work toward improving public
21 safety. When this Administration came into office
22 over two years ago, our city was experiencing a surge
23 in violence. Shootings have been rising since 2018
24 and have doubled in 2020 alone, and by 2021 we were
25 at a 15-year high. Murders have reached the highest

1 levels in the last decade. There was a sense of
2 lawlessness. We had to act quickly and decisively.
3 We had to bring down the violence, and 27 months
4 later, violence is no longer at the forefront of our
5 conversation regarding public safety. So how did we
6 get here? The answer to that question is a theme
7 that resonates across all aspects of the NYPD. The
8 members of the NYPD are relentless in their work. In
9 driving down violence, our first priority was to go
10 after illegal firearms. We marshaled our resources,
11 analyzed the data, identified hot-spots, and
12 implemented shooting plans. In 2022 alone, your NYPD
13 cops made over 4,600 gun arrests which is the highest
14 number in 27 years, and when you add in last year and
15 the first few months of 2024, New York's finest have
16 taken more than 14,900 guns off the street of New
17 York City since this Administration began. The
18 cascading effect of this precision work has
19 contributed to a dramatic drop in shooting incidents,
20 and building on the momentum we gained in 2022, the
21 number of shootings across New York City in 2023 was
22 pushed down another 25 percent. This is the fourth
23 lowest year for shootings in the modern era. In
24 fact, shooting incidents were down in all five
25

1
2 boroughs for the second year in a row. Of course,
3 fewer shootings often yields fewer people struck by
4 gunfire. As such, there were 416 people hit by a
5 bullet last year. These are lives saved, lives not
6 torn apart by violence. And as the data shows us,
7 these are also lives that come almost entirely from
8 our most economically-challenged and largely minority
9 communities. Fewer shootings also contribute to
10 fewer murders. We all remember when murder had been
11 on the rise for years prior to this Administration.
12 We stopped that trend in 2022, and last year murder
13 fell another 12 percent, and besides knocking down
14 violence, your officers last year alone made more
15 than 53,000 felony arrests, ensuring we keep a narrow
16 focus on the drivers of crime across all major
17 categories. This is a 24-year high. To me, each
18 arrest is a step toward pushing back on what has
19 sometimes felt like a sense of lawlessness. This
20 proactive posture led to additional declines in the
21 crime of robbery, burglary, and grand larceny 2023.
22 One negative outcome of driving down violent crime is
23 that the officers have experienced an uptick of
24 assault against them. As your cops go about
25 arresting those who drive violence, their interaction

1 with criminals willing to evade capture or resist
2 arrest also increases. In fact, assaults on officers
3 contribute to the overall increase in felony assaults
4 in 2023. If there's anything I take away from this
5 outcome is that New Yorkers demand law and order in
6 the City and the men and women of the NYPD remain
7 focused on delivering just that. Upholding an oath
8 held even when it means going in harm's way and
9 bolstered by the continued support from our Mayor,
10 myself, and the entire NYPD leadership team, your
11 cops have continued the work in 2024 as well. So far
12 this year, shooting incidents are down 16 percent and
13 murder has dropped 18.8 percent.

14 UNIDENTIFIED: [audience yelling]

15 COMMISSIONER CABAN: While burglaries
16 have been reduced by 12.7--

17 CHAIRPERSON SALAAM: [interposing] Order,
18 order.

19 UNIDENTIFIED: [audience yelling]

20 COMMISSIONER CABAN: percent and overall
21 crime is down is 1.6 percent.

22 CHAIRPERSON SALAAM: Please remove the
23 disrupter from the aud--

24 [gavel]
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UNIDENTIFIED: [audience yelling]

CHAIRPERSON SALAAM: There will be order.

UNIDENTIFIED: [audience yelling]

COMMISSIONER CABAN: So, so far this year, shooting incidents are down 16 percent and murder has dropped 18.8 percent while burglary has been reduced by 12.7 percent, and overall crime is down 1.6 percent citywide. One crime that has been especially challenging across our city has been grand larceny auto. We finished 2023 up by 15 percent due in part to a social media challenge encouraging young people to steal a car by way of a security loophole. I'm proud to report, thanks to a number of initiatives including the Catalytic Converter Etching Bill passed by this council and the establishment of our Grand Larceny Auto Plan, we have reduced the crime of stolen vehicles by nearly 10 percent so far this year. In recent weeks, there's been a great deal of focus on transit crime. After reducing overall crime in the transit system by three percent in 2023, including an eight percent drop in December, we experienced an uptick in January. Putting statistics aside, we saw a number of absolute terrible acts of violence play on the media,

1 including shootings, murder, and a number of
2 unprovoked attacks. These are not statistics, these
3 are real people. They're New Yorkers with kids,
4 jobs, families. What we experienced--

5 CHAIRPERSON SALAAM: [interposing] Order.
6 Please remove the-- remove the disrupters from the
7 chambers.
8

9 UNIDENTIFIED: [audience yelling]

10 CHAIRPERSON SALAAM: We will remain-- we
11 will maintain order in this hearing and in the
12 chambers. I'll remind the audience to maintain
13 decorum and respect. Thank you.

14 COMMISSIONER CABAN: So, what we
15 experienced and suffered is real, but it still must
16 be said that despite servicing upwards of 20 million
17 riders a week, the total number of transit index
18 crimes from the month of January equates to barely
19 1.5 percent of total citywide crime. So no matter
20 how traumatizing even a single act of violence can
21 be, our transit system is not actually being overrun
22 by crime, rather--

23 CHAIRPERSON SALAAM: Order.

24 COMMISSIONER CABAN: very real acts of
25 violence.

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2 UNIDENTIFIED: [audience yelling]

3 CHAIRPERSON SALAAM: Remove the protestor
4 from the chambers. Again, I'd like to remind the
5 audience that order will be maintained. Thank you.

6 COMMISSIONER CABAN: So not matter how
7 traumatizing even a single act of violence can be,
8 our transit system is not actually being overrun by
9 crime, rather some very real acts of violence are
10 driving a legitimate perception of danger. And as I
11 have already mentioned, your NYPD cops are out there
12 every day. They're engaged, and nowhere has the
13 commitment to public safety been more apparent than
14 our transit system. We're flooding the system with
15 roughly an additional 1,000 officers every single
16 day. We have deployed them where crime typically
17 happens on the platform and even riding the train,
18 and this was evident last week during that senseless
19 shooting on the A Train in Brooklyn. The moment the
20 doors to the train car opened, your cops were there
21 to address the condition. Additionally, our Transit
22 Bureau officers are now working what is called the
23 modern [sic] chart. This means they work 10-12 hours
24 a tour. This will allow for ongoing extended
25 coverage within the system, and when they are out

1
2 there, they're working. All told, they've driven
3 total arrests up by more than 50 percent, with fare
4 evasion arrests increasing by more than 135 percent.
5 Summons activity is also up by more than 50 percent,
6 and personally, I want to commend our officers for
7 their continued hard work within the system. But
8 there's also another more invasive problem at play
9 here that we have heard a great deal about over the
10 past few weeks. Within our transit system, and quite
11 frankly across the entire city, the texture of public
12 safety, the perception of public safety is being
13 tested by ongoing recidivism for known criminals, the
14 worst drivers of crime. Despite all of our efforts
15 which often includes catching a suspect in the act of
16 committing a crime, there is little accountability on
17 the back end. And while there may be a lack of
18 consequences for the criminal, that is not the case
19 for strap hangers or MTA employees. We saw this play
20 out multiple times recently where an individual with
21 extensive criminal history was arrested for
22 assaulting a train conductor or an artist on the
23 platform, only to be released and go on to victimize
24 yet another innocent New Yorkers. It seems
25 unthinkable, but a recent analysis showed that the 40

1
2 or so people we have arrested for assaulting MTA
3 employees have accumulated over 1,100 total arrests
4 between them. At least three of those people have
5 been arrested about 100 times or more. Any one of
6 those criminals could single-handedly drive the total
7 increase in crime we are experiencing in transit.
8 This is a revolving door and the NYPD cannot stop it
9 by itself. From my perspective, our officers are
10 where they need to be and they are making their
11 presence felt. Nevertheless, it's a tremendous
12 system and we can't be everywhere at all times, which
13 is why we gladly welcome the additional coverage
14 being provided by the Governor. Together, the added
15 presence will go a long way as both a deterrent to
16 those willing to commit a crime and a measure of
17 comfort to innocent law-abiding strap-hangers. It's
18 important to note that recidivism is not limited to
19 the transit system. It affects neighborhoods and
20 businesses across the five boroughs, especially when
21 it comes to retail theft crimes. In 2023 we estimate
22 that 542 people were arrested over 7,600 times. Many
23 of those people had an excess of 50, 60, 70 arrests.
24 While almost half had prior felony convictions, less
25 than 30 percent are currently in custody for pending

1 cases. And by the way, this is for 2023 alone. When
2 you zoom out and look at their total lifetime
3 arrests, 60 of the 542 have been arrested more than
4 100 times. Unfortunately, we're already seeing
5 similar trends in 2024 with more than 30 people
6 having accumulated 10 or more shoplifting arrests.
7 These people taken together have more than 2,200
8 arrests across their lifetimes. Now, these trends
9 are by no means intended to diminish the positive
10 outcomes that recent reforms have achieved,
11 especially for low-level or first-time offenders.
12 However, when it comes to those driving crimes in our
13 city, when it comes to career criminals, recidivism
14 is not only having an adverse effect on public
15 safety, it is also a detriment to perception of
16 public safety. Addressing these issues will require
17 the hands of many, and I assure you the NYPD remains
18 a committed partner in that necessary work. Now,
19 switching to our kids. When you look at the data
20 over the past few years, the most disturbing trend I
21 have seen as both the Police Commissioner and as a
22 father is the fact that the age of perpetrators and
23 the victims of violent crimes have become younger and
24 younger. This is a call to action if ever there was
25

1
2 one. Looking back to 2017, 37 percent of our total
3 youth arrests were for a major felony. Today, that
4 number has doubled to more than 62 percent, and over
5 that same time period, the percentage of the youth
6 gun arrests has more than tripled. In the five year
7 from 2017 to 2022, the number of juveniles who are
8 identified as shooters jumped 156 percent, and when
9 we drilled down even further, we see that one in four
10 young people arrested with a gun in 2020 were
11 involved in another shooting incident within two
12 years, up from less than one in ten prior to 2018.
13 And as I previously mentioned, the same pattern is
14 true when you look at young victims of crime. In
15 2017, there were 75 shooting victims under the age of
16 18. Five years later, these young victims more than
17 doubled to 153. To date, kids under the age 18
18 represent around 10 percent of all shooting victims
19 in New York City, and while the overall number of
20 victims have gone down, the number of kids being
21 shook by gunfire continues to go up. These
22 disturbing trends coincide with changes to the law
23 that increased the age of criminal responsibility.
24 As a result, gangs and crews began recruiting younger
25 and younger members, directing them to carry the

1
2 guns, sometimes even referring to these children as
3 their holsters. Clearly, these are serious problems
4 facing our city's young people, and the NYPD remains
5 at the forefront of finding solutions. We're working
6 closely with our partners at the DOE and the MTA to
7 ensure safe passage for kids to and from school.
8 Additionally, our Community Affairs Bureau, School
9 Safety teams, and Youth Coordination Officers to name
10 a few will continue to provide opportunities, foster
11 connection and secure resources for our city's young
12 people. Another challenge facing the city that also
13 has crossed over into public safety, is the ongoing
14 influx of migrants. And as far as the Police
15 Department is concerned, our position remains the
16 same. Whether you have been here 30 days or 30
17 years, if you break the law, you'll be held
18 accountable. And while the vast majority of migrants
19 are here to improve their lives and provide for their
20 families, there's a small group that is actively
21 breaking the law. We are seeing crime patterns which
22 identified perpetrators are directly connected to
23 migrant shelters, often involving the same groups of
24 people committing the same types of crimes. These
25 patterns are the focus of ongoing investigations, and

1
2 just like any other crime pattern, we'll work to
3 identify all those involved and bring them to
4 justice.

5 UNIDENTIFIED: [audience yelling]

6 CHAIRPERSON SALAAM: Remove them from the
7 chamber. Thank you.

8 COMMISSIONER CABAN: Now shifting to
9 quality of life issues facing our city. When we look
10 at some of the most persistent indicators of disorder
11 and lawlessness, I know most New Yorkers have grown
12 frustrated with the abundance of scooters and ghost
13 cars operating recklessly across the five boroughs.
14 In fact, many of you have voiced your displeasure to
15 me directly. And while we are not looking to target
16 anyone using a scooter to earn a living, there is
17 also a criminal element to this behavior. Scooters,
18 ATVs, unregistered vehicles, missing license plates,
19 and the lack of insurance, the data shows these
20 violations are often connected to other more serious
21 crime and some criminals are even clever enough to
22 hide in plain sight, imitating a delivery person
23 while committing other crimes. The NYPD once again
24 needs to take action, and once again, your offices
25 went to work. In the last two years, we have removed

1 more than 51,000 illegal scooters and ghost cars from
2 our streets, including more than 4,500 since 2024
3 began. Added to this already significant
4 enforcement, we recently launched a multi-agency
5 taskforce with the MTA, State Police, Sheriff, Port
6 Authority, and the DMV. Together we are going after
7 unregistered vehicles, removing them from our roads,
8 and holding the people driving them accountable. We
9 believe the steady and ongoing enforcement has been
10 and will continue to be an important factor in our
11 ability to drive down other major crime categories.
12 I would also like to mention through the innovations
13 we have implemented to help carry out this type of
14 enforcement as safely and as effectively as possible,
15 the use of a dedicated radio frequency for the sole
16 purpose of coordinating the real-time response of a
17 citywide apprehension team was a game-changer. No
18 longer can a fleeing car benefit from passing through
19 multiple precincts or boroughs, creating challenges
20 for patrol units. Additionally, the use of drones
21 and the aviation unit has been a tremendous help,
22 allowing our officers to monitor the actions of a
23 fleeing vehicle without having to engage in a
24 pursuit. The NYPD will continue to push the envelope
25

1 when it comes to technology, especially when it comes
2 to improving safety for all. And when it comes to
3 managing the workforce of the NYPD we have a
4 comprehensive system overseeing discipline. This is
5 among the most serious of responsibilities. As
6 Commissioner, it is my job to ensure the process
7 operates with undue delay, disruption, or prejudice,
8 balancing the need for due process for the accused
9 while also ensuring a thorough case is presented on
10 behalf of the complainant. Since assuming the role
11 of Commissioner, I have made it a priority to
12 finalize any and all pending cases that were ready
13 for review. In the past year, it would not be
14 uncommon for about 100 such cases to be pending.
15 Today that number has been reduced to about two
16 dozen. The vast improvement is historic in nature
17 and benefits all parties involved. From the accused
18 employee to the public trust that is on the line, New
19 Yorkers deserve nothing less and neither does our
20 workforce. And speaking of our workforce, I want to
21 spend a moment on something that is part of the
22 fabric of our city, and that is our diversity. The
23 NYPD's a global department and the cops who protect
24 this city reflect this city. It wasn't always so,
25

1 but now it is among our greatest strengths. I have
2 often said that when I was coming up the leadership
3 photos hanging on the wall of my precinct never
4 looked like me. Today, our young officers can see
5 themselves at every level of leadership. We continue
6 to break glass ceilings as we elevate hard-working
7 talent throughout the Department, and these advances
8 will continue on my watch. With all the effort being
9 put forth by our dynamic workforce, it is also the
10 responsibility of leadership to look after our
11 people, to ensure they are in a healthy frame of mind
12 in addition to all the care they give to others.
13 This is why we've developed a comprehensive health
14 and wellness program. We provide support structures,
15 anonymous counseling for both the officer and their
16 families, extracurricular clubs and activities and
17 other programs to uplift and inspire our workforce.
18 These are vital services that I'm especially proud
19 of. Now, taking a closer look at the figures when it
20 comes to the Mayor's Preliminary Budget. The NYPD's
21 Fiscal Year 2025 expense budget is \$5.75 billion, the
22 vast majority of which, 92 percent, is allocated for
23 personnel costs. Let me run those numbers back for a
24 second. Ninety-two percent of our budget goes to
25

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2 personnel costs. In other words, so \$5 billion goes
3 to the salaries of our officers who have driven down
4 these crimes, removed these guns, and cared for the
5 community. You get what you pay for. The remaining
6 eight percent is dedicated to non-personnel costs
7 which includes technology that provides officers with
8 immediate access to critical safety equipment, tools,
9 and applications. As part of the November Financial
10 Plan, the NYPD like most agencies, reached the five
11 percent PEG target which was nearly \$280 million each
12 year, \$561 million for 2024 and 2025 fiscal years
13 combined. In order to achieve this reduction, the
14 Department underwent changes and cuts including
15 uniform recruit class delays, \$331 million over two
16 fiscal years, civilian salary accruals, \$107 million
17 over two fiscal years, vehicle budget reductions, \$73
18 million over two fiscal years, and the cutting of 325
19 non-safety civilian positions, \$19.5 million in
20 fiscal year 25 and the out-years, a School Safety
21 Division vacancy reduction of 322 positions, \$17
22 million over two fiscal years, and a reduction of 99
23 part-time positions in our cadet program, \$2 million
24 annually. And while the [inaudible] recruit class
25 delays had assumed no April 2024 class, funding for

1 the specific hiring was restored in the Preliminary
2 Budget. However, the budget still assumes no recruit
3 class hires in Fiscal Year 2025. And since our last
4 budget hearing, the NYPD's Fiscal Year 2025 budget
5 has increased by over \$700 million due to uniform
6 collective bargaining agreements, namely agreements
7 with the Patrolmen's Benevolent Association, \$583
8 million, the Detective's Endowment Association, \$94
9 million, the Lieutenant's Benevolent Association, \$35
10 million, and the Captain's Endowment Association, \$13
11 million. A final agreement between the City of New
12 York and the Sergeant's Benevolent Association is
13 still pending. For the current Fiscal Year 2024, the
14 NYPD did receive new necessary funding for the Domain
15 Awareness System and Mobility Initiative totaling \$42
16 million, and a public service adjustment totaling
17 \$249 million for overtime. The Department's 10-year
18 Capital Budget is \$1.4 billion for fiscal years 2024
19 to 2033. This funding is critical for facility
20 construction projects, including a renovated firearms
21 training facility, over \$685 million or 49 percent of
22 the Capital Budget. Communications and other
23 information technology infrastructure, over \$388
24 million or 27 percent of the Capital Budget. And
25

1
2 lifecycle replacement for large vehicles including
3 emergency service on trucks, tow trucks, boats, and
4 helicopters, \$295 million or 21 percent of the
5 Capital Budget. Additionally, the Preliminary Budget
6 included a \$222 million funding reduction to the
7 NYPD's Capital Budget. Of this amount, \$172 million
8 or 77 percent was outside of the immediate five-year
9 window, fiscal year 2029 to fiscal year 2033. The
10 Department will continue to work with the Office of
11 Management and Budget to ensure funding is available
12 to address all life [sic] safety systems, including
13 communications equipment and facility improvements
14 such as boilers, HVAC, roof repairs and more. Today,
15 I have shared some of the most critical work being
16 done by New York's finest, addressed some of the
17 challenges we face, and presented some solutions and
18 strategies behind what we do, but more than anything
19 what I want to make clear is just how blessed I am to
20 lead this amazing team from my Executive Staff
21 joining me up here to our cops and civilians in the
22 precincts and all the many units in between. This
23 team is relentless in its work to improve public
24 safety. Now we don't always get it right, but we
25 know success is a collective effort. We have many

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2 vital partners including all of you, and together, we
3 will continue to collaborate as we reach new
4 milestones in our many shared goals on behalf of
5 every New Yorkers. Thank you again for this
6 opportunity to speak before you today. At this time,
7 we will welcome your questions.

8 CHAIRPERSON SALAAM: Thank you,
9 Commissioner. I'd like to note that we've been joined
10 by Council Member Ariola. And I'd like to turn it
11 over to the Speaker.

12 SPEAKER ADAMS: Thank you very much, Mr.
13 Chair. Commissioner, welcome once again. Thank you.
14 Have some water, you-- that was a long, long
15 testimony. I'm going to jump in everybody's favorite
16 topic, but before I do, just a couple of things kind
17 of jogged me in your opening statement. Referencing
18 the National Guard deployment. People talk about our
19 New Yorkers feeling safer with the presence of the
20 National Guard. I'm curious to know from the
21 perspective of the rank and file how they are
22 feeling, how are your officers feeling having the
23 National Guard side-by-side with them. Is there any
24 value added from their perspective.

1
2 COMMISSIONER CABAN: I'll also have Chief
3 of Transit jump in, but before he jumps in, just let
4 me-- allow me to say that obviously the transit
5 system is essential for all New Yorkers. It's
6 critical for our transit system to be safe, and not
7 just to be safe, to feel safe. So we're going to use
8 every resource available to make sure that happens.
9 I'll turn it over to Chief of Transit Mike Kemper.

10 CHIEF KEMPER: so, we've been clear from
11 the first day this was announced that we support any
12 help, any assistance we can get toward advancing
13 public safety, and look, at the end of the day that's
14 what it's about. And if you're asking me personally,
15 I don't care how we accomplish it. I don't care who
16 gets the credit. We want to make the subway system
17 as safe as we can. As far as how our cops feel about
18 it, look, I'm vocal. I've been vocal. There's no
19 better Police Department. There are no better cops
20 in the world than New York City cops. They're second
21 to none. There is nothing they can't accomplish.
22 This wasn't a decision that we made. This was a
23 decision that came from the Governor and she has
24 every right to make that decision. They're teamed up
25 with us. They're not patrolling separate. We're a

1
2 team. And let's not forget also, the National Guard
3 members, they're Americans, they're New Yorkers.
4 They're--

5 SPEAKER ADAMS: [interposing] They're my
6 family, but that's not what I'm asking you. The
7 question really was the feedback from your rank and
8 file. I understand everything that you just said,
9 but the feedback that you all are getting from--

10 CHIEF KEMPER: We're all-- we're all
11 getting along, if that's the question. There's no
12 negativity going on, and it's allowing us to expand
13 our footprint. I need to remind everyone. I think I
14 mentioned this once or twice. There was a National
15 Guard presence in the subway system prior to this
16 announcement, just not at this level.

17 SPEAKER ADAMS: Right.

18 CHIEF KEMPER: They were in Grand
19 Central. They were in Penn Station. They were in
20 World Trade Center. All this announcement did was
21 just expand the presence and footprint. So there's
22 no issues. So far, so good.

23 SPEAKER ADAMS: Alright, that was my
24 question, how the rank and file were feeling about
25 it. Thank you. Something else, Commissioner, that

1
2 you referenced in painful detail and that is the
3 accelerated crime among youth. Now, the Youth
4 Coordination Officers, how many YCOs are there in the
5 NYPD?

6 CHIEF CHELL: Currently as it stands, 368
7 and we enhanced that last year around the spring to
8 one sergeant and six police officers. Remember last
9 year, in the school system, around schools you had a
10 little influx of shootings. So we increased the YCOs
11 to six per command and a dedicated sergeant, and they
12 team up the YCOs, and since we did that in terms of
13 working with the principals, the commanding officers
14 talking to the principals once a week, identifying
15 those safe corridors, those corners, the Chipotle's
16 [sic] I call them-- where all the kids congregate--
17 doubled up with our transit partners down below. It
18 really paid dividends for us, that increase.

19 SPEAKER ADAMS: Okay, that satisfied that
20 part of my question on that for now. Let's go ahead
21 and jump into everybody's favorite subject. I guess
22 we could all get the-- create a harmonic chorus here
23 when we say overtime. Let's talk about that. In
24 September, uniformed agencies were informed that they
25 need to provide overtime reduction targets and to

1
2 develop spending plans in order to achieve these
3 targets. Yet, in the Preliminary Plan \$249 million
4 was added to NYPD's overtime budget in the current
5 fiscal year. This is a 48 percent increase in the
6 NYPD's overtime budget since adoption. What was
7 NYPD's overtime reduction target, and what was the
8 plan to reduce overtime spending and hit the target?

9 FIRST DEPUTY COMMISSIONER KINSELLA: Good
10 morning. Commissioner Caban and I cannot stress
11 enough how important it is to keep a close eye on
12 overtime. As the First Deputy Commissioner it's my
13 responsibility to make sure that we're managing the
14 overtime properly and streamlining operations to use
15 our resources wisely, but let's be clear, a lot of
16 overtime costs are due to unforeseen circumstances
17 such as shootings and protests. But however, we
18 added additional layers to that. My office conducts
19 biweekly bureau meetings with each bureau head to
20 discuss any overtime misuse to make sure that we're
21 keeping the overtime intact. In addition to that we
22 have a biweekly variance report. What is a biweekly
23 variance report, right? You want to know. It's a
24 report that each bureau head that reports to the
25 office about any identification of misuse of

1
2 overtime. There was extreme success with that for
3 the 2024 fiscal year we've seen a decrease in
4 operational overtime by 13 percent and a decrease in
5 arrests overtime by four percent. And with me is the
6 Assistant Commissioner of Management and Budget, Seth
7 Severino, and he will go further into the question.

8 SPEAKER ADAMS: The question is what was
9 the target?

10 ASSISTANT COMMISSIONER SEVERINO: Sure.

11 SPEAKER ADAMS: And then what was the
12 plan to reduce?

13 ASSISTANT COMMISSIONER SEVERINO: so,
14 working with OMB we were looking at hours. One of
15 the key things I want to stress is that with these
16 collective bargaining agreements, the cost of an hour
17 of overtime has changed throughout the years. So the
18 latest PBA agreement goes back to 2017. So I want to
19 start from a baseline and talk about 2023 for a
20 moment. So, 2023, the overtime spending was \$950
21 million which I know sounds like a very large number,
22 but the thing is when we're looking at hours, and
23 when we look at pre-COVID levels, and when we-- one
24 of the key things is obviously 2023 had a large
25 transit component. So if we back out transit and we

1
2 back out protests, the number of hours were actually
3 relatively flat, about \$7.2 million hour, when we
4 back out non-city funds. So it's city-funded
5 spending. It was 7.2 million hours year over year.
6 So those hours that happened in 19, the hourly rate
7 overall was about \$71 an hour. That hourly rate in
8 2023 was about \$80 an hour. So there was an increase
9 in \$9 an hour on average, but again, we have a
10 significant workforce. So that increase in dollars
11 equated to about \$62 million. You add onto that, the
12 transit, so that was another \$150 million. So, this
13 collective bargaining is important. So when we have
14 our conversations with OMB, we're looking at
15 reductions in hours which is why our First Deputy
16 Commissioner talked about reduction in operation
17 overtime and arrest. So beginning in October, so
18 October to January, we actually had a 14 percent
19 decrease in hours when we back out the protest-
20 related overtime costs.

21 CHIEF MADDREY: [inaudible] make sure
22 that we really--

23 SPEAKER ADAMS: [interposing] This is Mr.
24 Chair?

25

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2 CHIEF MADDREY: No, I know. I'm
3 answering your question.

4 SPEAKER ADAMS: I'm not the Chair,
5 though.

6 CHIEF MADDREY: Oh, I'm sorry, Madam
7 Speaker, excuse me. I want you to be assured that we
8 do put our best efforts in to reduce overtime. Our
9 biggest challenge with reducing overtime is the
10 unforeseen and unknown. A lot of times where we have
11 our plans and overtime is mapped out, situations
12 arise, protests, terrible shootings where we believe
13 there's high retaliation and this requires to hold
14 over additional resources, additional personnel. So
15 this is really a big factor in why our overtime
16 continues to fluctuate where we don't meet, you know,
17 our projections because we had these unforeseen
18 circumstances, and it's all around public safety,
19 around keeping the community safe, keeping traffic
20 moving, keeping young people safe.

21 SPEAKER ADAMS: Thank you, Chief. Your
22 office has been meeting monthly with OMB, which was
23 just stated, to present reports on overtime spending
24 which is being monitored by OMB for compliance. I
25 understand that if it's determined that there's

1
2 overspending, OMB will require the NYPD to develop a
3 remediation plan. Has OMB identified areas of
4 overspending in the NYPD's overtime budget, and if
5 so, what was the remediation plan?

6 ASSISTANT COMMISSIONER SEVERINO: So,
7 most of those overages, when we're meeting monthly,
8 are driven by the protest-related activity. Just to
9 give you an order of magnitude, the year-to-date
10 spending, protest related activity accounts for
11 roughly seven percent of total overtime expenditures
12 as of our last pay day. So, the key take-away here
13 is to find savings where we can. So, we found
14 savings and off-sets when we look at the year-over-
15 year hours in operation overtime and some of the
16 other related buckets. So there are areas where we
17 can't see decreases related to investigations and
18 arrests, because they are driven by activity. So
19 there are decreases in arrest overtime, but we can't
20 get it down to zero, depending on the timing of when
21 an arrest takes place. But there are less spending
22 in overtime related to arrest OT.

23 SPEAKER ADAMS: I know there's a lot of
24 fluctuating circumstances. How can the Department,
25 though, properly evaluate an overtime reduction plan,

1
2 when nearly 50 percent of the annual overtime budget
3 is added mid-way through the year?

4 ASSISTANT COMMISSIONER SEVERINO: So,
5 when we work with OMB, we basically start with
6 looking at what we've been spending to look at what's
7 realistic. So, the overtime budget was cut in the
8 prior Administration. Through-- there was about \$172
9 million reduced over two financial plans prior to
10 Mayor Adams taking office. So, when you look at FY25
11 versus FY24, there is a significant drop-off. So
12 there are constant conversations with OMB in regards
13 to what the overtime budget should look like.

14 SPEAKER ADAMS: As of January, the NYPD
15 had spent \$625 million for civilian and uniform
16 overtime, \$118 million more than the \$517 million
17 budgeted for overtime at adoption. Nearly all of the
18 overage is the result of excess uniform overtime
19 which was budgeted \$437 million at adoption, and as
20 of January had exceeded \$555 million in actual
21 expenditures. Which units and ranks generate the
22 most overtime spending? And if you can provide us
23 with a breakdown of overtime spending by purpose and
24 unit, that would be helpful.

ASSISTANT COMMISSIONER SEVERINO: Sure.

So, we do provide quarterly reports to the Council as part of through City Council Finance. Those reports very clearly detail spending by precinct. In addition to that, we do explain the breakdown by categories for all the overtime expenditures. Report was provided as per the terms and conditions. So those figures are also shared with the categories. At a very, very high level, the biggest drivers-- we have most of personnel in patrol, so Patrol Services Bureau is going to be driving the overtime, whether it be event-based or operational overtime. In addition to that, we have a very robust Detective Bureau to solve cases, and they are also earning a significant portion the uniform overtime as well.

SPEAKER ADAMS: The Comptroller recently testified that uniformed agencies could be more proactive in the way they allocated resources for planned events, thus reducing the need for overtime. In Fiscal Year 2023, NYPD spent \$160 million on overtime for events and details in the City. How much overtime has been spent so far this year on planned events, and how does that compare to recent years?

1
2 ASSISTANT COMMISSIONER SEVERINO: So,
3 overall event spending year-to-date as of our last
4 pay date is approximately \$95 million. I don't have
5 the breakout planned versus unplanned. That does
6 exclude the protest-related overtime which is around
7 \$45.6 million. So it's \$45.6 million plus the \$95.4.

8 SPEAKER ADAMS: And how does that compare
9 to recent years?

10 ASSISTANT COMMISSIONER SEVERINO: Well,
11 the protest piece is much larger than last year. In
12 terms of the non-protest related events, we are
13 looking at-- there's a slight uptick in hours related
14 to events and it's about seven percent in hours.

15 SPEAKER ADAMS: Okay. What other
16 categories has NYPD seen reductions in overtime
17 spending, and what actions were taken to bring about
18 these decreases?

19 FIRST DEPUTY COMMISSIONER KINSELLA: So,
20 I'll turn it over to Seth in second to give you the
21 actual numbers, but when we saw that there was an
22 increase of overtime misuse, like I said earlier,
23 that we conduct biweekly meetings with each bureau
24 head, and they have to discuss line by line exactly
25 why they're up in a particular category and what

1
2 they're going to do about it, and if it's so
3 egregious that bureau or unit has to come to my
4 office and answer to myself or the Police
5 Commissioner as to what and why the overtime is
6 increased. And as far as the numbers, Seth can give
7 you that.

8 ASSISTANT COMMISSIONER SEVERINO: So,
9 after the letter went out from the Mayor, so
10 beginning in October through January, as we stated
11 earlier, there was a four percent decrease in arrest
12 hours. There was a 13 percent decrease in
13 operational overtime, and there were other-- sorry.
14 Transit safety related overtime went down about 49
15 percent, and again, the context there is we had \$62
16 million from the state to help us increase up to
17 10,000 daily hours. So we went from 10,000 daily
18 hours to about 5,000. So there was a decrease there.

19 SPEAKER ADAMS: Okay, thank you. Let's
20 take a little look at the-- your response to
21 protests. As the results of a recent court
22 settlement, the Police Department is required to
23 change its training and policies relating to how it
24 responds to protests. We know that we've-- we're
25 having significant protests pretty much on a daily

1 basis. But this includes banning kettling [sic],
2 limiting the use of the Strategic Response Group, or
3 the SRG, limiting other uses of force, and modifying
4 how officers treat the press. The settlement includes
5 a four-tier response approach with each tier
6 increasing the level of officers and response
7 allowed. The first tier includes the deployment of
8 protest liaisons from the Community Affairs Bureau.
9 What steps is the Department taking to comply with
10 the settlement terms?
11

12 COMMISSIONER CABAN: So, before I turn it
13 over to our Chief of Special Operations, please let
14 me reiterate that there is no law enforcement agency
15 in the world better equipped to handle large-scale
16 events than the NYPD, and we always support
17 everyone's right to protest peacefully, but we will
18 not accept assaulting our officers. We will not
19 accept the destruction of property. We will not
20 accept--

21 UNIDENTIFIED: [audience yelling]

22 CHAIRPERSON SALAAM: [gavel] Please remove
23 the disturbance. Please remove the disturbance.

24 UNIDENTIFIED: [audience yelling]

25

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2 CHAIRPERSON SALAAM: Please remove the
3 disturbance.

4 UNIDENTIFIED: [audience yelling]

5 CHAIRPERSON SALAAM: So, just to remind
6 everyone, we are here to have a productive
7 conversation. If there's anyone here that has any
8 frustrations, know that I understand them. But let
9 me be clear, during this hearing you will respect our
10 guest and you will respect this chamber. My
11 apologies to the NYPD and the Commissioner.

12 COMMISSIONER CABAN: I'll now turn it
13 over to Deputy Commissioner of Legal Matters.

14 DEPUTY COMMISSIONER GERBER: Good
15 morning. So, with regard to the protest settlement,
16 we're now in phase one of the settlement, and the
17 sort of the heart of phase one is the Department
18 drafting new policies, new procedures, new training,
19 new forms to effectuate, among other things, the
20 four-tier system that you were describing a moment
21 ago. And the settlement by its terms lays out really
22 sort of a road map where how this works in phase one.
23 We draft those policies, procedures, trainings, forms
24 within a process for getting feedback, comments from
25 the plaintiffs in the case and their counsel and the

1 union interveners. There's a back and forth process.
2 Hopefully, sort of, there's a resolution of any
3 outstanding issues. If not, it can go to the court
4 to resolve any outstanding issues regarding those
5 materials, and then once we meet that resolution we
6 have the new policy, we have the new training, we
7 have the forms. Forty-five days later we then go to
8 phase two.
9

10 SPEAKER ADAMS: Okay, thank you. What is
11 the budget and headcount of the Community Affairs
12 Bureau and how many Protest Liaisons are in the
13 Bureau.

14 ASSISTANT COMMISSIONER SEVERINO: Speaker,
15 the current budgeted headcount for Community Affairs
16 Bureau is approximately 145. I do want to note
17 though, however, that there was a recent
18 reorganization where the officers that were
19 previously assigned to precincts were reallocated.
20 So that is not yet reflected in the budget. So we
21 will work with OMB to reflect that adjustment in the
22 budget itself.

23 SPEAKER ADAMS: Okay.
24
25

1
2 ASSISTANT COMMISSIONER SEVERINO: In
3 terms of active headcount, I would defer to
4 Commissioner Mark Stewart.

5 DEPUTY COMMISSIONER STEWART: Yeah, so
6 active headcount we have, since I took over, a
7 Community Affairs Bureau. We have two-- we have two
8 Community Affairs Officers and--

9 COMMITTEE COUNSEL: [interposing] Can you
10 hold on a second, please. For individuals who
11 weren't sworn in at the beginning, we're going to
12 swear you in when you come up to speak, and also, can
13 you please identify yourself so that we can help with
14 the transcription. So, do you affirm to tell the
15 truth, nothing but the truth before this committee
16 and to answer honestly to Council Member questions?

17 DEPUTY COMMISSIONER STEWART: I do.

18 COMMITTEE COUNSEL: And can you identify
19 yourself as well, and then go ahead.

20 DEPUTY COMMISSIONER STEWART: Deputy
21 Commissioner Mark Stewart.

22 COMMITTEE COUNSEL: Okay, thank you.

23 DEPUTY COMMISSIONER STEWART: So, we have
24 approximately 741 Community Affairs Officers. We
25 have two in each precinct, two each in housing, and

1
2 when they're called for protests, they know that
3 they're assigned to be in the front regards-- and to
4 the community and the relationship. The budget, I
5 don't have the numbers for the actual budget on the
6 overtime that they work, but they're there to calm
7 the public down.

8 SPEAKER ADAMS: Do you plan to increase
9 the numbers?

10 DEPUTY COMMISSIONER STEWART: No, I don't
11 think we do. I think we get our-- we get our
12 assignment from Operations, so whatever the numbers
13 are, then we send manpower out.

14 SPEAKER ADAMS: Okay. what steps have
15 the Department taken in changing how the officers in
16 the Community Affairs Bureau respond to protests, and
17 how many officers have been or will be engaged?

18 DEPUTY COMMISSIONER GERBER: Just to
19 speak to that for a moment. So what's going to
20 happen is as we ultimately finalize, come to a
21 landing on the new policy, new training, all that,
22 part of that is going to be training for protest
23 liaisons. The settlement actually speaks to this
24 quite expressly. There's a training for protest
25 liaisons and, you know, as we roll this out, we're

1
2 going to have to identify sort of a universe of
3 individuals of members of service who can service
4 protest liaisons, and then you know, make sure
5 they're provided with the necessary training.

6 SPEAKER ADAMS: Okay. How do you
7 anticipate the use of the SRG in relation to the
8 protests will change because of the settlement?

9 DEPUTY COMMISSIONER GERBER: Sure. So,
10 under the settlement-- you know, the settlement
11 actually expressly does refer to SRG's role. In
12 particular, when we are at tier three situation, that
13 is when you have individualized probable cause for
14 arrest, and that's either for what we call green
15 light offenses or authorized red light offenses, and
16 in that circumstance in tier three, SRG can be
17 deployed to make arrests.

18 SPEAKER ADAMS: Okay. Will the changes
19 instituted limit personnel that can be deployed to
20 protests reducing the amount of overtime?

21 DEPUTY COMMISSIONER GERBER: So, the
22 settlement definitely speaks to sort of in that
23 tiered system how we deploy resources and the
24 universe of resources. It's hard to speak to this in
25 a quantitative way only because-- first of all, we

1 don't actually have the policies yet. That is a work
2 in progress. It also-- the settlement has the tiers.
3 It does not speak in terms of, you know, precise
4 numbers. To your point though, it definitely does
5 speak to the idea that for example when you're in
6 tier one, you're obviously going to see a much more
7 reduced MOS presence than you would say, you know, in
8 tier three or tier four. It's hard to answer kind of
9 what the differential is precisely in terms of
10 deployment, you know, sort of how things work now
11 versus under the sort of settlement, but the
12 settlement definitely does speak to-- when it talks
13 about the tiers, it is speaking in part about the
14 number of officers and the level of deployment on the
15 scene.
16

17 SPEAKER ADAMS: Okay.

18 ASSISTANT COMMISSIONER SEVERINO: If I
19 may add, just to give you some context. I mentioned
20 earlier that we spent about \$45 million so far in
21 protest-related overtime. Of that overtime, \$2.6
22 million is SRG, so less than 10 percent.

23 SPEAKER ADAMS: Okay.

24 CHIEF MADDREY: Madam Speaker, just the
25 lightest touch, that is what I use for the members

1 here. When we do protests, let's start with the
2 lightest touch possible. We want people to go out
3 there, exercise their first amendment right with the
4 lightest touch possible. If we need extra resources,
5 we'll bring it in.

7 [gavel]

8 UNIDENTIFIED: [audience yelling]

9 CHIEF MADDREY: That's how we're going to
10 start.

11 CHAIRPERSON SALAAM: Please remove the
12 disturbance.

13 UNIDENTIFIED: [audience yelling]

14 CHAIRPERSON SALAAM: You may continue.

15 SPEAKER ADAMS: Okay. Alright, on that
16 note, I'm going to change the subject. Let's talk
17 about public and journalistic access to police radio
18 transmission, okay? The Department's Capital Budget
19 includes \$61 million for upgrading and replacing
20 police radio and communication equipment in Fiscal
21 Year 2024. The Council has been informed that this
22 new equipment could be used to reduce transparency by
23 encrypting communications, effectively blocking
24 emergency volunteer services, the public, and
25 journalists from access to critical information. Can

1
2 you update the Council in the current status of the
3 planned upgrade to the Department's communication
4 system, particularly in regard to the Department's
5 intentions for utilizing encryption?

6 COMMISSIONER CABAN: so, I'll have our
7 Chief of Information and Technology Bureau who could
8 answer those questions.

9 COMMITTEE COUNSEL: Please, just repeat
10 the following, just affirm to tell the truth, the
11 whole truth and nothing but the truth in your
12 testimony before this committee and answer honestly
13 to Council Member questions. Do you?

14 CHIEF BELTRAN: I do.

15 COMMITTEE COUNSEL: Thank you so much.
16 Please identify yourself and go ahead.

17 CHIEF BELTRAN: My name is Ruben Beltran,
18 Chief of Information Technology NYPD. In terms of a
19 status update you want on our digital upgrade to our
20 radio system and encryption, is that the question?

21 SPEAKER ADAMS: Yes, please.

22 CHIEF BELTRAN: Right now, we are fully
23 upgraded to digital and we have encryption enabled in
24 Brooklyn. Recently, we-- well, actually, we're still
25 in the process of completing Staten Island. We

1 started the process of the digital upgrade in Staten
2 Island, and the rest of the boroughs are between 70
3 and 80 percent complete in terms of the
4 infrastructure upgrade. Also, as part of that,
5 there's also a radio portable update and
6 distribution. So we just received funding and we're
7 distributing another 10,000 portables. That'll get us
8 to around 75 percent of the radio distribution that
9 we need to complete the upgrade.
10

11 SPEAKER ADAMS: Okay. Has the Department
12 been working to keep members of the press and the
13 public informed, and what policies has the Department
14 developed or proposed to maintain access within this
15 new technology infrastructure?

16 CHIEF BELTRAN: Well, the Department is
17 still internally discussing the options that we have
18 to implement digital upgrade and encryption citywide.
19 We expect to complete-- our target date to complete
20 the encryption, the digital upgrade and to have the
21 ability to encrypt the whole system was the end of
22 this calendar year. Well, it'll probably be a little
23 bit late. I'm going to try to make the end of the
24 year. We'll probably be in the first quarter of next
25 year, but we're definitely having discussions in

1
2 terms of the considerations that should be going into
3 that, and some of them span some operational concerns
4 about giving external access to our radio system as
5 well as some data security issues related to that.
6 And by the way, this discussion is being had
7 nationwide in that regard. The legal considerations
8 in terms of right to privacy, victim privacy, and so
9 forth. And then of course, the access to media which
10 has become at least a common theme of questions that
11 we get at our press office regarding the encryption.

12 SPEAKER ADAMS: The District Attorneys
13 haven't received funding to upgrade their radio
14 systems for their Detective Investigative Unit, and
15 as a result, their systems are not going to be
16 compatible with your upgrades. So how have you been
17 keeping the DA's Detective Investigations Unit
18 informed?

19 CHIEF BELTRAN: We have agreements with
20 most of the law enforcement that-- and for the DA's
21 offices in terms of utilization of our radio
22 frequencies and channels, and they're working with
23 our Life Safety Systems Division in some-- I think
24 one case in particular for New York DA's Office, for
25 Danny, we're actually providing them radios. We're

1
2 creating MOUs including providing them radios until
3 they can get funding to replace their radios. But
4 we're having those communications and we're making
5 sure that we provide equipment for them so they can
6 stay-- so they can stay informed and be able to
7 function and do their jobs.

8 SPEAKER ADAMS: Okay. I was going to ask
9 you if you would share part of your funding with them
10 to help them with upgrades, but I don't know if you
11 all want to answer that. Does the Department support
12 the State Senate's Bill 7759 or the Keep Police Radio
13 Public Act?

14 CHIEF BELTRAN: I don't know too many
15 details about that bill, so I really can't comment on
16 it.

17 DEPUTY COMMISSIONER GERBER: Yeah, I
18 don't think the Department has taken a position on
19 that one way or the other, at least not that I'm
20 aware of.

21 SPEAKER ADAMS: Okay. The proof is in
22 the pudding. I mean, it says it in the name of the
23 bill itself, keep police radio public. Anybody?
24 Crickets, okay.

1
2 DEPUTY COMMISSIONER GERBER: I think
3 there are a variety of reasons which Chief Beltran
4 can get into why we think there are important
5 operational security reasons for encryption.
6 Certainly understand the argument on the other side
7 of that, and those are real concerns, and we've heard
8 them, and there's, as the Chief said, internal
9 dialogue and discussion about those concerns, but I
10 think coming back-- again, you know, there are
11 security reasons, operational security reasons,
12 safety reasons why encryption is really important,
13 and I would turn it over to Chief Beltran--

14 CHIEF BELTRAN: [interposing] I could over
15 some of the operational considerations that we've
16 been discussing internally. Just in the past five
17 years, there have been over 180 arrests encompassing
18 all five boroughs for unlawful possession of a radio
19 device, including several where the top charge was a
20 felony. In 2023 alone there were 42 incidents
21 resulting in 55 arrests of unlawful possession of
22 radio devices which only happens if you're charged
23 with-- if you're committing a crime, and I think we
24 have many anecdotal examples that demonstrate that.
25 On February 10th, 2023, we have Adelia Ventura [sp?],

1
2 a known member of the Trinitarios gang, and a
3 burglary recidivist with an active warrant was arrest
4 in the confines of the 110 driving a stolen vehicle
5 while in possession of police radio and a police
6 scanner. On August 5th, 2023, Shlomo Levith [sp?]
7 was arrested in the confines of the 70 with reckless
8 endangerment while driving at excessive rates of
9 speed coming into traffic. He was placed into
10 custody. He had an Axon [sic] body-worn camera and a
11 police scanner. November 22nd, 2022, Matthew Mendez
12 and Arsolan Saeed [sp?] were arrested in the confines
13 of the 120 of Staten Island while in possession of
14 loaded firearms, bullet-resistant vests, DA shields,
15 numerous narcotics, and a police scanner. On
16 November 30th, 2023 members of the Joint Rivalry
17 [sic] Taskforce arrested Ray Brittle [sp?] for three
18 armed robberies in Queens County. Upon his arrest a
19 police scanner and an imitation pistol were found in
20 his possession. And more recently, a video uploaded
21 by social media, to social media by a Trinitario
22 robbery team fleeing from an attempted carjacking and
23 a shots fired job in the confines of the 109 precinct
24 included audible transmissions in the perpetrator's
25 vehicle from an NYPD division radio. A search

1
2 warrant executed on cell phones by the Metro Save
3 Streets Taskforce found the Trinitarios were using
4 police scanner apps on their cell phones to monitor
5 police communications and furtherance of their
6 crimes. So, from an operational perspective, I think
7 we have a really compelling case to limit and
8 restrict access to police radio.

9 SPEAKER ADAMS: We still need to take a
10 look at media access. We need to-- this should be
11 something that there should be a-- lack of a better
12 expression, a happy medium somewhere instead of just,
13 you know, throwing the entire baby away with the bath
14 water. So, more to be discussed on that. Let's move
15 on, because I know my colleagues want to get in here.
16 Let's take a look at public relations and DCPI
17 spending. NYPD has recently undertaken a number of
18 new public relations efforts that have raised
19 significant questions, including its use of social
20 media and video production. This includes the
21 publication of an NYPD's Most Wanted video and
22 communications that criticize judges and prosecutors,
23 seeming to attack the credibility of other branches
24 of government involved in the criminal legal system.
25 How much is budgeted for the Office of Public

1
2 Information and other public relations efforts,
3 including video production and social media? And
4 please provide actual expenses in the current and
5 last year as well as the number of hours spent on
6 these publications, which some feel is very
7 questionable, quite frankly. How is the actual
8 spending on public relations changed over the past
9 several fiscal years?

10 ASSISTANT COMMISSIONER SEVERINO: What I
11 do have for you is the current budget, FY24 is
12 \$193,000 in OTPS, and last year expenses were about
13 \$65,000. That is separate from the PS budget related
14 to personnel, but the data that I have is the OTPS
15 spending.

16 SPEAKER ADAMS: Who's responsible for
17 vetting the information that comes across? Because a
18 lot of the information is incorrect.

19 COMMISSIONER CABAN: Assistant
20 Commissioner Carlos Nieves.

21 COMMITTEE COUNSEL: Affirm that you will
22 tell the truth, the whole truth and nothing but the
23 truth in your testimony and to answer honestly to
24 Council Member questions?

25 ASSISTANT COMMISSIONER NIEVES: I do.

1
2 COMMITTEE COUNSEL: You may go ahead.
3 Thank you.

4 ASSISTANT COMMISSIONER NIEVES: Good
5 morning, Madam Speaker. So, the Department has over
6 250 social media-- separate social media accounts.
7 In the Department, our executives, precinct
8 commanders are given access to social media accounts
9 in order to inform the public in the area that they
10 cover. Our higher level executives also have social
11 media accounts, and they are entrusted to deliver the
12 Department's message.

13 SPEAKER ADAMS: Okay, my question still
14 was who's responsible for vetting the information
15 that comes across, because there has been significant
16 incorrect information that is potentially harmful
17 actually to people out there doing their jobs
18 appropriately and well.

19 DEPUTY COMMISSIONER GERBER: So, Madam
20 Speaker, you are correct that we have to get the
21 information right. I think we're all very aware of
22 this. you know, to the extent we have gotten things
23 wrong, we have apologized for that and acknowledged
24 it, and I think I can say, you know, going forward we
25 are going to be extremely careful, extremely careful

1
2 to make sure we're getting our facts right, that
3 things are being double-checked. We completely
4 appreciate that when we're putting things out there
5 we have to make sure the information is accurate. We
6 do not disagree on that.

7 SPEAKER ADAMS: Okay. Why are the NYPD's
8 public relations expenditures a prudent use of police
9 time and resources?

10 DEPUTY COMMISSIONER GERBER: Well, I do
11 think it's actually very important for the Department
12 to get its message out there. We are a very
13 important stakeholder in the criminal justice system,
14 and obviously there are a variety of perspectives out
15 there, but the Department's perspective on matters
16 related to public safety is, I think, an important
17 voice in the room so to speak. And getting our
18 message out there we do it in a variety ways, and you
19 know, maybe a decade ago this would have been done
20 via press conference or via an interview, but in 2024
21 one very important way to communicate with the public
22 is via social media, and that's something that we've
23 done and will continue to do.

24 SPEAKER ADAMS: Okay, before I turn it
25 over to the Chair, I'll just add or just end my

1
2 questions for now just by saying NYPD is so very
3 critical. The information that you put out there is
4 taken very, very seriously by thousands upon
5 thousands out there who are watching. If you are
6 going to use social media platforms to get your
7 message across, it is absolutely essential and
8 imperative that it be correct. It is essential and
9 imperative that there is no harm done to innocent
10 folks out there who are just doing their jobs, like I
11 said, appropriately and accurately. It is imperative
12 that if nobody gets this right, that the Police
13 Department gets this right. Thank you for your
14 testimony, Commissioner.

15 COMMISSIONER CABAN: And Madam Speaker,
16 I'll double-down on that and let you know as an
17 agency we will be more careful and responsible about
18 what we post.

19 SPEAKER ADAMS: Thank you. Mr. Chair?

20 CHAIRPERSON SALAAM: Thank you, Madam
21 Speaker. I want to acknowledge that we've been
22 joined by Council Members Rivera, Yeger, Joseph,
23 Narcisse, and Brewer. I want to start my questioning
24 with-- as it relates to the Subway Safety Plan as
25 well. Due to the 45 percent increase in major crimes

1
2 in subway systems, the Administration recently
3 announced an additional 1,000 officers and extended
4 shifts for officers working in the system. Last
5 year, the Administration announced a similar plan to
6 decrease crime in the subways with additional officer
7 deployments and state-funded overtime. What I want
8 to ask is what was spending on last year's plan to
9 decrease subway crime, and what was reimbursed by the
10 State?

11 ASSISTANT COMMISSIONER SEVERINO: So, we
12 spent in Fiscal Year 23 \$150.7 million of which we
13 received funding from the State totaling \$62 million.

14 CHAIRPERSON SALAAM: What is the expected
15 increase in overtime hours and spending from the new
16 initiatives?

17 ASSISTANT COMMISSIONER SEVERINO: so,
18 year to date there is approximately \$80 million that
19 has spent since July 1st for the current fiscal year.
20 In terms of deployment levels, I'll defer to Chief
21 Kemper.

22 CHIEF KEMPER: Question to me is? I
23 apologize.

24 COMMITTEE COUNSEL: Swear you in and
25 identify yourself, please. Do you affirm to tell the

1
2 truth, the whole truth and nothing but the truth
3 before this committee and to answer honestly to
4 Council Member questions?

5 CHIEF KEMPER: I do. I'm Michael Kemper.
6 I'm the Chief of Transit for the NYPD.

7 COMMITTEE COUNSEL: Thank you.

8 CHIEF KEMPER: I apologize, sir. What
9 was the question to me?

10 CHAIRPERSON SALAAM: Not a problem. What
11 is the expected increase in overtime hours and
12 spending from the new initiatives?

13 ASSISTANT COMMISSIONER SEVERINO: So, in
14 terms of the hours we're currently at about 5,000
15 daily hours. That cost per week is roughly \$2.7
16 million.

17 CHAIRPERSON SALAAM: The Department has
18 stated in the past that funding isn't available to
19 continue these programs in perpetuity. Once funding
20 diminishes we often see an increase in criminal
21 activity in the subway in particular. It seems like
22 increasing policing in the short-term investment-- in
23 the short term, investing hundreds of millions of
24 dollars of overtime doesn't create the systemic
25 changes that we want to see for New York. Instead,

1
2 the City could invest this funding into an effort to
3 appropriate services to those individuals who
4 perpetuate the largest portion of these crimes. So
5 my question regarding that is do you agree that an
6 increase in funding for mental health and community
7 services would assist in decreasing crime in the
8 subway system.

9 CHIEF KEMPER: So, I'll answer that
10 question. And I would say personally there is some
11 truth to that, absolutely, yes, and why I would say
12 that is when looking at the subway it's so unique and
13 nuanced when it comes to public safety. The mental
14 health issue or the crime issue or the issues in the
15 subway system that really affect perception and fear
16 and crime. When talking about mental health we could
17 start with perception and fear. When our riders
18 enter the system and they come across someone that's
19 in the midst of a mental health crisis, if you will,
20 scares them. It's the unknown. So it's directly
21 linked to perception and fear and crime. More often
22 than not we find individuals who suffer from a mental
23 illness, victims of crimes and committing crimes. So
24 there's a direct correlation between not only the
25 perception and fear with crime, and ultimately,

1
2 spending time would certainly help people. You know,
3 at the end of the day, find the help that these
4 people need. If I answered your question, I hope so,
5 sir.

6 CHAIRPERSON SALAAM: Absolutely. I have a
7 follow-up to that. Would you be amenable to
8 diverting some of the resources that they are
9 receiving for this plan for those causes?

10 ASSISTANT COMMISSIONER SEVERINO: Just to
11 clarify from a budgetary perspective, we're
12 constantly working with OMB to adjust our overtime
13 budget. As we discussed earlier, there's a year-to-
14 date spend versus our current budget, and that
15 difference is quite small and we still have the rest
16 of the fiscal year. So there's no true funding to
17 divert. It's just a matter of where the spending
18 takes place.

19 CHIEF KEMP: So, just hearing that about
20 diverting. Look, public safety and reducing crime
21 and allowing our riders to travel from point A to
22 point B free from crime, this is what they deserve,
23 and certainly they need to feel safe. If you're
24 asking me my honest, personal, under oath opinion,
25

1
2 more effort needs to be spent on the topic of mental
3 health, particularly in the subway system, yes.

4 CHAIRPERSON SALAAM: Alright, I'm going
5 to pass it to the Council Members.

6 COMMITTEE COUNSEL: Thank you, Chair.
7 We'll now hear from Council Members for questioning.
8 We will set the timer at five minutes, and we will
9 provide additional time for folks to do a second
10 round as needed. First, we'll hear from Deputy
11 Speaker Ayala followed by Council Members Ossé and
12 Stevens.

13 COUNCIL MEMBER AYALA: Thank you. Thank
14 you and welcome. My first question is around the
15 asylum-seeker coverage. It is reported that the NYPD
16 has spent approximately \$10 million on the provision
17 of service to the asylum-seekers as of February.
18 What have these funds been spent on, and does the
19 Department track complaints against officers from
20 asylum-seekers?

21 ASSISTANT COMMISSIONER SEVERINO: So, in
22 terms of spending, that money is related to overtime,
23 and I defer to-- the second part of the question
24 again? I apologize.
25

1
2 COUNCIL MEMBER AYALA: What do you mean
3 by overtime?

4 ASSISTANT COMMISSIONER SEVERINO:
5 Overtime, so additional coverage at shelter-related
6 security.

7 COUNCIL MEMBER AYALA: Because I have a
8 HERRC in Randall's Island, and when I'm driving up
9 the FDR I usually see police officers' vehicles
10 outside. So is the NYPD providing security? Because
11 my understanding is that we have security inside of
12 the shelters.

13 CHIEF CHELL: So, to answer your
14 question. Randall's Island is one of our
15 mobilization points that we use throughout the City
16 for a variety of events. It happens to be on
17 Randall's Island, but in terms of Randall's Island
18 HERRC itself, we have one lieutenant, two sergeants,
19 16 cops every tour, 24 hours, and then if we have
20 recent upticks in assaults inside the HERRC or things
21 of that nature, we might ramp it up. But
22 traditionally, one, two, and 16 is what we call it.
23 Three tours a day just for perimeter and interior
24 security.

1
2 COUNCIL MEMBER AYALA: And that's in
3 addition to the security, the private security that's
4 also provided inside of the perimeters of the--

5 CHIEF CHELL: [interposing] That's
6 correct.

7 COUNCIL MEMBER AYALA: Is that necessary
8 to have that much?

9 CHIEF CHELL: So, when you have anywhere
10 from 3,000 to 5,000 people in a HERRC and people are
11 hanging out, we do see internal assaults between the
12 migrants or assaults on security guards. We had a
13 homicide up there, also. So, it fluctuates what
14 we're doing, but again, the standard package is one,
15 two, and 16, but if we need more from time to time
16 for events that go on, we'll adjust to that and the
17 bring it back down to where it should be.

18 COUNCIL MEMBER AYALA: I just wonder
19 because we're paying for two different-- we're paying
20 two different entities for the same service, and so
21 that's-- you know, we're talking about the budget,
22 and it just doesn't feel right that we're paying
23 private security--

24

25

1
2 CHIEF CHELL: [interposing] Well, from the
3 safety-- from a safety point of view, I said, the
4 number is like 3,000 sometimes.

5 COUNCIL MEMBER AYALA: Yeah, I--

6 CHIEF CHELL: [interposing] According to
7 the borough commander up there, it could be 5,000.
8 If things go wrong on a safety level, we have to be
9 prepared, and even the numbers I just gave you of 16
10 cops and a couple sergeant really doesn't do that, so
11 we have to multiply that with the security up there,
12 and even that is probably not enough, but like the
13 Chief says, a light touch, a visual presence. We
14 always have cops on standby if need be.

15 COUNCIL MEMBER AYALA: Okay. The second
16 question was regarding complaints. Does the NYPD
17 track complaints from asylum-seekers?

18 CHIEF LIPETRI: Chief Michael Lipetri,
19 Chief of Crime Control Strategies.

20 COMMITTEE COUNSEL: Do you affirm to tell
21 the truth, the whole truth and nothing but the truth
22 before this committee and to answer honestly to
23 Council Member questions?

24 CHIEF LIPETRI: Yes.

25 COMMITTEE COUNSEL: Thank you.

1
2 CHIEF LIPETRI: The answer to your
3 question is no.

4 COUNCIL MEMBER AYALA: You don't track
5 them?

6 CHIEF LIPETRI: No.

7 COUNCIL MEMBER AYALA: Do get them?

8 CHIEF LIPETRI: Get what?

9 COUNCIL MEMBER AYALA: Complaints.

10 CHIEF LIPETRI: Assaults on police
11 officers?

12 COUNCIL MEMBER AYALA: No, from asylum-
13 seekers complaining against police officer conduct.

14 CHIEF LIPETRI: We don't know if that
15 person is an asylum-seeker or not. We don't elicit
16 immigration status from the city-- you know, New York
17 City Police Department does not elicit immigration
18 status.

19 COUNCIL MEMBER AYALA: I'm not going to
20 accept that response, because I find it really
21 convenient that sometimes we know and sometimes we
22 don't know when somebody's being identified as an
23 asylum-seeker. But I'm going to leave that there,
24 because I have a couple--
25

1
2 CHIEF MADDREY: Council Member, the
3 challenge is we don't know-- sometimes we don't know
4 who the person making the complaint is. They can
5 mail in a complaint. They can telephone in a
6 complaint and we will not know that information. We
7 just see their name. We don't know, you know, if
8 they're an asylum-seeker or not.

9 COUNCIL MEMBER AYALA: If you're in a
10 HERRC specifically and you're offering that level of
11 service, of security, and somebody is making a
12 complaint, then there's an assumption, right, that a
13 person that lives there. Maybe I should have said,
14 you know, from individuals residing in HERRC
15 facilities, maybe that would have been a better way
16 to ask the question.

17 CHIEF MADDREY: The only way we would
18 have that if the person actually walked into a
19 precinct and gave us that information. If they're
20 doing it any other way, we won't have that.

21 COMMISSIONER CABAN: As a police
22 department we police crime. We don't police people.

23 COUNCIL MEMBER AYALA: Okay, alright.
24 Okay, I lost my train of thought here. Okay,
25 regarding-- my next question is regarding the trauma-

1 informed sexual assault victim interview and
2 investigative training hours. In the PMMR, trauma-
3 informed sexual assault victim interview and
4 investigation training hours increased by 82 percent
5 in the first four months of fiscal year 24 compared
6 to the same period in 23. How often do investigators
7 and supervisors receive refresher courses course
8 training? Yes?

10 COMMITTEE COUNSEL: Thank you. Please
11 repeat the following-- or just affirm the following.
12 Do you affirm to tell the truth, the whole truth and
13 nothing but the truth before this committee and to
14 answer honestly to Council Member questions?

15 CHIEF KENNY: I do.

16 COMMITTEE COUNSEL: Please identify
17 yourself and go ahead.

18 CHIEF KENNY: Good morning. [inaudible]
19 Chief of Detectives Joseph Kenny. So, based on-- I'm
20 working with a whole new model with the special
21 victims. Our training has increased tremendously,
22 and we're doing a lot of work with the civilian
23 advocates that help us out with that. So just
24 training in general for special victims detectives,
25 we have a new eight-week mentoring program for all

1 newly-assigned investigators. We have a new six-day
2 investigator course for all newly-assigned. We have
3 a mandatory three-day annual refresher course for
4 everybody that's assigned. We have a one-day
5 refresher course for all supervisors. The trauma-
6 informed interview training is done. We have a new
7 vicarious trauma training that is done for all newly-
8 assigned officers. We're up to about 85 percent of
9 everybody's trained in that. We have our regular
10 NYPD training that they go through. They go through
11 the CIC course, the homicide course, things of that
12 nature. We have a newly created drug-facilitated
13 sexual assault training, and we're taking all of this
14 information and special victims is actually going out
15 to the precincts themselves to train roll calls, to
16 teach the officers on patrol about all these new
17 techniques as well. So we've taken everything that
18 the advocate has said. We're working with our
19 training unit with Chief Obe, and we're getting this
20 information out. We've become one of the most
21 highly-trained special victims units in the country.

23 COUNCIL MEMBER AYALA: I love Chief Obe.

24 But the question was, how often are investigators and

25

1
2 supervisors receiving the course, the refresher
3 course?

4 CHIEF KENNY: Like I said, they'll get it
5 the once a year, the mandatory training.

6 COUNCIL MEMBER AYALA: Once a year, okay.
7 And the Special Victims Unit inherited the
8 responsibility of investigating human trafficking
9 cases previously handled by the Vice Unit. Did the
10 Department move resource to SVU to handle the
11 increase responsibility and number of cases?

12 CHIEF KENNY: Yeah, so we-- so human
13 trafficking moved over from Vice to Special Victims.
14 Based on the type of cases that they work on, we
15 realized that the majority of the people that are
16 being human-trafficked are also victims of sex
17 crimes. So, we have since December of 2022 one
18 captain, two lieutenant, 24 investigators assigned
19 along with three undercovers. We made 73 arrests
20 last year, and the main focus of the unit is case
21 work, outreach, rescues, enforcement, training, and
22 collaboration with other federal units.

23 COUNCIL MEMBER AYALA: Okay. And
24 regarding retail theft, the Governor's Executive
25 Budget included funding for a State response team to

1 target retail crime. Additionally, in the last City
2 Executive Budget there was a projected increase
3 revenue from the paid detail program in which
4 businesses can pay a fee to the City to have off-duty
5 officers detail their stores. What resources are
6 allocated towards combatting retail theft in the
7 City, and how is the NYPD going to work with the
8 State teams?
9

10 CHIEF LIPETRI: Chief Michael Lipetri
11 again, Chief of Crime Control Strategies. So, by the
12 Direction of the Police Commission and Chief of
13 Department, my office was spearheading the crime
14 fighting initiative into retail theft. One of the
15 newest initiatives that we put in place the beginning
16 of the holiday season was we put more officers on
17 foot than we ever have in recent years in and around
18 business districts, and it was data-driven. So we
19 looked at the top 25 locations in the City of New
20 York which elicit the most shop-lifting complaints,
21 and that's from three categories: petty larceny,
22 grand larceny, or a robbery. We then overlaid that
23 with community complaints, and we also overlaid that
24 with arrest at the location, and what we saw was a
25 4,000 decrease in overall complaints, but about

1
2 59,000 complaints compared to 63,000. We also had
3 25,000 shop-lifting arrests last year, and like the
4 Police Commissioner testified in the beginning, we
5 are laser-focused on precision and recidivism. When
6 we look at the 542 people that were arrested over
7 7,500 times, those are the individuals that we have
8 conversations with our partners across the City, the
9 DAs, to get that prosecution that we want to help the
10 City of New York and help the retailers, you know,
11 survive. And I am part of that taskforce. I've been
12 to many, many meetings. The Police Commissioner has
13 been to many, many meetings. We've met at the
14 highest levels, the lowest levels with associations
15 across the City and we are steadfast, steadfast in
16 suppressing retail theft in New York City.

17 COUNCIL MEMBER AYALA: I look at retail
18 theft a little bit different than-- you know, because
19 I saw after the pandemic there was a substantial
20 increase in theft cases in my community, and we saw
21 specifically a lot of like Walgreens and Rite Aids
22 that were closing, and I would literally sit there
23 and I would see the theft happening, and we were
24 highly dependent on like the local precinct to do
25 this work. My concern-- not concern, but my-- I

1
2 think where I need a little bit of clarity is how
3 does this program work? Because if the officer is
4 off-duty, who's paying for-- is it the fee that the
5 business is paying that's going toward the payment of
6 that off-duty officer?

7 ASSISTANT COMMISSIONER SEVERINO: So, the
8 paid detail program is-- that revenue that we receive
9 is an administrative fee, and Chief of Personnel,
10 Chief Benoit will finish-- add some--

11 COUNCIL MEMBER AYALA: Yeah.

12 COMMITTEE COUNSEL: Sorry about that. Do
13 you affirm to tell the truth, the whole truth and
14 nothing but the truth before this committee and to
15 answer honestly to Council Member questions?

16 COUNCIL MEMBER AYALA: We should just
17 swear in the whole room. That way--

18 COMMITTEE COUNSEL: And please identify
19 yourself as well. Thank you.

20 CHIEF BENOIT: Good afternoon. My name
21 is John Benoit I'm the Chief of Personnel. I
22 oversee the paid detail program for the Police
23 Department, and we recognize that paid detail it's a
24 vital service that we provide. So we have 5,972
25 members of the Police Department that work for 200

1
2 vendors at 400 locations which include many of our
3 retail establishments, including some of our larger
4 clients such as Target, Burlington Coat Factory, but
5 we also have people assigned to hospitals, private
6 schools, you know, to provide coverage for those
7 locations.

8 COUNCIL MEMBER AYALA: That-- who's
9 paying them?

10 CHIEF BENOIT: The retail establishments
11 are responsible for payment.

12 COUNCIL MEMBER AYALA: Okay.

13 CHIEF BENOIT: So, the officers receive
14 payment from the retail establishments.

15 COUNCIL MEMBER AYALA: Okay. Alright and
16 how is that different than any other worker, because
17 my understanding is that one of the reasons that the
18 theft rate is so high is because security at these
19 locations are not allowed to physically stop and
20 individual that's stealing. How is that-- if the
21 officer is off-duty, then they're acting in a
22 civilian capacity, no?

23 CHIEF BENOIT: well, they're acting on
24 the interest of the private corporation.

1
2 COUNCIL MEMBER AYALA: Understood, but
3 then the rules are still the same. How is it
4 different?

5 CHIEF MADDREY: [inaudible] officer--

6 COUNCIL MEMBER AYALA: [interposing] I
7 think your mic--

8 CHIEF MADDREY: I'm sorry, excuse me.
9 It's off-duty employment, but the officer is in
10 uniform working. They're in uniform. They're
11 working. If they're there, if a crime happens, they
12 address the crime. They call the local precinct and
13 the local precinct will take over.

14 COUNCIL MEMBER AYALA: So the only thing
15 that's different is the payment structure, right?

16 CHIEF MADDREY: That's it.

17 COUNCIL MEMBER AYALA: The assignment is
18 compensated differently.

19 CHIEF MADDREY: They're paid by the
20 retailer, that's it.

21 COUNCIL MEMBER AYALA: Okay. That makes
22 sense. Alright, I don't have any more questions, but
23 I just really want to end with, you know, the
24 recidivism, you know, issue. I know that, you know,
25 it's been-- it's received a lot of media attention,

1
2 but I think we are not necessarily looking at this in
3 the right way. When you take the retail theft, for
4 instance, we did see an increase after the pandemic.
5 What I noticed in my community was that a lot of the
6 theft was happening as a result of individuals that
7 were looking for money to sell to buy drugs with.
8 There was an increase in drug use after the pandemic.
9 a lot of the resources from the NYPD, that normally
10 would go towards the Narcotics Unit Division, were
11 re-directed towards gun violence, and we saw that
12 there was kind of an abandonment of that community
13 and an uptick in drug dealing in our-- in my
14 community, I'll speak at least for me. That resulted
15 in a lot of the retail theft that we saw. And so
16 it's interconnect-- I think that when we started to
17 pay a little bit more attention and increase the
18 narcotics visibility and work in that community, we
19 saw a drastic decrease. So there is a real
20 correlation there, and I would, you know, welcome
21 having a further conversation with you about this,
22 because I know every community is different, but I
23 think that in this instance that common denominator
24 is the same for all of us. And in terms of the
25 mental health stuff, you know, obviously in the

1
2 subways you're going to see recidivism if people are
3 not treated. If we are incarcerating our way out of
4 a mental health crisis, you're going to continue to
5 see that. We-- you can use us to help advocate for
6 more services. I think that the State also has to do
7 their fair share. We cannot incarcerate our way out
8 of, you know, a situation that has been left
9 unattended for so many, you know, years. I think
10 that, you know, we saw a dramatic decrease in the
11 number of hospitalization beds because it was cheaper
12 to offer community-based services that quite frankly
13 do not exist in our community. And so what you're
14 seeing is the reflection of that failure on
15 government. That was on us, on all of us to ensure
16 that those services were available and that they met
17 people where they were. So you're not going to see a
18 reduction in recidivism until we are serious about
19 threatening folks and not sending them to Rikers
20 Island. Thank you.

21 COMMITTEE COUNSEL: Thank so much. We're
22 going to continue on with Council Member questions.
23 We're first going to turn to Council Member Cabán who
24 is remote with us today, and then we will follow back
25 with Council Members Ossé, Stevens, Holden, and then

1
2 Ariola. Council Member Cabán, I will unmute you in
3 just a second, and we're going to-- we'll have staff
4 unmute you in just a second.

5 COUNCIL MEMBER CABÁN: Thank you very
6 much and thanks for the patience while I was getting
7 unmuted. Josh, I also-- I can't see the timer clock
8 and I want to be respectful of time, so please you
9 just let me know when my time is up, and I'm going to
10 dig right in. Earlier testimony acknowledged that
11 the Department needs to do a better job of making
12 sure social media posts are accurate. That's correct
13 yeah?

14 COMMISSIONER CABAN: Yes, that's correct.

15 COUNCIL MEMBER CABÁN: Okay. And so you
16 acknowledge that there were false statements with
17 inaccurate info that were posted publicly, correct?

18 DEPUTY COMMISSIONER GERBER: To the
19 extent you're referring to a mistake that was made in
20 a particular post regarding a judge, yes, there was a
21 mistake. We acknowledged. We apologized for it.

22 COUNCIL MEMBER CABÁN: Okay. So, this, I
23 mean, you call it a mistake, but it is-- it is by
24 definition a false statement. It was inaccurate
25 info that was posted publicly. Now, these false

1
2 statements made on Department accounts, they are
3 subject to the disciplinary system in the NYPD's own
4 disciplinary matrix. So my question for you is, were
5 the officers responsible for these posts subjected to
6 the disciplinary system and matrix?

7 DEPUTY COMMISSIONER GERBER: I'll take
8 that. Absolutely not. This was an honest mistake.
9 That's all this was. It was acknowledged. It was--
10 we publicly apologized. That's all this is.

11 COUNCIL MEMBER CABÁN: Okay. And I just
12 want to make sure that I'm understanding your answer
13 correctly. If there is a mistake that takes place in
14 the community that is against the law, and if that's
15 all it was, it was a mistake, there wouldn't be any
16 sort of disciplinary action or arrests being made,
17 but if there is a "honest mistake" in-- within the
18 Department, that it is set aside and it's not
19 subjected the rules, the disciplinary system that are
20 in place, which by the way, the presumptive penalty
21 for a false statement is termination. So it's--
22 could you clarify that double standard. I want to
23 move on--

24 DEPUTY COMMISSIONER GERBER: [interposing]
25 Council Member--

1
2 COUNCIL MEMBER CABÁN: to questions about
3 how many--

4 DEPUTY COMMISSIONER GERBER:
5 [interposing] No, no, hold on a second. Wait a
6 second.

7 COUNCIL MEMBER CABÁN: [inaudible]

8 DEPUTY COMMISSIONER GERBER: Hold on.
9 You-- Council Member, you made a series of
10 statements, I think pretty much all of them we
11 believe are incorrect and inaccurate and very unfair
12 actually. And just so we're very clear, this was a
13 mistake. Mistake happen. We apologized. This has
14 nothing to do, literally nothing to do with the NYPD
15 disciplinary system, how we police. I just want to
16 be very clear about this.

17 COUNCIL MEMBER CABÁN: False statements
18 are subject to the disciplinary system--

19 DEPUTY COMMISSIONER GERBER: [interposing]
20 Council Member, this is completely inaccurate--

21 COUNCIL MEMBER CABÁN: but I would like
22 to move on because I only have five minutes.

23 DEPUTY COMMISSIONER GERBER: and
24 completely unfair.

1
2 COUNCIL MEMBER CABÁN: I only have five
3 minutes so I'd like to move on. I want to ask you
4 know about the How Many Stops implementation. What
5 steps has the NYPD taken to ensure that the How May
6 Stops Act will be properly implemented on time? You
7 know, what shape will the form take? Will the form
8 be digitized? Will be a revised UF250? What are we
9 doing here?

10 DEPUTY COMMISSIONER GERBER: So, Council
11 Member, we are going to follow the law. We are
12 working on a plan for implementation that is not
13 finalized yet, but we need to start collecting the
14 data on I believe it's July 1, and we are going to do
15 that.

16 COUNCIL MEMBER CABÁN: And that-- can
17 this data be added to the UF250s that are already
18 used and available on the [inaudible] and Finest
19 [sic] systems?

20 DEPUTY COMMISSIONER GERBER: I'm sorry,
21 Council Member, I actually did not hear your
22 question. If you could repeat it, please?

23 COUNCIL MEMBER CABÁN: Sure. Can this
24 information be added to the current UF250s that are
25

1
2 already used and available on both the forms and the
3 Finest systems?

4 DEPUTY COMMISSIONER GERBER: So, it would
5 be premature for me to say exactly how we're going to
6 do this. It's a work in progress, and the last thing
7 I want to do is give the Council incomplete or
8 inaccurate information. I will say, I don't-- we
9 will not necessarily do it through the 250s. That is
10 certainly-- I understand what you're saying, of
11 course, but we may use one or more separate forms.
12 That remains to be determined.

13 COUNCIL MEMBER CABÁN: What kind of
14 training are you going to be providing to ensure--
15 and I understand that there is training that
16 currently happens, but in addition to that, what kind
17 of training will NYPD provide to ensure that officers
18 know the differences between level ones, twos,
19 three's, and fours?

20 DEPUTY COMMISSIONER GERBER: So, we
21 already provide that training, and we obviously laid
22 this out in the Patrol Guide in detail. When we roll
23 out however exactly we do it, form or forms with
24 regard to compliance with the How May Stops Act, we
25 will provide training to the members of the

1
2 Department so they know what to do and how to
3 proceed.

4 COUNCIL MEMBER CABÁN: So, in terms of
5 that training, do you already have a guidance on when
6 to fill out that form for those lower level
7 encounters, and at-- I mean, certainly, like at what
8 point they will have to fill out that information?

9 DEPUTY COMMISSIONER GERBER: Right. So,
10 no, we have not prepared that training yet, and as I
11 said earlier, it's still a work in progress for us to
12 decide how exactly we're going to operationalize
13 this. Again, we are going to follow the law.

14 SERGEANT AT ARMS: Time expired.

15 COUNCIL MEMBER CABÁN: Thank you very
16 much. Can I ask one final follow-up on that
17 question-- on that line of questioning?

18 CHAIRPERSON SALAAM: Yes.

19 COUNCIL MEMBER CABÁN: I mean, it's just
20 basically a request that that be shared with the
21 Council, the extent of the training, what it's going
22 to look like when that is determined. Thank you.

23 DEPUTY COMMISSIONER GERBER: I'm not sure
24 it's an open question, but you know, we will figure
25 out what we're going to do. We will operationalize

1
2 it. there will necessarily be training for members
3 of service in terms of form and forms and how that's
4 going to work, and when that's finalized and when
5 that's done, I don't think it's going to be a secret
6 either what we're doing or how we're doing it.

7 COMMITTEE COUNSEL: Thank you, Council
8 Member Cabán. We're going to take literally a five-
9 minute break to let folks use the restrooms. Then
10 we're going to continue with the Council Member
11 questions, promptly at five minutes. Thank you
12 everyone.

13 [break]

14 CHAIRPERSON SALAAM: We will continue
15 with Council Member questions, and I would like to
16 acknowledge that we've been joined by Council Member
17 Restler and Paladino.

18 COMMITTEE COUNSEL: Next we'll hear from
19 Council Member Ossé, followed by Council Member
20 Stevens, Holden, Ariola, and then the Public
21 Advocate.

22 COUNCIL MEMBER OSSÉ: Thank you so much,
23 and thank you, Chair. Good afternoon, Commissioner
24 and NYPD leadership. I just wanted to ask a couple
25

1 questions around the Strategic Response Group Unit.

2 Starting off with what is the total SRG budget?

3 ASSISTANT COMMISSIONER SEVERINO: So,
4 right now FY24 budget for SRG is \$75.6 million for
5 personnel related costs, and \$153,000 for OTPS.
6

7 COUNCIL MEMBER OSSÉ: Thank you. And
8 what percent of the entire NYPD budget is this? You
9 may not have the number.

10 ASSISTANT COMMISSIONER SEVERINO: About
11 1.2 percent.

12 COUNCIL MEMBER OSSÉ: Okay. Thank you.
13 How does the budget for the SRG compared to other
14 units within NYPD?

15 ASSISTANT COMMISSIONER SEVERINO: Depends
16 what unit you're talking about.

17 COUNCIL MEMBER OSSÉ: In terms of, you
18 know, funding given to a specific unit like the SRG.

19 ASSISTANT COMMISSIONER SEVERINO: The
20 funding is based on the staffing. So depending on
21 what other unit you want to compare it to, that would
22 depend on the staffing--

23 COUNCIL MEMBER OSSÉ: [interposing] Is it
24 based-- the question I guess I'm trying to get at, is
25 it based off of a specific need, especially around

1
2 the theme of counter-terrorism? How is that
3 allotment of funding chosen for the SRG?

4 ASSISTANT COMMISSIONER SEVERINO: In
5 terms of how we allocate staff, I would defer to the
6 Chief of Department.

7 CHIEF MADDREY: Good afternoon, Council
8 Member.

9 COUNCIL MEMBER OSSÉ: Good afternoon.

10 CHIEF MADDREY: Just in terms of-- and
11 I'm just making sure I'm understanding your question.
12 The size of SRG? SRG is one of our smaller units--

13 COUNCIL MEMBER OSSÉ: [interposing] Sure.

14 CHIEF MADDREY: compared to like Transit,
15 Housing. So, as far as for person, personnel, it's
16 going to have a much smaller budget. We do have
17 small training needs. I don't know the exact
18 numbers, but SRG does have small training needs, but
19 you know, just like any other officer out there,
20 they're doing their job.

21 COUNCIL MEMBER OSSÉ: Great. Thank you
22 so much. And according to a statement you made
23 earlier today, Chief Maddrey, you testified that SRG
24 uses the lightest touch when policing protests, and
25 the SRG accounts for 10 percent of the \$45 million

1
2 dollar in overtime that they spent on protests this
3 year. How many protests, if you do have a rough idea,
4 has the SRG deployed in the last, let's say, three
5 months?

6 CHIEF MADDREY: So-- and just so you
7 understand, when I say the lightest touch I mean when
8 we start-- when the protest starts, we try to start
9 with the fewest amount of officers as possible. So
10 that's what I mean by the lightest touch. If it
11 grows in size, if it becomes volatile, of course we
12 bring in more resources. So, I don't have the exact
13 number of protests SRG--

14 CHIEF ARAMBOLES: Yeah, how you doing.
15 I'm Wilson Aramboles, Chief of Special Operations.

16 COMMITTEE COUNSEL: Can we please swear
17 you in, sir?

18 CHIEF ARAMBOLES: Oh.

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

23 CHIEF ARAMBOLES: Yes.

24 COMMITTEE COUNSEL: Thank you so much,
25 sir.

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2 CHIEF ARAMBOLES: Thank you. And good
3 morning. I mean good afternoon everyone. I'm sorry.
4 SRG has been-- there has been about 205 protests in
5 the last three months that SRG has been deployed.

6 COUNCIL MEMBER OSSÉ: Thank you so much.
7 And what has been the subject matter of these
8 protests would you say?

9 CHIEF ARAMBOLES: The subject matter is--
10 there purpose in there is to facilitate the ability
11 of people to express their first amendment right and
12 to ensure the safety of protestors, non-protestors,
13 and citizens that are there, and to do so in a way
14 that they could bring peace to New Yorkers.

15 COUNCIL MEMBER OSSÉ: I guess the
16 question I'm asking, what has been the general
17 subject matter--

18 [gavel]

19 CHAIRPERSON SALAAM: Please remove this
20 disturbance. Please remove the disturbance.

21 UNIDENTIFIED: [audience yelling]

22 COUNCIL MEMBER OSSÉ: I guess the
23 question I'm trying to get at is what's the general
24 subject matter of these protests? Like, is there a
25 common theme that you're seeing at some of the

1
2 protests that have been happening over the past three
3 months, or is it been a range of different protests
4 that have been taking--

5 DEPUTY COMMISSIONER GERBER: [interposing]
6 I just want to be clear about one thing before others
7 jump in. I'm not sure I understand your question
8 exactly but to the extent you're asking about subject
9 matter of protests, that is irrelevant for how we
10 police, how we deploy. There are lot of
11 considerations which the operational folks can of
12 course speak to, but to be very, very clear, to the
13 extent you're suggesting or asking about, you know,
14 subject matter of protests, that does not bear on how
15 we police at the protest. I'll turn it to others to
16 talk on the operational side.

17 CHIEF CHELL: Let me-- If I think I'm
18 hearing properly, since October 7th we've had 1,884
19 protests. Okay, that comes out to 12 protests a day.
20 The average protest is 135, but that could be zero.
21 Some people don't show up at a smaller one, or it can
22 go as high as 10,000 people when a group takes over
23 the bridge. SRG is only set 200 of times of that
24 1,884. We have other cops that will handle this
25 protest, but SRG is on standby. When we have 10,000

1
2 people coming over the bridge, we have to have a full
3 complement. It ranges. The protests range in size.
4 The field command has to make different decisions
5 based on what is going on. I just want to go back to
6 that number 1,884 since October 7th. That's a large
7 number for our city, and as a matter of fact there's
8 a protest going on outside right now.

9 COUNCIL MEMBER OSSÉ: The only reason I
10 was asking about subject matter is because there have
11 been multiple reports that we've been hearing within
12 the Council as well as NYCLU about subject matter
13 being an issue when it comes to the deployment of
14 SRG. Some oversight that I wanted to receive through
15 this hearing-- there have been report of NYPD not
16 taking action when the Proud Boys have been, you
17 know, holding protests that have turned out to be
18 violent as well as other white supremacists groups,
19 especially when it comes to anti-vax protestors. So
20 I wanted to see if there was some level of clarity
21 that would receive or that I could receive in this
22 hearing in terms of any discrepancies of subject
23 matter when it comes to protests.

24 CHIEF CHELL: Our stance is simple--
25

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2 CHAIRPERSON SALAAM: [interposing] And I
3 just like to-- I'm sorry, I'd just like to-- after
4 this question we're going to move on to other Council
5 Members. We're going to have a second round as well.

6 CHIEF CHELL: Our stance is real simple.
7 We want everyone to voice their opinion, their first
8 amendment. We want it done safely. We try to
9 coordinate with the leaders of the group to see what
10 they want. Like the Chief said, the least amount of
11 cops we could use, the better, but we have to draw
12 the line like on Monday mornings, a couple of Monday
13 mornings where they block the bridges for a couple
14 hours. We have to draw the line when they stop for
15 hours and disrupt the whole community. So we can't
16 allow that. In certain circumstances, we can't allow
17 breaking windows. We can't allow assaults and simple
18 assaults. So, we want it fair for everybody. First
19 amendment rules out. We do the best we can, and I
20 think we're doing a very job as we've been getting
21 more and more of these, and the summer and warmer
22 weather is coming, and we're going to get more and
23 more.

24

25

1
2 COUNCIL MEMBER OSSÉ: Chair, could I ask
3 one more question as a follow-up in regards to the
4 statement on--

5 CHAIRPERSON SALAAM: Next round.

6 COMMITTEE COUNSEL: Thank you, Council
7 Member. Next, we'll hear from Council Member Stevens
8 followed by Holden, Ariola.

9 COUNCIL MEMBER STEVENS: Hello. How you
10 guys doing. So just a couple of things. I know in
11 the testimony, Commissioner, you talked about the
12 rise of young people and crime, but I just have to
13 make a couple of statements, because this is a
14 subject that everyone knows is near and dear to my
15 heart, because we talk about the rise in crime with
16 young people, but we also at the same time-- as Chair
17 of Children and Youth Services, I'm fighting because
18 there's so many cuts to programs specifically for the
19 age group that you're talking about, and so there's a
20 real discrepancy on when we're seeing crime with
21 young people rising, but we're still cutting
22 programs. And then even we spoke about-- everyone
23 knows for the last two years I've been here, I don't
24 like the YOs. I don't understand why we have Youth
25 Officers. It really makes me uncomfortable. You

1
2 have 368 Youth Officers, but right now currently 450
3 social workers are on the chopping block for schools.
4 It's not making sense, and so if we really want to
5 see a decrease, we know where we need to invest, and
6 we need to be investing in our young people and what
7 that looks like. We need to be investing in programs
8 that actually work. And so this is not saying that
9 you don't have a place with young people, but that's
10 not it, and I really-- we have to get to a place
11 where we move past that. So I'll get off my high
12 horse there, because that had to be said. But the
13 question that I actually have-- I mean, there's so
14 many officers here, and I hope that no one is getting
15 overtime because our Madam Speaker did talk about
16 overtime and there's just a lot of officers here
17 today. But what is internal mechanisms that are in
18 place to prevent overtime spending? I know some of
19 that was talked about, and what internal discipline
20 measures exist to keep NYPD from overspending? And
21 can you provide examples of how discipline measures
22 can be enforced regarding overtime?

23 FIRST DEPUTY COMMISSIONER KINSELLA: So,
24 like I stated before, it's closely monitored by my
25 office and by the bureau heads. So if we see an

1
2 excess of someone abusing the overtime system,
3 discipline will be addressed on a case--

4 COUNCIL MEMBER STEVENS: [interposing]
5 Could you give an example what that looks like?

6 FIRST DEPUTY COMMISSIONER KINSELLA: by
7 case--

8 COUNCIL MEMBER STEVENS: [interposing]
9 Could you give an example, please? I know you stated
10 that already. I asked for an example.

11 FIRST DEPUTY COMMISSIONER KINSELLA:
12 Okay, alright. Can I?

13 COUNCIL MEMBER STEVENS: Yes, absolutely.
14 I'm on a clock.

15 FIRST DEPUTY COMMISSIONER KINSELLA: So,
16 for example, we had, you know, an officer that went
17 over the allotted amount of overtime. So, moving
18 forward, that officer would not receive overtime for
19 the next three months, two months, whatever it may
20 have been.

21 COUNCIL MEMBER STEVENS: Okay, and so is
22 that widely done throughout the Department? Because
23 you know, we see-- I know there's instances where
24 it's needed and necessary, but we know that there's
25 instances where it isn't. And so just thinking about

1
2 how do we make sure that we are instituting practices
3 so that that can't happen.

4 FIRST DEPUTY COMMISSIONER KINSELLA: So,
5 that's why we instituted the biweekly bureau meeting
6 with each bureau head to ensure that we're monitoring
7 on a grander level, right? So each bureau chief is
8 responsible for their subordinates and their
9 superiors. So, they bring back the messages that's
10 being brought to my meeting biweekly to their
11 subordinates ensuring that if there's an overspending
12 that's being done, we're making sure that okay, what
13 are we doing about it? Why was it done in the first
14 place? And moving forward it can't happen again, and
15 if it does, then we'll take further action.

16 COUNCIL MEMBER STEVENS: Yeah, I would
17 hope that there would be more than a meeting, but I
18 have to move on because I know time is running out.
19 So, the next question I have, does NYPD conduct
20 contract with third parties in any way to produce or
21 carry out social media monitoring, and if so, how
22 much do you spend on it, and how many offices are
23 engaged with this? I know that's a lot of people to
24 move around, but my time is ticking. So we got to
25 move a little faster.

1

2 CHIEF BELTRAN: Hi, how are you.

2

3

COUNCIL MEMBER STEVENS: Hello.

4

5 CHIEF BELTRAN: Chief Beltran again. We
6 do have contracts with companies that do social media
7 scrubbing and provide that information to our analyst
8 for counterterrorism intelligence and for crime
9 investigations, especially gang crimes where there
10 could be retaliation.

10

DEPUTY COMMISSIONER GERBER: And just to

11

be clear, the social media sort of analysis we're

12

talking about is on publicly available information.

13

Public social media accounts, you know, we're looking

14

to gain--

15

COUNCIL MEMBER STEVENS: [interposing] So-

16

- and I have-- my time is limited. And so just how

17

much are we spending on that and how many offices are

18

engaged in that? I'd like to get those answers,

19

because that was part of the question.

20

CHIEF BELTRAN: Okay, I think probably

21

just on the social media on the Voyager piece I

22

believe that's around \$3 million.

23

COUNCIL MEMBER STEVENS: \$3 million,

24

okay.

25

1 CHIEF BELTRAN: A year that we're paying-

2 -

3
4 COUNCIL MEMBER STEVENS: [interposing] How
5 many officers?

6 CHIEF BELTRAN: that we're paying for
7 that. The number of officers, I'm sorry?

8 COUNCIL MEMBER STEVENS: How many
9 officers are engaged in this as well?

10 CHIEF BELTRAN: Well, they're engaged
11 from their operational activities. They're working
12 from their office. They're working on cases. So, I
13 don't know-- the total number fluctuates.

14 COUNCIL MEMBER STEVENS: Okay. Alright,
15 I'm going to have to move on, because you guys-- I
16 only got two seconds. What are the specific training
17 programs or protocol that NYPD provides to officers
18 related to interacting with individuals experiencing
19 mental health crises, and how much funding is
20 allocated for those trainings?

21 CHIEF OBE: Good afternoon.

22 COUNCIL MEMBER STEVENS: Good afternoon.
23 I think you have to swear her in, too.

24 COMMITTEE COUNSEL: Thank you so much.
25 Do you affirm to tell the truth, the whole truth and

1
2 nothing but the truth and answer honestly to Council
3 Member questions?

4 CHIEF OBE: I do.

5 COMMITTEE COUNSEL: Thank you. And also
6 please announce your name. Thank you.

7 CHIEF OBE: Chief Lola [sic] Obe, Chief of
8 Training. Good afternoon, Councilwoman. So I'm glad
9 you actually brought this up, because this is a
10 question that you had last year. So I have good news
11 for you this time, right? I can't speak to money,
12 can't speak to the budget. We'll have the money guy
13 talk about it. But just real quick-- you talked
14 about children in crisis last year.

15 COUNCIL MEMBER STEVENS: We did.

16 CHIEF OBE: Yes, so I talked about Mark
17 Rampasant [sic]. I talked about the DOE. Just real
18 quick so you know, every class since July of last
19 year, we've had the DOE have a module with us moving
20 forward through now. They teach specifically on
21 youth autism. That's their seminar. We also partner
22 with an organization called the Osborne Institute.
23 So their module is based on safeguarding children.
24 So, that's the update that we have.

1
2 COUNCIL MEMBER STEVENS: Well, I want to
3 say I appreciate that, because that wasn't my
4 question, but I love that y'all know that I'm a youth
5 person, and that y'all even thought I was asking--

6 CHIEF OBE: [interposing] No, you said
7 training--

8 COUNCIL MEMBER STEVENS: [interposing] But
9 I appreciate that.

10 CHIEF OBE: Well, you said training then.

11 COUNCIL MEMBER STEVENS: Yeah.

12 CHIEF OBE: But I do remember those
13 questions. So I'm actually glad you said something.

14 COUNCIL MEMBER STEVENS: No, I know, and
15 I appreciate that. That actually warmed my heard
16 that people know I'm a youth person. But I'm asking
17 specifically-- I do, that really warmed my heart.
18 But I'm asking specifically around mental health
19 people in general and mental health crisis. So when
20 they're interacting with folks who have mental health
21 crisis, what does the training look like and how much
22 money is allocated for those trainings for officers
23 in NYPD.

24 CHIEF OBE: Okay, so I'll speak
25 specifically to CIT training, and Seth will talk

1 about the money aspect of it. So, the curriculum
2 itself was developed as a part of an MOU. We work
3 with the DOHMH and we also work with a community-
4 based organization called Urban Community Services.
5 Every officer gets a one-time course. It's four
6 hours. Of course, we emphasize the Department's
7 values on human life, respect the dignity of each
8 individual, and also rendering services to de-
9 escalating crisis situations. As it pertains to
10 numbers, since its inception in 2015, we've had
11 19,201 active and retired members trained. As of
12 March 15th of this year, active UMOS-- that's
13 uniformed members of the service-- we've had 14,404
14 trained. Of relevance is the fact that of the
15 14,404, 9,772 assigned to operational commands.
16 That's housing. That's transit. That's patrol.
17 Because I would like to say that they probably have
18 most encounters with people in the throes of a mental
19 crisis.

21 COUNCIL MEMBER STEVENS: That wasn't
22 exactly my question, but they said I have to stop.
23 So I'll wait for the second round.

24 ASSISTANT COMMISSIONER SEVERINO: Just to
25 add to Chief Obe, in terms of the funding, that was

1
2 funded in the Fiscal Year 2020 January Plan,
3 approximately \$2 million.

4 COUNCIL MEMBER STEVENS: Thank you.

5 CHAIRPERSON SALAAM: Please remove the
6 disturbance.

7 COMMITTEE COUNSEL: Thank you so much.

8 Next we'll hear from Council Member Holden followed
9 by Ariola.

10 COUNCIL MEMBER HOLDEN: Thank you. Thank
11 you, Chair, and thank you all from the NYPD for your
12 testimony. I-- m y community actually works well
13 with the police. We actually want more police
14 officers. We don't get them, though. That's the
15 problem. My community like most communities around
16 the City welcome police officers in their
17 neighborhoods. So I just wanted to get that out. We
18 all know there's a retention problem on the force. I
19 know you have programs, recruitment, morale. How do
20 you measure success if we're seeing more officers
21 want to retire early or just leave the force?
22 What's-- how do we measure the success of programs
23 that are meant to retain officers and to build their
24 morale?

1
2 COMMITTEE COUNSEL: Do you affirm to tell
3 the truth, the whole truth and nothing but the trust
4 and answer honestly to Council Member questions?

5 Please say your name.

6 CHIEF BENOIT: I do. Again, John Benoit,
7 I'm the Chief of Personnel. So I want to talk a
8 little bit about attrition because I have some good
9 news to report to you. We're seeing a decline in
10 attrition, actually. I think we're moving in the
11 right direction. So our three-year average of
12 attrition is actually higher than what our current
13 attrition rate is today. So what we've noticed is
14 there's been some media reports that police officers
15 with less than five years on the police force are
16 leaving in droves. Well, interestingly enough, in
17 the first quarter of 2023 we saw a 52 percent
18 reduction in that number, and that's pretty
19 noteworthy for us, because the PBA settled their
20 contract in April 2023. So this doesn't include the
21 first quarter of 2023, so it's actually increased.
22 We believe there's some correlation with the new
23 contract. Another noteworthy piece of data that says
24 opposite is we've seen a substantial increase in our
25 request for reinstatement. As a matter of fact, 178.

1
2 That's pretty high. I've been in this role in
3 various capacities for a couple of years, and it's
4 usually under 50, but I see it's a 178; 128 of those
5 requests for reinstatements immediately followed the
6 announcement of the new contract. We've been meeting
7 our objectives for the last 20 years, and again, our
8 average hires, we hire about 2,219. That's our 20-
9 year average. We're over that average with 2,600--

10 COUNCIL MEMBER HOLDEN: [interposing]

11 Sorry-- interrupt you, though. When can we see a
12 change? Because I keep losing cops in my local
13 precinct. In fact, you know, you talk about crime
14 stats. Year-to-date I'm up 10 percent in the 104.
15 Two-year 23 percent rise in crime, and a 14-year 22
16 percent. These are not great numbers, and then we
17 keep losing officers. And then what's worse, I go up
18 to the Detective Squad. I used to have 20
19 detectives. I have nine, and more wanting to leave.
20 When I talk to the detectives, "Yeah, I'm counting
21 the days. You know, it's really-- our workload is
22 ridiculous." So, I'm looking for-- alright, we're
23 going to retain what we have, but how do we get more
24 officers in the precincts that need it?

1
2 CHIEF BENOIT: Well, I know there are
3 some like in any large organization that are not
4 satisfied with their job. I want to point out to you
5 that we have 3,223 uniformed personnel that are past
6 their service time. They could retire and they have
7 not elected to do so. That includes 276 from our
8 January 2004 class. So, that's pretty noteworthy to
9 us, and I monitor this every day, my staff and I.
10 Those are noteworthy figures that actually
11 contradict. You know, just in terms of staffing, I
12 look at the staffing. It's a big part of what I do
13 in coordination with our First Deputy Commissioner,
14 the Police Commissioner, and the Chief of Department,
15 and I can tell you that in all of our enforcement
16 commands, our 98 enforcement commands, we have 17,267
17 uniformed personnel assigned to those commands, and I
18 know that some of the commands are down, but those
19 numbers fluctuate on a regular basis. A command
20 could be down by 14 police officers in one month, and
21 that-- because we do so many transactions and
22 transfers, that the numbers could be cut in half. It
23 changes on a regular basis.

24 COUNCIL MEMBER HOLDEN: Alright. Could I
25 just-- I just want to talk to the detective squad,

1
2 though. Can we-- do we have a program to recruit
3 more detectives? Because when you get cut in half
4 and you're a local precinct that takes its toll. And
5 you know, we don't have enough crossing guards. We
6 don't have enough School Safety Officers to cover
7 every school. I mean, there's a shortage everywhere.
8 I'm sorry-- I think the Chief--

9 CHAIRPERSON SALAAM: [interposing] Council
10 Member, Council Member--

11 CHIEF MADDREY: [interposing] Yeah, just
12 to answer your question. Chief Maddrey. Just to
13 answer your question, and as John said, a lot of
14 times the commands fluctuate. Myself, the Chief of
15 Patrol, Chief of Transit, Chief of Housing, we
16 constantly look at that. I know right now the 104 is
17 down a little bit. We have a new class coming out,
18 so you'll get some more officers there. We've looked
19 at about eight commands in the last week, and I
20 realize some of the numbers are lower than what they
21 need to be. As far as the detective squad, you know,
22 probably every four months we put more detectives in,
23 every six months. It depends on the size of the
24 group. I'll make sure that we sit down with Chief
25 Kenny, take a look at what's going on in the 104 and

1
2 to get some additional detectives there. You're up
3 in crime. I acknowledge that. I speak to people in
4 your community. I hear the same complaints. We'll
5 take a look at it.

6 COUNCIL MEMBER HOLDEN: Thank you, Chief.
7 I guess, the Chief, did he want to say something
8 about-- because my question was how many-- I'm sorry,
9 Chief. What are we doing to recruit from the ranks
10 in the detective squad?

11 CHAIRPERSON SALAAM: After this question
12 we're going to have the second round, so we're going
13 to move on afterward.

14 CHIEF CHELL: We're constantly evaluating
15 the officers that are out on patrol, and we're
16 looking for viable candidates. As you know, you
17 just-- you know, you just can't fill that spot. It
18 has to be an officer that's experienced. It has to
19 be an officer that's well-trained, and quite frankly,
20 an officer that's engaged with the community and the
21 crime that's going on in that community. So we're
22 constantly looking. And like Chief Maddrey stated
23 earlier, we are very fortunate that sometimes we can
24 pick up 150 at a time to replace some of the officers
25 that have moved on in their careers.

1
2 COMMITTEE COUNSEL: Thank you, Council
3 Member. Next, we'll hear from Council Member Ariola.

4 COUNCIL MEMBER ARIOLA: thank you, Chair.
5 Thank you, Madam Speaker, and I want to thank all of
6 you for coming, Commissioner Caban, all the Chiefs of
7 the Department. And I'm happy to see so many police
8 officers here, because you have all the answers that
9 we're asking for, and a lot of times you can't have
10 it one binder. So, often times we say not enough
11 people show up, but today, just enough people showed
12 up. So thank you. I want to go to the YCOs. How
13 many YCOs were assaulted by the demographic that they
14 are entrusted with protecting?

15 CHIEF CHELL: We don't track it by
16 individual YCOs, but I can tell you this, assaults on
17 our police officers are up 20 percent for the last 14
18 months, 20 percent. We don't break it down the type
19 of officer. We just-- assault on police officers.
20 Could be detective. Could be a police officer.
21 Could be a Sergeant, Lieutenant. We don't break it
22 down that way.

23 COUNCIL MEMBER ARIOLA: So that could be
24 any type of assault, even the recent assaults that
25

1
2 we've seen on video by known migrants who are
3 assaulting our police officers.

4 CHIEF CHELL: Like I said, we just put it
5 as when a police officer gets assaulted, a felony,
6 are up 20 percent.

7 COUNCIL MEMBER ARIOLA: Okay, thank you.
8 Now, after those assaults are made and they are
9 arrested and they're a felony arrest, what happens at
10 that point?

11 CHIEF KENNY: Good afternoon. So, with
12 assaults on police officers, what the data shows is
13 during the arraignment process, the majority of
14 arrests are arraigned on the initial felony charge.
15 What happens after the arraignment down the road is a
16 different story. And I will be very up front,
17 sometimes there are good reasons why it gets
18 downgraded to either a misdemeanor or maybe even a
19 decline or a deferral, but those are definitely not
20 the majority. The majority is that we would like to
21 see a better prosecution, you know, as the case
22 proceeds. We always have the conversation with the
23 DAs, and the DAs are great partners, and I've been
24 doing this for a while, and if you ask me there is
25 not a better cooperation right now between the NYPD

1
2 and the DAs across the City. It's also our part to
3 bring the best case possible, and we feel a lot of
4 the times we are. Our detectives enhance all seven
5 major arrests including assaults on police officers.
6 obviously, the body-worn camera footage that we have
7 helps, but it's something that we're always in
8 conversation, but like Chief Chell, we are at
9 unprecedented levels when it comes to, you know,
10 assaults on members of the service, and a lot of--
11 most, again, majority of the assaults happen while
12 the officer is actively conducting his or her
13 business and that that's very possible.

14 COUNCIL MEMBER ARIOLA: How important do
15 you think is maintaining the gang database when
16 identifying alleged perpetrators of crimes and
17 illegal gun violence in our City?

18 CHIEF KENNY: So, the criminal group
19 database that you're talking about, it is one of, you
20 know, a small data collection that is important.
21 It's important for real-time deployment, and it's
22 also important to prevent future violence in areas
23 that we know either are frequented by local crews or
24 local crews could live in that area. So it is one of
25 the things that we do look at in regards to

1 deployment in the New York City Police Department.

2 Remember, field deployment is the number one crime
3 fighting tool that we have in NYPD that's a staple of
4 policing, it'll always be, but we're data-driven, and
5 looking at the criminal group database is one of
6 many, many things that we look at when we deploy.

7
8 COUNCIL MEMBER ARIOLA: Thank you. And we
9 mentioned earlier that recently 178 members requested
10 reinstatement and 128 more during the-- after the
11 collective bargaining. Have we reinstated any of
12 those members, or will they be reinstated?

13 CHIEF BENOIT: Yes, they're in the
14 process of being reinstated, yes.

15 COUNCIL MEMBER ARIOLA: Wonderful. So, I
16 just want to make as a last statement, that
17 recidivism that we're talking about today with mental
18 illness and drug abuse, this continues because there
19 are more programs that we're pushing through that
20 enable this disease than to treat this disease. And
21 regarding the National Guard, yes, we need the
22 National Guard, because we need our officers to get
23 off the train platforms and back into our precincts
24 so that they can patrol and keep our communities

1
2 safe. Thank you so much for your time. Thank you,
3 Chair.

4 COMMITTEE COUNSEL: Thank you so much,
5 Council Member. Next, we'll hear from Public
6 Advocate Williams, Council Members Joseph, Rivera.

7 PUBLIC ADVOCATE WILLIAMS: Thank you so
8 much. First, I just want to make sure we're clear,
9 the reason that some Council Members have certain
10 questions and some have others is because some of our
11 communities have different experiences, and it's not
12 that those communities don't necessarily want the
13 service. The experience they have is often
14 different. Commissioner, thank you for being here.
15 In your opening statement it said at 27 months later
16 violence is no longer at the forefront of our
17 conversation. I just wanted to push back a little
18 bit. I think it actually is. I think people, as we
19 often say, want to be and want to feel safe. I do
20 know that you pointed out the statistics of crime
21 going down. That doesn't seem to take root when
22 people are afraid and all that. I did want to make
23 sure I'm clear that I do believe the Mayor himself is
24 responsible for some of this perception. A few years
25 ago when he was running he consistently put forth a

1 perception that wasn't based in a reality of what was
2 going on, and people have begun to believe him, and
3 so that makes it a little difficult when we're trying
4 to actually get across that we are relatively safe
5 compared to other cities. As you mentioned, that
6 means nothing to a person who is a victim of crime.
7 So, we do have to have dual conversations at the same
8 time. I would also say sometimes the Department aids
9 in it as well in how they discuss things like bail
10 reform and recidivism. And so, the data
11 collaborative of justice from the John Jay College,
12 they just put out a report that the New York Post
13 actually misreported, that actually talked about
14 recidivism. I don't know if you've seen the report.
15 But very often when we're talking about recidivism,
16 we talk about it in a finite point, and I just want
17 to be clear, that if you look at recidivism rates,
18 and if you can let me know if I'm wrong, but
19 recidivism rates now versus between 2019, bail
20 reform, they are actually pretty similar and some
21 points have even gone down. And so I do think
22 recidivism is something that we have to look at, but
23 I don't want to make it seem as if all of a sudden
24 because of some of these policies, recidivism has
25

1
2 skyrocketed when that's just not the case when you
3 look at all the data points. What I did want to ask
4 about recidivism, because sometimes it's offered in a
5 binary, the recidivist should remain in jail. When
6 there are other options, oftentimes judges can
7 mandate that they go into programs that aren't jail.
8 That's also not happening. And so I'm trying to
9 figure out if that is something that you can also
10 publicly discuss as a possible solution, because
11 sometimes it seems that the carceral solution is
12 the only thing that will push them.

13 COMMISSIONER CABAN: So, if I can just
14 touch on recidivism statement. No, that's not
15 accurate. Recidivism is at its highest levels when
16 you start looking at it from 2017 and after 2017. So
17 I'll just give you a very simple breakdown. When you
18 got arrested for a burglary in 2017, only eight
19 percent of that population-- get arrested for a
20 burglary-- only eight percent of that population
21 reoffended within 60 days with any type of felony.
22 In 2022, a quarter of that population reoffended with
23 a felony within 60 days. Last year--

24 PUBLIC ADVOCATE WILLIAMS: [interposing]
25 You have data within two years?

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COMMISSIONER CABAN: I'm sorry?

PUBLIC ADVOCATE WILLIAMS: Do you have data within two years?

COMMISSIONER CABAN: Sure. Whatever year you want, I have the data.

PUBLIC ADVOCATE WILLIAMS: Yeah, recidivism within two years.

COMMISSIONER CABAN: Oh, I don't have within two years. I can--

PUBLIC ADVOCATE WILLIAMS: [interposing] That's the data to look at, because--

COMMISSIONER CABAN: [interposing] I--

PUBLIC ADVOCATE WILLIAMS: No, no, hold on. Obviously, if someone is in jail, they can't recidivate. And so the reason John Jay looked at two years because they looked at recidivism rate after they eventually get out. So the reason I'm asking that is-- you know, can skew the numbers to make it seem as if you just keep someone in jail, then we solve the problem. I asked--

COMMISSIONER CABAN: [interposing] So, I'll just say this. I don't skew anything, first of all.

PUBLIC ADVOCATE WILLIAMS: You did.

1
2 COMMISSIONER CABAN: I understand it. I
3 understand it, and we speak to John Jay. We work
4 closely with John Jay, and I work very, very closely
5 with MOCJ. We compare our data, and I am very
6 satisfied in the data that my office produces.

7 PUBLIC ADVOCATE WILLIAMS: I'm satisfied,
8 too. I'm not saying that it's incorrect. I'm saying
9 what you're pointing to is the fact that people were
10 held in jail possibly because they couldn't afford
11 bail. What I'm telling you is we should look at the
12 recidivism rate, because as opposed to not discussing
13 how to prevent this, I actually want to talk about it
14 not happening, 60 days or two years, and what we're
15 saying is there are programs that are-- that people
16 can be put in particularly if they're doing certain
17 crimes that we know there's another root cause, and
18 if we only look at keeping people in jail, the
19 problem won't be solved. In particular, if people
20 are in there simply because they cannot pay bail
21 which is about making them come back to court, not to
22 be remanded. And so the reason I asked you about the
23 two years, is because your 60-day, I'm sure of what
24 it's going to say because the person was held. But
25 in 2017 and 2018 they were held. Now they're not,

1 and they're released, but if you look at 2017 to 2019
2 to 2020, the recidivism rate might be similar because
3 they were eventually let out.
4

5 DEPUTY COMMISSIONER BARROWS: Council
6 Member, if I could just add-- if I could swear in.

7 PUBLIC ADVOCATE WILLIAMS: Public
8 Advocate.

9 DEPUTY COMMISSIONER BARROWS: Public
10 Advocate, I'm so sorry.

11 PUBLIC ADVOCATE WILLIAMS: It's okay. I
12 forgive you.

13 COMMITTEE COUNSEL: Could we just swear
14 you in? Do you affirm to tell the truth, the whole
15 truth and nothing but the truth and answer honestly
16 to Council Member questions?

17 DEPUTY COMMISSIONER BARROWS: I do.

18 COMMITTEE COUNSEL: Can you state your
19 name? Go ahead.

20 DEPUTY COMMISSIONER BARROWS: I'm Bob
21 Barrows. I'm the Deputy Commissioner of Strategic
22 Initiatives for the Department. So, I'm very well
23 aware of the report that you cited, and actually, the
24 most recent one covered up-state counties, right?
25 The report in New York City was last year. One thing

1
2 that I would just highlight, you know, with the back
3 and forth is that that report actually found-- and I
4 can send this to your office. It said that
5 individuals that have significant arrest histories or
6 have committed violent felonies actually saw
7 recidivism increase during the time period. And that
8 really has been the point that this department has
9 made when it comes to reforms. We're not talking
10 about--

11 PUBLIC ADVOCATE WILLIAMS: [interposing]
12 I'm sorry, that was for a very specific band, because
13 when you look at it altogether it went down, but I
14 know what you're talking about, that very specific
15 ban. But I will say to you again, even with that
16 specific band, all I'm saying is that incarceration
17 doesn't necessitate that it doesn't happen again.
18 And so what I'm trying to figure out is how we use
19 all of the tools, because I know the tools that the
20 police have and the tools that they have in the
21 prison system. The reason I'm saying this, and I'll
22 end now, is when I was growing up I saw all over
23 [sic] policing, and I was told that was going to stop
24 the violence. The people I know who were shot and
25 killed only kept growing. My daughter rides the

1
2 train almost daily, so I'm concerned about what's
3 there, and I want to make sure that there is a safety
4 plan so that when you sometimes have to deploy
5 additional law enforcement, when that's removed,
6 there's something else there. And I admit that there
7 are people who can feel at ease when they see a law
8 enforcement. I will not concede that that is the same
9 for the National Guard. When people see National
10 Guard, that usually means something else is there. I
11 have more questions. Obviously, I'm out of time. I
12 did want to end with this, and I hope the answer is
13 yes, but I asked this during the Bloomberg
14 Administration, I didn't think I'd have to ask it
15 now. But Commissioner, my hope is that when cuts are
16 being made to other agencies or when police are
17 deployed to schools, there's a conversation with the
18 Mayor and the Administration about how that impacts
19 public safety, the burden it's going to put on you.
20 When law enforcement has to go to a school for some
21 reason. When they're removed is there a plan to make
22 sure that that community remains safe? Those are the
23 conversations that I think we have to really push,
24 because if we change the way leadership looks, the
25 way leadership thinks, but we don't change how it

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2 addresses public safety, I'm worried that my
3 daughter's going to have the same concerns I did, and
4 the generational change should come and it should
5 come from us. Thank you.

6 COMMITTEE COUNSEL: Thank you, sir. Next
7 we'll hear from Council Members Joseph, Rivera,
8 Brewer, and then Restler.

9 COUNCIL MEMBER JOSEPH: Thank you, Madam
10 Speaker. Thank you, Chair. First couple question
11 around crossing guards. We've seen crossing guards
12 get hurt on the job. We want to know-- I'm still
13 getting call as the Education Chair that there are
14 not enough crossing guards to make sure that our
15 children are traveling to and from school safely.
16 What are the numbers, and how do retain them, and how
17 do we attract them?

18 CHIEF CHELL: So, currently, we have
19 budgeted for 2,219 crossing guards. That's down from
20 2020. We assign that we have 2,017 assigned. We
21 have 202 vacancies. We also have 200 crossing
22 guards--

23 COUNCIL MEMBER JOSEPH: [interposing] Why
24 do you think the vacancies are--

25 CHIEF CHELL: [interposing] Say again?

1
2 COUNCIL MEMBER JOSEPH: Vacancies, why
3 you think you have them?

4 CHIEF CHELL: Well, we have a lot of
5 candidates, but they all want to work close to their
6 home. We raised the salary from--

7 COUNCIL MEMBER JOSEPH: [interposing] What
8 is the salary? What is the current salary?

9 CHIEF CHELL: It was \$15.45. We raised
10 it to \$18.

11 COUNCIL MEMBER JOSEPH: I think we can do
12 better than that, and it's women of color that's
13 working that job. I'm familiar with crossing guards
14 and I see them every day. I talk to them. So, I
15 think we can do better on the salary so we can
16 attract and retain them. Go ahead. You done?

17 CHIEF CHELL: Yeah. [inaudible] question.

18 COUNCIL MEMBER JOSEPH: So, a couple of
19 questions. As the Education Chair, we're facing a \$1
20 billion cut in schools, right? While funding school
21 policing at \$400 million, programs like restorative
22 justice, counselors, social workers, things that are
23 accessible that keep young people safe in schools,
24 and I always so over-policing is not what keeps young
25 people safe, right? It's also investing in

1
2 resources. So we also see neighborhoods that have
3 resources are under-policed. Neighborhoods that have
4 less resources are over-policed. So I'd like to see
5 a shift in that, right? So, what is the headcount of
6 active School Safety Agents in our schools and how
7 many uniformed police officers are currently part of
8 the School Safety Division?

9 COMMITTEE COUNSEL: Do you affirm to tell
10 the truth, the whole truth and nothing but the truth,
11 and answer honestly to Council Member questions?

12 INSPECTOR MULET: I do.

13 COMMITTEE COUNSEL: Please introduce
14 yourself and go ahead.

15 INSPECTOR MULET: Hello, I'm Tracy--
16 Inspector Tracy Mulet, the Commanding Officer of
17 School Safety. The question was how many School
18 Safety Agents we have?

19 COUNCIL MEMBER JOSEPH: And how many
20 uniformed police officers are currently part of that
21 School Safety Division?

22 TRACY MULET: So, we have 3,870 School
23 Safety Agents. There are one located at least in
24 every school. The officers, there's about 50 to 100
25 officers are part of the whole division, but they're

1
2 doing varied things. They're doing anything from the
3 Youth Response Team. That occurs the corridors where
4 the children are walking to and from schools. They
5 could be doing the Operations desk. So, to your
6 question.

7 COUNCIL MEMBER JOSEPH: Thank you. How
8 many uniformed police officers are in the Youth
9 Response Team, and can you confirm this is part of
10 the School Safety Division or another division within
11 the NYPD?

12 TRACY MULET: It is part of the School
13 Safety Division, and there are approximately-- thank
14 you-- there are approximately 55-- 50 to 55 officers
15 in that unit.

16 COUNCIL MEMBER JOSEPH: And is there any
17 type of training around restorative justice for the
18 School Safety Agents?

19 TRACY MULET: Yes, they get-- in terms of
20 training, they get de-escalation. They get
21 restorative-- excuse me.

22 COUNCIL MEMBER JOSEPH: Restorative
23 justice.

24 TRACY MULET: Yes, restorative practices,
25 youth mental health and first aid. This is done by

1
2 DOE. They're providing the training for us and
3 [inaudible] training.

4 COUNCIL MEMBER JOSEPH: How often are
5 they trained?

6 TRACY MULET: Initially, they're trained
7 at the Academy and then yearly they're trained.

8 COUNCIL MEMBER JOSEPH: And there are
9 refresher courses--

10 TRACY MULET: [interposing] Yes, there's a
11 refresher course.

12 COUNCIL MEMBER JOSEPH: available to them,
13 as well?

14 TRACY MULET: Yes.

15 COUNCIL MEMBER JOSEPH: Also, NYPD taking
16 officers-- lastly, we've heard that NYPD had taken
17 officers who are modified duty due to allegations of
18 abuse, reassigned them to Youth Coordination
19 Officers, putting officers with documented history of
20 violence, abuse in direct interaction with young
21 people. Can you share that with me? Can you share
22 with the Council the headcount for Youth Coordination
23 Officers and how many YCOs have allegations or
24 violence or misconduct against them?

1
2 CHIEF CHELL: We have 368 YCOs. In terms
3 of how many have allegations that are not working,
4 I'm not aware of that. I'll definitely look into it.

5 COUNCIL MEMBER JOSEPH: Definitely,
6 because they're interacting with our young people.

7 CHIEF CHELL: I'll have to look into it.
8 I'm not sure that's accurate, but I will take a look.
9 That shouldn't be the case. They should be active,
10 out in the street like I mentioned earlier, working
11 those corridors, working with school safety. You
12 know, our commanding officers are talking to the
13 principals once a week on any issues they may have.
14 Our borough commanders are talking to the
15 superintendents once a month to see any issues they
16 have. Our communications system with DOE under
17 Chancellor Banks and our Commissioner has been, I
18 mean, extremely well, real-time communication, 24/7.

19 COUNCIL MEMBER JOSEPH: And your timeline
20 on hiring those crossing guards?

21 CHIEF BENOIT: We're going to be--

22 COUNCIL MEMBER JOSEPH: [interposing] A
23 little louder.

24 CHIEF BENOIT: On May 24th we're going to
25 be hiring 100 crossing guards.

1
2 COUNCIL MEMBER JOSEPH: And we are going
3 to disperse them throughout the city? I have one
4 particular precinct in my district that is lacking a
5 crossing guard. Thank you, Chair.

6 CHIEF CHELL: Give me that precinct, I'll
7 take a look.

8 CHAIRPERSON SALAAM: And before we move
9 to the next member, I just have a follow-up
10 question regarding recruitment. Given the challenges
11 regarding recruitment and attrition rate, I'm curious
12 on what resources you plan to allocate or have
13 allocated to make sure that precincts, outreach
14 programs, and environment-- that precinct outreach
15 promotes an environment where people policed by
16 officers are represented by the communities that they
17 live, particularly in Black and Brown communities.
18 you know, for transparency, I'm asking this
19 particularly, because I want to know-- because I know
20 young women and men in my community that have been
21 having a desire to be guardians of society, and you
22 know, but the gap in direct outreach may keep them
23 from finding their path. I'm speaking specifically
24 to folks who are really finding their purpose at a
25 very young age and wanting to kind of go into that

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2 purpose being a guardian of society, to protect and
3 serve.

4 FIRST DEPUTY COMMISSIONER KINSELLA: I
5 would like to add to that. I totally agree with you,
6 and that's why in the position, in the capacity that
7 we are in-- I am, particularly in, that I make it a
8 point to go into Black and Brown communities and
9 every community, and I implore it, a request for me
10 to talk to young adults, and let them know I'm a kid-
11 - I'm a woman from the South Bronx, and when I was
12 growing up we didn't have the police officers talking
13 to us and coming to the school and trying to recruit
14 us. Just yesterday we had a female officer from the
15 72 precinct, she was getting to some trouble in PSA1
16 and I talked to her, and I told her listen, you know,
17 try to join the Police Department. What you want to
18 do with your life? Yesterday, she came to my office
19 and told me that she joined the Police Department
20 because of our conversation. So we are all actively
21 doing our part to recruit in our communities.

22 COMMISSIONER CABAN: And Chair, when I
23 opened up I spoke about our diversity and how proud I
24 am of our diversity. That wasn't the case years ago,
25 but it is the case now. I'll give you a quick stat.

1 We officers that hail from over 107 different
2 countries that speak in excess of 70 different
3 languages. We are the fabric of New York City.

4
5 ASSISTANT COMMISSIONER SEVERINO: Just in
6 terms of the budget question because there was a
7 question about the cost, we do have a budget
8 allocation of about \$2 million in Fiscal Year 25
9 dedicated for recruitment.

10 CHAIRPERSON SALAAM: Thank you. And also,
11 as a follow-up, I was wondering about in terms of the
12 question and response about assault on police. Does
13 the Department track the law enforcement's activity
14 at such time that the officer was engaged in this--
15 you know, when this assault is happening? You know,
16 and specifically for instance, you know, initiating
17 an arrest or conducting homeless outreach,
18 involuntary committing an individual with mental
19 illness, stuff like that. I'm just wondering in
20 terms of an assault, is it I'm going to go out and
21 try to physically assault an officer and we're
22 capturing that, or it's a situation where there's a
23 mental health challenge or something like that?

24 CHIEF BENOIT: I know the Department does
25 capture that, but for the purposes of what I oversee

1 is our Medical Division, and one of the things I
2 wanted to get out there in relationship to what we're
3 talking about, as Chief Chell indicated earlier, we
4 have a 20 percent increase in assaults against police
5 officers, but something I want to just bring to the
6 Council's attention. There's three disturbing trends
7 that are noteworthy to mention in this venue. We've
8 seen a pretty big increase, 72 percent increase, in
9 police officers getting stabbed. We've seen an
10 increase in officers being struck by an object.
11 That's up. So these are noteworthy-- these are
12 events that happen. The majority of our officers
13 that are injured, they have some type of orthopedic
14 injury.

16 CHAIRPERSON SALAAM: So, I'm really
17 asking specifically more about the circumstances in
18 terms of like--

19 CHIEF BENOIT: We-- the Police Department
20 captures it on our line of duty report, what they
21 were doing when they were-- what they were engaged in
22 at the time they were injured, and-- for the purposes
23 of what we track is what they were doing at the time
24 that they were injured. We do capture that. I don't
25 have that data from the Medical Division part of the

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2 data for that. But I do know as an organization we
3 do have that information.

4 CHAIRPERSON SALAAM: So, we'll follow up
5 with that, and I'll pass it back to the members.

6 COMMITTEE COUNSEL: Thank you so much,
7 Chair. Council Members Rivera, Brewer, Restler.

8 COUNCIL MEMBER RIVERA: Okay. Alright,
9 good afternoon. Thank you for being here. I just
10 want to go back to your testimony for a second,
11 Commissioner. You said that fare evasion arrests are
12 up by more than 135 percent and you have 1,000
13 additional officers going into the system every
14 single day. So, we have a figure here of 120,000
15 summonses for fare beating in 2023. Is that the
16 highest that it's been?

17 CHIEF KEMPER: So, in relation to--
18 sorry, Chief Kemper, Chief of Transit. Ever in
19 history, I can't answer that, but certainly the
20 highest in the past few years.

21 COUNCIL MEMBER RIVERA: Have they-- have
22 any of those resulted in a frisk or a search?

23 CHIEF KEMPER: Yes, if there's an arrest,
24 they're frisked and searched, every arrest is.

25 COUNCIL MEMBER RIVERA: So, 123,000?

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CHIEF KEMPER: No.

COUNCIL MEMBER RIVERA: 120,000 times.

CHIEF KEMPER: That's negative. Let me explain to you how this process works.

COUNCIL MEMBER RIVERA: Briefly, though.

CHIEF KEMPER: Well, it's a little complex. It's-- I want to explain it to you, but I'll be as brief and as clear as I can. The goal of fare evasion is not to arrest people. The goal of fare evasion is to correct behavior and to set a tone of law and order in the subway system. Fare evasion is by far the number one complaint, not even a close second, that I get from our riders, and there's so much discussion we could have. Just going straight to the enforcement, 97 percent of the people, so nine out of 10 people that we stop for fare evasion is issued a tab summons and released within minutes. A tab summons is non-criminal. It's civil. The two points, or whatever, three percent others that don't qualify for a tab summons, there's good reason why they don't, and more often than not they're deemed a transit offender or they're wanted. They have warrants. So it's the three percent that don't qualify. So if you're stopped and given a civil

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2 summons, you're not frisked. There's no search. But
3 certainly if you pop a warrant or there's a weapon
4 found, you know, on you in plain view, everyone
5 arrested no matter where it is, the subway system or
6 not for any crime, is frisked and searched, yes.

7 COUNCIL MEMBER RIVERA: Well, we just had
8 a hearing with the MTA and we're trying to figure out
9 how to increase our reach for fair fares. For
10 example, I don't think people want to be arrested for
11 \$2.90.

12 CHIEF KEMPER: Yeah, so that's--

13 COUNCIL MEMBER RIVERA: [interposing] And
14 most of these people are because they are in need,
15 and just to echo my Council Members who talked about,
16 you know, retail theft, all of this is leading to
17 what was a very debilitating few years. How do you
18 decide who you call into Transit out of those
19 thousand officers? How do you decide who you call
20 into Transit?

21 CHIEF KEMPER: so, the sup-- the thousand
22 additional cops that support the Transit Bureau each
23 day, it's a mix. Some are on overtime, and we could
24 talk about how that process was changed for the good,
25 and some of it on stray [sic] time. Some of it are

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2 personnel that are assigned to administrative
3 functions throughout the City in different bureaus
4 and different assignments. That individual day
5 they're assigned to Transit. But the overtime
6 component, a large part of the overtime component is
7 opened up to police officers that are off on a
8 volunteer basis, which is something new within the
9 last year that this Administration has made. So, in
10 other words, we're not forcing cops as much as we can
11 to work overtime in the subway system. So, it's--

12 COUNCIL MEMBER RIVERA: [interposing]
13 Okay. I only ask because Manhattan South, I feel like
14 they're constantly called into the train system, and
15 so--

16 CHIEF KEMPER: [interposing] So, let me
17 talk about Manhattan South and why--

18 COUNCIL MEMBER RIVERA: [interposing]
19 Let's talk about it offline.

20 CHIEF KEMPER: Okay, but there's reasons.

21 COUNCIL MEMBER RIVERA: I just have--
22 okay, no doubt. I'm sure there's geography and all
23 that. But a few years ago, just to transition to
24 something else, this council passed a few bills. One
25 of them was my legislation requiring a case

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2 management system for cases investigated by the
3 Special Victims Division. So what is the outcome of
4 that implementation? Have you increased personnel at
5 SVD? Because one of the concerns was that there
6 weren't even enough detectives for all the cases, and
7 so this all came together into this larger hearing
8 and then a package of legislation.

9 CHIEF KENNY: Yeah, good afternoon. So,
10 as of right now, Special Victims has had a huge
11 increase in personnel. While the Department and the
12 Detective Bureau is down in personnel, Special
13 Victims is up. We currently have 339 total members
14 with 296 investigators. So, we've increased it.
15 We've up-staffed it significantly.

16 COUNCIL MEMBER RIVERA: Okay. I know
17 there is recently a report on the legislation and
18 things like that. So, I will follow up with you all.
19 I just have one other question on my district
20 specifically. I worked with a District Attorney to
21 bring a gun buy-back to the lower east side. Just
22 trying to figure out how we can address crime in the
23 lower east side, specifically along like Avenue C and
24 Avenue D. Does NYPD have plans to increase gun buy-
25 backs? That event specifically was funded by the DAs

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2 office in private donations, and I'm wondering does
3 NYPD have a budget for buy-back events. And just to
4 speak on the-- on that area again, I just want to
5 mention First Deputy Commissioner Kinsella for
6 working with us to try to bring the Cure Violence
7 program to Bellevue to help address some of the
8 violence in the lower east side. So I'm looking
9 forward to that. But can you speak to plans for, you
10 know, the gun violence, getting guns off of the
11 street, specifically what's happening on the East
12 Side.

13 COMMISSIONER STEWART: Gun-- Commissioner
14 Stewart. The gun buy-back program is a collaboration
15 between us and the DA's office. We do gun buy-backs
16 probably every three months in every borough. So,
17 when the DA calls us and we get allocation, then
18 we'll do the process. So, what happens-- the gun
19 buy-back program used to be \$200. Now it's up to
20 \$500. So, we used to give iPads. So, the problem
21 was we were spending \$900 on a \$200 gun, so you know,
22 inflation that's the cause, but we are in talks with
23 the DA's office.

24 COUNCIL MEMBER RIVERA: Well, thank you,
25 Mr. Chair, for the time. I just want to say I realize

1 that, you know, gun buy-backs are not-- it's like one
2 piece of it. I think the Cure Violence and then
3 trying to figure out how we're working with
4 community-based organizations to increase their
5 funding is going to be instrumental. So I just want
6 to thank you all, all of you, and whoever else will
7 come up to the dais the next few minutes for your
8 time. Thank you very much.

10 COMMITTEE COUNSEL: Thank you, Council
11 Member. Next, we'll hear from Council Member Brewer
12 followed by Restler.

13 COUNCIL MEMBER BREWER: Thank you very
14 much. So I do want to thank the 24, the 20, and
15 Central Park, great leaders. I also appreciate the
16 ride-along with Deputy Commissioner Daughtry. Thank
17 you very much. And I love Chief Obe. Those are my
18 opening comments. I do want to say the budget for
19 hate crimes, how many? I had three on Sunday in my
20 district. That's a lot. So I wanted to know that
21 information. I also want to know-- I'll just go
22 through a few things, and then you can decide. BHEARD
23 and just the issue of mental health, is there a
24 budget? Is there a personnel attached? Is it still
25 happening? Is it working? I also want to know what

1 is-- is there a dollar figure for payouts?
2 Obviously, in some cases, unfortunately, police
3 officer for whatever reason are accused of doing the
4 wrong thing and somebody has to pay, so how much is
5 that in the last year? I'm also interested in the
6 Manhattan Tow Pound which doesn't exist. I've tried
7 to find one space. Is there ongoing-- I didn't see
8 it in the Capital Budget. So what's going on with
9 that? I'm just generally-- I know you-- with
10 Sanitation, you tow abandoned vehicles. I want to
11 know how many have been towed and the cost. And then
12 just finally, Planned Parenthood on Saturdays,
13 there's so many cops there. You don't need that many
14 cops there, and I want to know what's going on with
15 Planned Parenthood on Saturdays. Nuts. One Saturday
16 a month somebody, you know, they're protesting
17 Planned Parenthood, and I saw about 80 cops there.
18 Thank you very much. So, I guess first the hate
19 crimes.

21 CHIEF KENNY: Hate crimes. How you
22 doing? Chief Kenny again, Chief of Detectives. So,
23 currently Hate Crimes Taskforce is consisting of one
24 deputy inspector, one lieutenant, three sergeants,
25 and 23 detectives. The best way to put what's

1 currently going on in hate crimes, in perspective
2 I'll give you a breakdown of 2023. So, in 2023, New
3 York City showed an increase in hate crimes by the
4 end of the year. Six of the ten categories showed an
5 increase, alright? We ended 2023 with 669 hate
6 crimes versus 650. That's an increase of three
7 percent or 19 crimes totally committed. As of 10-07-
8 23, the City was down in overall hate crime by 20
9 percent. After the conflict began in the Middle
10 East, we saw-- the best way to describe it is we saw
11 a steady increase in our decrease. This increase
12 predominantly affected the Jewish community. By the
13 year's end hate crime against Jews increased by 14
14 percent. That's 323 crimes versus 284. That's an
15 additional 39 incidents that were reported. In 2023,
16 Jewish-related hate crime accounted for 48 percent of
17 all hate crimes committed. 141 of the 323 Jewish
18 hate crimes involved swastika incidents, and that
19 came out to 43 percent itself. In the same time
20 period for last year, there was a total of seven hate
21 crimes that were committed where the complainant was
22 Palestinian. So, overall, hate crimes in 2023,
23 aggravated harassment one in two, made up for 39
24 percent of all hate crimes. Misdemeanor assault made
25

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2 up for 21 percent, and there were 88 reported crimes,
3 13 percent, that were seven major. And it seems that
4 this year, so far, in 2024 we're kind of seeing the
5 same numbers where it's predominantly 51per; of all
6 hate crime being reported are hate crimes against the
7 Jewish community.

8 COUNCIL MEMBER BREWER: Thank you. I
9 think it speaks for itself, and a lot of work to be
10 done. I think the Governor has some ideas, too, how
11 to actually increase what is considered hate, because
12 I had one that wasn't considered hate, even though it
13 looked like it to me. So there may be even more as
14 time goes on.

15 CHIEF KENNY: So, the Hate Crime
16 Taskforce itself has a clearance rate of 83 percent
17 of seven majors where an arrest is made and a 56
18 percent overall clearance rate for all hate crimes.
19 So they're doing-- they're doing a great job.

20 COUNCIL MEMBER BREWER: Okay, thank you.
21 And then BHEARD, mental health generally?

22 COMMITTEE COUNSEL: Do you affirm to tell
23 the truth, the whole truth and nothing but the truth
24 and answer honestly to Council Member questions?

25 UNIDENTIFIED: I do.

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2 COMMITTEE COUNSEL: Thank you. Please
3 state your name.

4 COUNCIL MEMBER BREWER: You're fabulous
5 also.

6 UNIDENTIFIED: Thank you. Good afternoon,
7 Council Member. So, BHEARD, which is the Behavioral
8 Health Emergency Resistance Response Division--

9 COUNCIL MEMBER BREWER: [interposing] Yep.

10 UNIDENTIFIED: is a FDNY Health +
11 Hospitals initiative that we support totally. All
12 our calls for mental health crises that have no
13 weapons involved and no imminent risk of harm are
14 referred to the FDNY's dispatch unit, and they
15 determine whether they have a unit from BHEARD to
16 respond. If not, the default is the NYPD and EMS
17 with the traditional response to mental health crisis
18 calls.

19 COUNCIL MEMBER BREWER: Is it working?

20 UNIDENTIFIED: Yes, they're currently in
21 31 precincts citywide, and according to the Office of
22 Community Mental Health they're-- in the first six
23 months of 2023, over 40 percent of the patients were
24 provided with connections to CBOs.

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2 COUNCIL MEMBER BREWER: Okay, so why
3 couldn't that be in the subways if it's working?

4 UNIDENTIFIED: It couldn't--

5 COUNCIL MEMBER BREWER: [interposing] why
6 couldn't something similar be in the subways if it's
7 working, like a BHEARD for the subways?

8 UNIDENTIFIED: I think that's a great
9 idea.

10 COUNCIL MEMBER BREWER: I have lots of
11 good ideas.

12 UNIDENTIFIED: I know you do.

13 COUNCIL MEMBER BREWER: Alright, I would
14 suggest that, actually. Okay.

15 ASSISTANT COMMISSIONER SEVERINO:
16 [inaudible] just real quick, we are actively working
17 with the Office of Management and Budget as well as
18 DCAS to find a site.

19 COUNCIL MEMBER BREWER: To find a site
20 for the subways?

21 ASSISTANT COMMISSIONER SEVERINO: To--
22 for Manhattan tow pound.

23 COUNCIL MEMBER BREWER: Oh, for the
24 Manhattan tow pound, but that's been-- with all due
25

1
2 respect, to the credit of the Governor he closed 76,
3 but you have a site?

4 ASSISTANT COMMISSIONER SEVERINO: We're in
5 active search still.

6 COUNCIL MEMBER BREWER: I've been
7 searching, too, but are you really searching or
8 you're going to find a site you think?

9 ASSISTANT COMMISSIONER SEVERINO: The
10 goal is to find a site.

11 COUNCIL MEMBER BREWER: Alright.

12 CHAIRPERSON SALAAM: so after this answer
13 we'll go the next member?

14 COUNCIL MEMBER BREWER: Can I-- just one
15 more question, though. Abandoned vehicles and
16 Planned Parenthood?

17 CHAIRPERSON SALAAM: We're going to have
18 to-- we got to go to the next one.

19 CHIEF MADDREY: Good afternoon, Council
20 Member. The Planned Parenthood, the one that's
21 downtown, are you referring to that one, yes?

22 COUNCIL MEMBER BREWER: Bleecker, yes,
23 Bleecker.

24 CHIEF MADDREY: I'll make sure we
25 reassess it. They do it every month. We had no

1
2 issues. Maybe about eight or nine months ago it got
3 really violent, so we started putting a few extra
4 police officers out there. I'll have the borough
5 commander take a look, because if we don't see that
6 violence anymore, absolutely we should put less cops-
7 -

8 COUNCIL MEMBER BREWER: [interposing]

9 Because there were 50 there recently on a Saturday.

10 CHIEF MADDREY: I'll talk to the borough
11 commander and make sure he looks at it. Like I said,
12 we have-- one time again, really contentious. It got
13 physical.

14 COUNCIL MEMBER BREWER: I know, but then
15 you can call them in.

16 CHIEF MADDREY: So, I'll make--

17 COUNCIL MEMBER BREWER: [interposing] I
18 would say there was no incident.

19 CHIEF MADDREY: Absolutely. We'll take a
20 look at it.

21 CHIEF CHELL: I just-- abandoned vehicles
22 quickly.

23 COUNCIL MEMBER BREWER: Yeah.
24
25

1
2 CHIEF CHELL: for 2023 we did 123
3 operations, probably our number one complaint in New
4 York City is derelict abandoned vehicles.

5 COUNCIL MEMBER BREWER: Yep.

6 CHIEF CHELL: We took off the streets
7 1,522 abandoned vehicles, RVs, trucks, you name it
8 across the board. I'm happy to report in 2024 we're
9 already at 58 operations in three months and
10 approximately 800 vehicles removed. Like I said,
11 probably no more complaint universally citywide,
12 every community, abandoned vehicles. We're
13 addressing it and we're getting better and better at
14 doing it collectively with other agencies in the
15 City, including the Sheriff.

16 COUNCIL MEMBER BREWER: Thank you.

17 COMMITTEE COUNSEL: Thank you, Council
18 Member. Next we'll finish with Council Member
19 Restler, and then turn to a second round of
20 questions. So if any other members have second
21 questions, please let me know.

22 COUNCIL MEMBER RESTLER: Thank you so
23 much. It's good to see y'all. Good to see Chief
24 Maddrey here, you know, Brooklyn North through and
25 through. And I want to thank Chief Chell for being

1 on-site at Hoyt-Schermerhorn with us last week in
2 light of the terrible tragedy that we had in downtown
3 Brooklyn. Commissioner, I'd just like to start by
4 asking is Precision Policing kind of one of the core,
5 kind of overarching philosophies at the Department?
6 Just yes-- it's a yes or no question.
7

8 COMMISSIONER CABAN: Yes.

9 COUNCIL MEMBER RESTLER: Yes, great.

10 Because I see nothing like Precision Policing in the
11 data. Since Mayor Adams came into office, we're just
12 seeing more predominantly low-income, Black and Brown
13 men get swept up in our criminal justice system. And
14 let me run through the data with you. We've seen a
15 four-fold increase in minor summons since Mayor Adams
16 came into office. A 90 percent increase, basically a
17 doubling of stop and frisk which was deemed
18 unconstitutional. We've see misdemeanor arrests are
19 up 51 percent since the Mayor came into office.
20 Adult incarceration is up 30 percent, and most
21 troubling to me, youth incarceration has doubled.
22 So, across the board, while the Mayor talks about
23 Precision Policing, while you talk about Precision
24 Policing, we're just seeing more predominantly low-
25 income Black and Brown men get swept up in our

1
2 criminal justice system. It is devastating our
3 communities. We have returned fully to the era of
4 Broken Windows policing.

5 COMMISSIONER CABAN: We'll have our Chief
6 of Crime Control Strategies go through the data.

7 CHIEF LIPETRI: Good afternoon. I'll
8 start with your juvenile statement. So last year, 75
9 percent of our arrests for juveniles were of a
10 felony.

11 COUNCIL MEMBER RESTLER: Yes, I saw there
12 was a 44 percent increase in felony arrests. What--

13 CHIEF LIPETRI: [interposing] I didn't
14 finish.

15 COUNCIL MEMBER RESTLER: in the PMMR.
16 But what drove that increase?

17 CHIEF LIPETRI: Sir, can I finish?

18 COUNCIL MEMBER RESTLER: Yes, but I'm on
19 the clock, so I'm going to push you here.

20 CHIEF LIPETRI: Okay, well, then-- so
21 going back to-- the NYPD very rarely arrests under
22 the age of 18 individual for a low-level offense.
23 Like I stated, 75 percent of our arrests last year of
24 an individual under the age of 18 was of a felony.
25 If you just go back a few years it was 42 percent,

1 right? So, again, we're arresting for more serious
2 crimes. Unfortunately, when you look at the juvenile
3 crime, it correlates. When you look gun arrests in
4 New York City, over 400 gun arrests last year which
5 is 10 percent of approximately the 4,000 gun arrests,
6 were under the age of 18. Again, highest levels that
7 we've seen since 2017.

8
9 COUNCIL MEMBER RESTLER: Chief, just with
10 all-- I'm on the clock.

11 CHIEF LIPETRI: [inaudible] try to
12 answer.

13 COUNCIL MEMBER RESTLER: Well, briefly or
14 indirectly. But the concern I have, at least what we
15 saw in the PMMR, interested in understanding more
16 about whatever data OMAP has. We saw a 44 percent
17 increase in new felony arrests last year, but only an
18 eight percent increase in gun charges. And so we're
19 not-- it's unclear to me what's driving this increase
20 in mass arrest that we're doing and sending more kids
21 to jail. What I do know is that this mayor and
22 unfortunately his agencies have slashed and
23 eliminating the alternative to incarceration programs
24 that keep our young people out of jail, out of
25 detention, off the streets, on the right track. And

1
2 so we're just putting more and more and more money
3 into incarceration and less and less money into the
4 initiatives that actually help people get the support
5 they need and get on the right track.

6 CHIEF LIPETRI: Again, that's not--

7 COUNCIL MEMBER RESTLER: [interposing] My
8 overarching concern--

9 CHIEF LIPETRI: [interposing] That's not
10 what the data-- you're not giving facts.

11 COUNCIL MEMBER RESTLER: I'm telling you
12 exactly what's in the PMMR and what was testified to
13 by the-- and what the Law Department testified to at
14 my hearing last week. So, if you're saying that the
15 facts are wrong, then I expect you to follow up with
16 Judge Hines Raddix [sp?], because those facts are
17 coming from her.

18 CHIEF LIPETRI: I will.

19 COUNCIL MEMBER RESTLER: Now, this is the
20 problem with this overwhelming-- this approach to
21 policing where we're just sweeping everybody up with
22 more summons, more arrests for minor issues is that
23 response times are up. Do you know that response
24 times are up six minutes since pre-pandemic? Six
25 minutes, and they're up year over year from this year

1
2 to last year for the most serious crimes, when shots
3 are fired, when a robbery occurs, two whole minutes,
4 40 percent increase in response times.

5 CHIEF CHELL: Response times for critical
6 crimes are 47 seconds. So, I don't know if your
7 information is right. As far as all crimes--

8 COUNCIL MEMBER RESTLER: [interposing]
9 This is the NYPD data--

10 CHIEF CHELL: As far as all crimes
11 altogether, all crimes form the lowest to the highest
12 is up two minutes from 47.

13 COUNCIL MEMBER RESTLER: For serious
14 crimes in the PMMR--

15 CHIEF CHELL: [interposing] It's 47
16 seconds.

17 COUNCIL MEMBER RESTLER: in the NYPD
18 section it is seven minutes. It had been five
19 minutes historically forever, and now we're at seven
20 minutes year over year. That's a two-minute
21 increase.

22 CHIEF CHELL: We're going to have to
23 agree to disagree, because I got 47 seconds.

24 COUNCIL MEMBER RESTLER: Do you want to--
25

1
2 CHIEF CHELL: [interposing] I can show
3 you mine.

4 COUNCIL MEMBER RESTLER: This is the NYPD
5 PMMR data. Do you want me to show you my copy of the
6 PMMR?

7 CHIEF MADDREY: Council Member, listen,
8 we acknowledge--

9 COUNCIL MEMBER RESTLER: [interposing] I
10 don't like being gas-lighted. These are the facts--

11 CHIEF MADDREY: Nobody's gas-lighting
12 you.

13 COUNCIL MEMBER RESTLER: that you all
14 report in the PMMR.

15 CHIEF CHELL: Sir, nobody's gas-lighting
16 you.

17 COUNCIL MEMBER RESTLER: Thank you,
18 Chief.

19 CHIEF MADDREY: Yes, response times are
20 up, but remember our resources are stretched more
21 than ever. You just heard the chief of Patrol
22 testify earlier we have addressed 1,800 protests.
23 Sometimes we have 100. Sometimes we have 10,000 out
24 there. It is a significant strain on our resources.
25 And also, we're moving around cops as well. We have

1
2 areas in the City that are really struggling where
3 we're putting extra cops out, and unfortunately--

4 COUNCIL MEMBER RESTLER: [interposing]
5 Chief, when I look at the data in the PMMR, we have
6 about the same number of cops--

7 DEPUTY COMMISSIONER GERBER:
8 [interposing] Council Member, you keep on
9 interrupting. You have repeatedly interrupted the
10 executives who are here-- they're here to answer your
11 questions and repeatedly now, over and over you just
12 keep interrupting the executives who are trying,
13 doing their best to answer your questions.

14 COUNCIL MEMBER RESTLER: Thanks.

15 CHAIRPERSON SALAAM: I just want to ask
16 that the Council Member statement be completed.

17 COUNCIL MEMBER RESTLER: Thank you.

18 COMMISSIONER CABAN: Council Member, the
19 NYPD answers tens of thousands of calls every single
20 day, and we do that as quickly and efficiently as
21 possible, and that's what we're going to continue to
22 do.

23 COUNCIL MEMBER RESTLER: For me, the most
24 important thing that we can do as a city, the most
25 important thing that we expect of the NYPD is to

1
2 respond and prevent serious crime, and when I see in
3 the data that is reported by the Police Department
4 that we see a 40 percent increase in response times
5 to serious crimes like shots fired, like robberies,
6 that makes me deeply concerned. My under-- my belief
7 of what is driving that increase is that we are over-
8 policing minor issues, the summons increases, the
9 misdemeanor arrests. We're arresting-- there are
10 over 30 people every day for drinking in public
11 instead of focusing on responding to the most serious
12 crimes.

13 CHIEF CHELL: There's two parts
14 [inaudible]

15 UNIDENTIFIED: Can I just say--

16 COUNCIL MEMBER RESTLER: [interposing] I
17 just want to ask the question.

18 CHIEF CHELL: When you say--

19 COUNCIL MEMBER RESTLER: [interposing] I
20 just want to ask the question, Chief Chell, please.

21 CHIEF CHELL: No, respectfully. First of
22 all, 311 calls, quality of life calls are up, up, up.
23 People are asking us to addressing drinking in
24 public. People are asking us-- there's people
25 urinating in their stoop. That's the response to

1
2 help the community. Number two, violent crime, when
3 we have over 700 less more shooting victims in two
4 years in this city, and homicides at record lows, I
5 don't know if what you're saying is correlating to
6 what we-- what you're talking about. You said
7 violent crime. The amount of guns coming off the
8 streets at record numbers in 30 years. I don't know
9 if what you're saying is really correlating to the
10 facts here.

11 COUNCIL MEMBER RESTLER: Chief--

12 COMMISSIONER CABAN: [interposing] And
13 hold on. And we're at a-- last year, you talk about--
14 - whatever your statement was. We were at a 24-year
15 high, 24-year high, and this year we're at a 26-year
16 high for serious crime arrests. Go back 24 years and
17 see what the crime was then to what it is now. And
18 sir, go back, look at-- we have hundreds of thousands
19 of less misdemeanor arrests than we have in the past.
20 We are as precise as-- we are precise. We're a
21 precise organization.

22 COUNCIL MEMBER RESTLER: Fifty-one
23 percent increase in misdemeanor arrests in a two-year
24 time period is a major increase. A four-fold
25

1
2 increase in summons in a two-year time period is a
3 major increase. These are--

4 CHAIRPERSON SALAAM: [interposing] Council
5 Member Restler?

6 COUNCIL MEMBER RESTLER: big changes.
7 Can I just get-- I haven't been able to ask my
8 question because I got interrupted.

9 COMMISSIONER CABAN: Hold on. No--

10 COUNCIL MEMBER RESTLER: [interposing] So,
11 can I ask my question now?

12 COUNCIL MEMBER CABAN: [interposing] But
13 there's--

14 COUNCIL MEMBER RESTLER: This is the
15 question.

16 CHAIRPERSON SALAAM: [interposing] We're
17 going to go back to a second round of questioning.

18 COUNCIL MEMBER RESTLER: With a 40
19 percent increase year over year in serious-- in
20 response time to serious crimes like robberies, what
21 is NYPD doing?

22 CHAIRPERSON SALAAM: We're going to go
23 back to a second round of questioning for all
24 members.

1
2 COMMITTEE COUNSEL: Thank you. We'll now
3 turn to second round of questions for members as
4 well. Council Member Restler, you're welcome to as
5 well. First we're going to go to Council Member Ossé
6 followed by Holden.

7 COUNCIL MEMBER OSSÉ: Thank you. You
8 testified earlier that officers and resources are
9 deployed based off of how "volatile the protests
10 are." In the SRG Bicycle Crowd Management Instructor
11 Guide for Module number two, Crowd Management and
12 Crowd Control, it's page 18, it differentiates two
13 types of crowds. One is peaceful which lists parades
14 and New Year's Eve as an example, and violent which
15 lists Occupy Wall Street, BLM movement and Anti-Trump
16 demonstrations as examples. Earlier you said the SRG
17 is deployed and acts without consideration to
18 "subject matter." Does the page out the SRG not
19 indicate the exact opposite?

20 DEPUTY COMMISSIONER GERBER: So, I'll
21 just start and then turn it over to Chief Aramboles.
22 I'll be crystal clear about this with no confusion.
23 The subject matter of a protest has no bearing
24 whatsoever on how we respond to the protest, how we
25

1
2 deploy, how we address it. It has nothing to do with
3 it. With that, I will turn it over Chief Aramboles.

4 CHIEF ARAMBOLES: So, how you doing? So,
5 like in the guide we do not mention any particular
6 group or any subject on the guide.

7 COUNCIL MEMBER OSSÉ: I'm looking at a
8 page right now from your handbook. Again, it's the
9 SRG Bicycle Crowd Management Instructor Guide for
10 Module number two, page 18. It lists violent protest
11 examples as BLM, Occupy Wall Street, and Anti-Trump
12 protests. That's from a document from the NYPD.

13 CHIEF ARAMBOLES: No, you're probably
14 referring from the Executive handout books that they
15 name specific, but not the guide. The guide does not
16 portray to any subject, any groups or anyone. We are
17 apolitical organization, and we do not, you know,
18 deal with any type of the viewpoints of any--

19 COUNCIL MEMBER OSSÉ: [interposing] You
20 said it's not a guide, it's what?

21 CHIEF ARAMBOLES: It's a handout to the
22 executives. It's a handout or training for the
23 executives. It's a handout.

24 COUNCIL MEMBER OSSÉ: That seems like an
25 official document to me that's coming from the NYPD.

1
2 CHIEF ARAMBOLES: It's just a handout for
3 the executives, that's it. That is just that.

4 COUNCIL MEMBER OSSÉ: It seems like a
5 specific document coming from the NYPD that
6 specifically labels violent protests as being BLM
7 protests, Anti-Trump protests, and Occupy Wall Street
8 protest. To me, as an English-speaker, that sounds
9 like subject matter. Is that not subject matter to
10 you?

11 DEPUTY COMMISSIONER GERBER: Council
12 Member, you are asking the leadership of the NYPD
13 whether the subject matter of a protest affects how
14 we police the protest, and the answer is no.

15 COUNCIL MEMBER OSSÉ: [inaudible]

16 DEPUTY COMMISSIONER GERBER: [inaudible]
17 question. The answer to your question is no, full
18 stop.

19 COUNCIL MEMBER OSSÉ: So, why does it--
20 why does it list those three types of protests rather
21 than any other subjects of protests.

22 DEPUTY COMMISSIONER GERBER: I am not
23 familiar with the document. I can tell you-- I'm 100
24 percent sure of this and I speak for every executive
25 in the Department, the answer to your question is no.

1
2 COUNCIL MEMBER OSSÉ: So, this document
3 that I'm referring to does not exist?

4 DEPUTY COMMISSIONER GERBER: I have no
5 idea. I have never seen this document. What I'm
6 telling you again, for I think the third time maybe,
7 is that the answer to your question is no.

8 COUNCIL MEMBER OSSÉ: So, you do not know
9 about this document, but I'm so sorry I forgot your
10 name, you know about this document.

11 CHIEF ARAMBOLES: Yes, I'm Wilson
12 Aramboles [inaudible]. It's a hand out that is an
13 example just to show the executives the-- what's
14 going on and what the groups are that are protesting.

15 COUNCIL MEMBER OSSÉ: Sure. So--

16 CHIEF ARAMBOLES: [interposing] There is
17 nothing about like--

18 COUNCIL MEMBER OSSÉ: [interposing] Those
19 are-- okay. Let me-- I'm so sorry to cut you guys
20 off. We're getting cut off in asking question. The
21 only reason I raise that is because those are three
22 specific types of protests, and even if they're an
23 example, do you believe that naming just these three
24 movements could have led officers or anyone who works
25 in the NYPD or who interacts with the SRG to treat

1
2 these specific protests differently when the SRG is
3 deployed.

4 CHIEF ARAMBOLES: No, we do not treat
5 anyone differently, and what types of groups are you
6 referring, sir? That you--

7 COUNCIL MEMBER OSSÉ: [interposing]
8 Again, I'm quoting from--

9 CHIEF ARAMBOLES: [interposing] Like,
10 what's the name of the groups, sir?

11 COUNCIL MEMBER OSSÉ: I'm-- I've said
12 them multiple times.

13 CHIEF ARAMBOLES: Which ones?

14 COUNCIL MEMBER OSSÉ: BLM, Occupy Wall
15 Street--

16 CHIEF ARAMBOLES: [interposing] No, BLM
17 was never-- was never put on the handout, sir.

18 COUNCIL MEMBER OSSÉ: I'm looking at
19 right now.

20 CHIEF ARAMBOLES: Sir, it's not--

21 COUNCIL MEMBER OSSÉ: [interposing] So
22 It's never-- you're on record saying it was never--

23 CHIEF ARAMBOLES: From my understanding--
24
25

1
2 COUNCIL MEMBER OSSÉ: [interposing] Great,
3 okay, good. That's on record. Why were no right-
4 wing groups like the Proud Boys included?

5 CHIEF MADDREY: You know, Council Member,
6 I'm also not familiar with what document you're
7 looking at, so I'm going to try and grab it from you
8 later, alright?

9 COUNCIL MEMBER OSSÉ: Okay. We also have
10 another document here. Does this look familiar?

11 CHIEF MADDREY: No.

12 COUNCIL MEMBER OSSÉ: No? This is from
13 2019.

14 CHIEF MADDREY: Listen, I'm not doubting
15 the voracity. I'm not--

16 COUNCIL MEMBER OSSÉ: [interposing] Okay,
17 so--

18 CHIEF MADDREY: questioning. I'm just
19 saying I'm not familiar with that. If that's a 2019
20 document, he wasn't around. I wasn't around. We'll
21 make sure that's addressed.

22 COUNCIL MEMBER OSSÉ: The only reason I'm
23 asking is--

24 CHIEF MADDREY: [interposing] Listen, the
25 only subject matter--

1
2 COUNCIL MEMBER OSSÉ: because it's very
3 concerning to me that there is an arm of the NYPD, a
4 unit of the NYPD that receives a decent amount of tax
5 payer funds in a time where we're seeing cuts across
6 many different agencies, and it seems as if this unit
7 of the NYPD is targeting certain types of protests
8 compared to other types of protests that happen in
9 New York City. That seems like a political arm used
10 by a specific Administration, rather than a unit that
11 is apolitical. That's concerning to me given the
12 cuts that we're seeing across other agencies and
13 seeing a militarized force squashing any type of
14 dissent based off of political examples that are
15 labeled in official NYPD documents.

16 CHIEF MADDREY: Council Member, let me
17 assure you that's not true, okay? SRG, Strategic
18 Response Group, they have many functions, many
19 functions in dealing with protest and large crowds.
20 It's just one of their functions. They do many other
21 things on a daily basis, and not only that, we have
22 leaders out there every day, our Chiefs, our
23 inspectors who go out there and take the-- and give
24 direction, alright? We give direction. I have been
25 on many protests, many protests, where I say send

1
2 half the cops away. Send the SRG out there. We have
3 leadership out there that understands their role.
4 So, like I said, the document that you're referring
5 to, it's definitely before my time as Chief of
6 Department and his time as the Commissioner. If it
7 needs to be adjusted, we will absolutely adjust it.
8 The only subject matter that we deal with at protests
9 is peace or violence. That's it. If it's a peaceful
10 protest-- and I've done thousands of peaceful
11 protests. We let them walk in the street. We let
12 them march. We let them raise their first amendment
13 rights.

14 COUNCIL MEMBER OSSÉ: Thank you. Thank
15 you for responding to questions. Thank you for that
16 commitment of making any adjustments if they're being
17 made. Please reach out to the Council about that
18 document that some people know about and some people
19 don't, because we would love to see the examples that
20 you use, and hopefully I'll ask more question in the
21 future. Thank you, Chair.

22 COMMITTEE COUNSEL: Thank you, Council
23 Member. Council Member Holden?

24 COUNCIL MEMBER HOLDEN: Thank you, Chair,
25 for a second round. I appreciate it. Thank you again

1
2 and for-- I know it's a marathon here. Some
3 questions on subway deployment. Chief of Transit
4 Kemper, when you deploy officers in the subway
5 system, what percentage of the crime-- do you keep an
6 accurate crime stats of what percentage of the crimes
7 are committed on a moving subway car--

8 CHIEF KEMPER: [interposing] We do, yeah.

9 COUNCIL MEMBER HOLDEN: versus platform
10 or station.

11 CHIEF KEMPER: We do. It's actually a
12 good question, absolutely. Because the-- that's how
13 we deploy in large part, and I think Michael Lipetri
14 said it before, proper deployment is critical. So we
15 take a close look at that, and that fluctuates. It
16 fluctuates week by week, sometimes day by day. And
17 you know, we like to say we're a dynamic Police
18 Department, we are. We shift resources as we see
19 trends changing. But as we're sitting here right
20 now, if I can give you an answer, just around 50
21 percent of crime occurs on a moving train, versus
22 another 50 percent off the train. When I say off the
23 train, mezzanine area, turnstile there or the
24 stairwells, give or take.

1
2 COUNCIL MEMBER HOLDEN: Yeah, so speaking
3 to my constituents, they're always concerned when
4 those doors close, they're trapped. They can't get
5 out.

6 CHIEF KEMPER: Yep.

7 COUNCIL MEMBER HOLDEN: And that's the
8 fear. I think you'll see more people in the subway
9 fear while the subway is moving, while the car is
10 moving. Do you do the same deployment for officers
11 in a moving train rather than standing by the
12 turnstiles?

13 CHIEF KEMPER: So, yeah, and Councilman,
14 that's a great point, and that's the stark difference
15 between upstairs or in the street versus in the
16 subway because of that train and when those doors
17 close it's an enclosed environment and depending on
18 where that next stop-- it could take longer than
19 others. But yeah, so we do regularly patrol the
20 trains. So, let me give you the challenges with that
21 and let me give you the good news. I'll start with
22 the good news. The good news is with the increased
23 deployment of 1,000 cops by the Police Commissioner,
24 by the Mayor, it allowed us to put even more cops
25 patrolling. We call it train patrols, train patrols.

1
2 But you know, if we're going to be honest, we have
3 thousands of train cars rolling around New York City
4 right now. We cannot be on every train car. So
5 people have to understand that. And then the same
6 people that say that say we should be at every
7 turnstile. There's thousands of turnstile areas.
8 And then the same people that say we should be at
9 every platform, there are tens of thousands of-- if
10 I'm trying to make sense. So we need to find that
11 balance, and that balance is dictated by ridership
12 levels, time of day, and certainly crime.

13 COUNCIL MEMBER HOLDEN: Alright, thank
14 you. And just one question on the NCO program which
15 started-- it started out to be a great program and
16 was rolled out to all the precincts. When we-- we
17 have a shortage of police officers, the NCOs were
18 pulled, and I brought this up at hearings many times
19 that we try to-- you know, are we going to get back
20 to really the NCO program that we originally started
21 out to deploy, or is it the shortage of police
22 officers that's really driving this?

23 CHIEF MADDREY: No, the shortage will not
24 drive that, I assure you. We're going to get back to
25 the 2015/2016 model of the NCO program.

1
2 COUNCIL MEMBER HOLDEN: Yeah, because the
3 NCOs are actually helping with the squad, detective
4 squads. That what I have in my--

5 CHIEF MADDREY: [interposing] Very
6 familiar with the NCO program. Brooklyn North was
7 the first borough that was a complete NCO-- under the
8 complete-- completely under the NCO model, and we did
9 some phenomenal work there, and we have lost some of
10 that, and I want that back and I know many people--

11 COUNCIL MEMBER HOLDEN: [interposing]
12 Good.

13 CHIEF MADDREY: When I go to communities,
14 they always talk about that. I assure you it's going
15 to come back better than ever.

16 COUNCIL MEMBER HOLDEN: Great. Thank
17 you, Chief. Thank you, Chair.

18 COMMITTEE COUNSEL: Thank you so much.
19 Council Member Restler, go ahead.

20 COUNCIL MEMBER RESTLER: I took the
21 liberty of printing the PMMR so you could have the
22 data. [off mic] Back to the facts. So, in FY21 when
23 the Mayor came into office, response times, average
24 response times to critical crimes in progress,
25 dispatch and travel time was 5.6 minutes, five

1 minutes and 30-something seconds. Now, FY24, the
2 first four months of this year, average response
3 time, critical crimes in progress seven minutes and
4 20 seconds. That is a major almost two-minute
5 increase, since the Mayor came into office,
6 responding to serious crimes in progress. Police
7 officers haven't changed in a substantial way. Year
8 over year, we have about the same number of cops.
9 Why are response times to serious crimes in progress
10 up by almost two minutes since the Mayor came into
11 office?
12

13 COMMISSIONER CABAN: I'll pass it over to
14 my Deputy Commissioner of Strategic Initiatives, Bob
15 Barrows.

16 DEPUTY COMMISSIONER BARROWS: So, I'm
17 looking at these numbers, I mean, generally just
18 looking year to year we've had more 911 calls and
19 more 311 calls for service. At the same time we've
20 had some attrition in the Department which accounts
21 for increased response--

22 COUNCIL MEMBER RESTLER: [interposing] It
23 was a less than one percent change in the Police
24 Department headcount, officer headcount year over
25 year. We're seeing a nearly two-minute increase

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2 since the Mayor came into office in response time to
3 crimes in progress. Why is this not a serious issue
4 that the Police Commissioner himself is focused on?
5 This is a major problem across the five boroughs. I
6 think it should be addressed.

7 CHIEF CHELL: Well, first of all, I'm
8 still going to disagree with that piece of paper
9 until I match my numbers.

10 COUNCIL MEMBER RESTLER: You're
11 disagreeing with the PMMR that was reported--

12 CHIEF CHELL: [interposing] I have-- I
13 have--

14 COUNCIL MEMBER RESTLER: NYPD's data in
15 your own city's report.

16 CHIEF CHELL: So, I said in the beginning
17 let's agree to disagree for the moment. Is that fair
18 enough?

19 COUNCIL MEMBER RESTLER: Chief, come on.
20 This is the city's report.

21 CHIEF CHELL: Like I--

22 COUNCIL MEMBER RESTLER: [interposing]
23 This is NYPD's data.

24 CHIEF CHELL: And the seriousness of the
25 report, in terms of-- I'm going to say it again,

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2 critical response to critical jobs, do you see our
3 enforcement numbers of what we're doing at critical
4 jobs, the lives we are saving?

5 COUNCIL MEMBER RESTLER: I'm focused on
6 the data.

7 CHIEF CHELL: I mean, so what you-- what
8 is your--

9 COUNCIL MEMBER RESTLER: [interposing] I'm
10 focused on the data, and I want to make sure that
11 when a critical crime happens that we're getting
12 there as quickly as possible. Historically, Chief
13 Maddrey, how long have you been in the Department?

14 CHIEF MADDREY: 33 years.

15 COUNCIL MEMBER RESTLER: 33 years.
16 Historically, that number was always five minutes.
17 Chief Maddrey knows that. Five minutes to get to a
18 serious crime in progress. We're now at seven
19 minutes and 20 seconds. That's a big difference. It
20 matters.

21 CHIEF CHELL: So, let's--

22 COUNCIL MEMBER RESTLER: [interposing]
23 What are we doing about it?

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2 CHIEF CHELL: Let's agree to take a look
3 at the numbers and we'll have an off-site topic, a
4 conversation about it.

5 COUNCIL MEMBER RESTLER: Okay, I'll tell
6 you this--

7 CHIEF CHELL: [interposing] Number two--
8 number two--

9 COUNCIL MEMBER RESTLER: [interposing]
10 Sure.

11 CHIEF CHELL: Number two, we are down a
12 little staffing. It's no big secret here.

13 COUNCIL MEMBER RESTLER: One percent
14 change year over year in the number of officers.

15 CHIEF CHELL: Everybody matters. We have
16 increase in--

17 COUNCIL MEMBER RESTLER: [interposing] You
18 can't tell me it's a two-minute increase--

19 CHIEF CHELL: [interposing] Can I finish
20 my statement?

21 COUNCIL MEMBER RESTLER: Alright, go
22 ahead, Chief.

23 CHIEF CHELL: Respectfully.

24 COUNCIL MEMBER RESTLER: Please.
25

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2 CHIEF CHELL: I thank you for coming to
3 the scene the other day, by the way, you're a big
4 help. Now--

5 COUNCIL MEMBER RESTLER: [interposing] I'm
6 always here to help.

7 CHIEF CHELL: We had a nice conversation.
8 So, increase in 311 calls, we have to answer all
9 those out. Increase year over year, some little
10 down, some up, we have to address those. We are
11 being pulled in many different directions. We just
12 went over all the protests we have to do, moving
13 resources around, but at the end of the day, if I
14 take you on your numbers that we're a little--

15 COUNCIL MEMBER RESTLER: [interposing]
16 These are not my numbers. These are your number.
17 This is the NYPD's numbers--

18 CHIEF CHELL: [interposing] I have my--

19 COUNCIL MEMBER RESTLER: in the Mayor's
20 Office of Operations annual--

21 CHIEF CHELL: [interposing] We [inaudible]
22 agreement. We have to agree to disagree, but at the
23 end of the day-- at the end of the day, homicides in
24 the City are down tremendously. Shooting victims--
25 victims of shootings down tremendously in the City,

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2 probably the best in the country decline. The amount
3 of firearms we're taking off the street to protect
4 our community at all-time highs. Our enforcement in
5 seven major crimes, those critical responses, all-
6 time highs. So I don't want to lose sight of that,
7 okay? So--

8 COUNCIL MEMBER RESTLER: [interposing] I
9 am not-- there are very good-- there are some
10 important positive stories that are happening with
11 public safety in New York City that I think are--
12 that I am not disputing. What I am concerned about
13 is our ability to respond to serious crimes in real-
14 time. There's a major increase, Commissioner, that
15 has happened under your watch, especially under Mayor
16 Adams' watch. It needs to be addressed. So what I
17 want to hear from the Department is what you're going
18 to do about it. I get that there's protests
19 happening in New York City. There are always
20 protests happening in New York City.

21 CHIEF CHELL: Not at this rate.

22 COUNCIL MEMBER RESTLER: What I want to
23 know--

24 CHIEF CHELL: [interposing] Not at this
25 rate.

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2 COUNCIL MEMBER RESTLER: is what you're
3 doing to speed up response times to serious crimes in
4 progress.

5 COMMISSIONER CABAN: Like we talked
6 about, there's tens of thousands of calls to NYPD
7 every single day, and they gave a number-- since
8 October 7th, NYPD has responded to over 1,800
9 protests a day in our city. Take the totality of what
10 you're talking about. Those numbers could be skewed,
11 because if you're responding in Manhattan South, it
12 could take you hours to respond based on 10,000
13 protestors walking through our streets.

14 COUNCIL MEMBER RESTLER: Commissioner
15 Caban--

16 CHIEF MADDREY: True.

17 COMMISSIONER CABAN: So, let's look at
18 the totality of that.

19 COUNCIL MEMBER RESTLER: Commissioner--

20 COMMISSIONER CABAN: 1,800 protests in
21 New York City since October 7th. So, let's be fair
22 about that.

23 COUNCIL MEMBER RESTLER: Commissioner, I
24 appreciate that. There are always protests in New
25 York City. There are always a lot of calls.

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2 COUNCIL MEMBER CABAN: Not to this
3 magnitude.

4 COUNCIL MEMBER RESTLER: There's always a
5 lot of 311 calls. There's always a lot of 911 calls.
6 What frankly I find most disappointing about this
7 exchange, is not that you're denying the report that
8 came out from the Mayor's office with NYPD's data
9 about the response times to serious crimes in
10 progress, it's that you all seem surprised by it,
11 that you're not aware of it.

12 ASSISTANT COMMISSIONER SEVERINO: Just to
13 clarify, that report is on a fiscal year basis. A
14 lot of the data--

15 COUNCIL MEMBER RESTLER: [interposing] For
16 the first four months of this fiscal year, this
17 fiscal year.

18 ASSISTANT COMMISSIONER SEVERINO: to
19 clarify, a lot of the data that is tracked by this
20 Department is on a calendar year basis, except budget
21 stuff.

22 COUNCIL MEMBER RESTLER: Okay.

23 : So, I'm very familiar with fiscal
24 year, but a lot of the crime stats are calendar year.

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2 COUNCIL MEMBER RESTLER: But this is
3 your-- this is the Mayor-- this is Mayor Adams'
4 report on how he and his agencies are doing. This is
5 a major indicator moving a very wrong direction, and
6 what I'm hearing from the senior leadership at the
7 NYPD is they're not even aware of it. It's-- you're
8 not attuned to it. You're not responding it.

9 CHIEF MADDREY: Council Member--

10 COUNCIL MEMBER RESTLER: [interposing]
11 And I want to hear what the solutions are for how
12 we're actually addressing it.

13 CHIEF MADDREY: So, listen, this is how
14 we're going to address it. Like I said, this is
15 accurate. Let me go back to the command, let me take
16 a little deeper dive, alright? Response times can be
17 skewed. They can be skewed. So you can have 60
18 precincts that are doing well, 65 precincts, 75
19 precincts, two precincts--

20 COUNCIL MEMBER RESTLER: [interposing]
21 It's a big city.

22 CHIEF MADDREY: that response time skews
23 the numbers. So let me--

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2 COUNCIL MEMBER RESTLER: [interposing] And
3 then we got to ask what's that commanding officer
4 doing and how we're managing it.

5 CHIEF MADDREY: Like I said, this is--

6 COUNCIL MEMBER RESTLER: [interposing] I
7 appreciate you saying you're coming back.

8 CHIEF MADDREY: This is a broad look.
9 I'll give you some real details command by command.
10 Hey, this is where we're having a problem with, and
11 wherever we're having the problems with, we'll get
12 the additional resources.

13 COUNCIL MEMBER RESTLER: And we want to
14 help, right? So we want to think together about how
15 do we actually improve this. This is a serious
16 concern. I'm raising it because I want to help
17 identify a solution together with you and support
18 whatever we can do.

19 CHIEF MADDREY: Absolutely. Council
20 Member--

21 CHAIRPERSON SALAAM: [interposing] We're
22 going to move--

23 CHIEF MADDREY: we appreciate your help.

24 CHAIRPERSON SALAAM: We're going to move
25 to the next member.

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2 CHIEF MADDREY: Appreciate you pointing
3 this out. We will address it.

4 COMMITTEE COUNSEL: Thank you everyone.
5 Next we're going to turn to Council Member Paladino
6 for questions, and then we're going to turn for an
7 additional second round questions from Council
8 Members Joseph, and then Ossé again.

9 COUNCIL MEMBER PALADINO: Council Member
10 Paladino doesn't have any questions. Our police
11 force is more than equipped to answer every single
12 question that's been given. Welcome to the
13 inquisition, the inquisition once again of the New
14 York City Police Department, with about as much
15 respect as I don't know what. This is an
16 embarrassment to the New York City Council that
17 reflects the City of New York, that you are being
18 torn into pieces here, when this is the City Council
19 that has defunded you, disarmed you, and has seen you
20 put in the situation that you have been put in today,
21 and you have been abused, you have been used, and you
22 have been overworked, and underpaid. And yet, you're
23 coming under the scrutiny here of people that don't
24 even have the accurate facts. All they want to do is
25 look for their little snippet of airtime as to how

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2 they can condemn the greatest police force in the
3 entire country. And it's an embarrassment to me, and
4 it should be an embarrassment to this City Council.
5 And the fact that the Chairman did not slam his gavel
6 down as he should have to keep the Council Member and
7 several other Council Members in control is another
8 embarrassment. My goodness gentleman and ladies, you
9 have my heart and soul as you do of many other
10 members on this council, and I pity you that you have
11 to sit in front of these people and actually try to
12 explain the job you're trying to do so desperately
13 while your cops are getting beaten up every single
14 day. Yeah, you do this in the back. You go ahead.
15 You do that, alright. Any time you want to talk
16 sense, we'll talk sense. Thank you very much
17 everybody. Have a great rest of your day.

18 COMMITTEE COUNSEL: Okay, thank you. Hey,
19 no, no. Hit that. No.

20 [gavel]

21 CHAIRPERSON SALAAM: We're going to have
22 to maintain decorum while in the chambers.

23 COMMITTEE COUNSEL: Everyone.

24 CHAIRPERSON SALAAM: And we have to
25 respect the hearing.

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2 COMMITTEE COUNSEL: Okay. Thank you.
3 Council Member Joseph, Ossé.

4 COUNCIL MEMBER JOSEPH: Thank you, Chair.
5 Thank you, Commissioner. I just have a quick follow-
6 up question on school safety real quick. We have
7 about 3,100 school safety assigned to schools. I'm
8 always going to ask about schools. I'm the Education
9 Chair. I'm forever educator. I got to ask about my
10 young people all the time.

11 TRACY MULET: Thank you. Hi. Tracy
12 Mulet.

13 COUNCIL MEMBER JOSEPH: Hi, how are you?

14 TRACY MULET: How are you, ma'am.

15 COUNCIL MEMBER JOSEPH: Good, good.

16 TRACY MULET: Question is?

17 COUNCIL MEMBER JOSEPH: The question is
18 how many SSAs, of the 3,100 are assigned to--

19 COMMITTEE COUNSEL: [interposing] can we
20 quickly swear you in if you haven't been sworn in
21 already, or? Oh, I already.

22 TRACY MULET: Hi, I'm already sworn in.

23 COMMITTEE COUNSEL: Okay. Okay, cool

24 TRACY MULET: Tracy Mulet.
25

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2 COMMITTEE COUNSEL: Sorry about that.
3 Thank you.

4 TRACY MULET: Inspector to Schools. So,
5 I gave you the overall headcount, 3,870 and school
6 buildings, 3,062.

7 COUNCIL MEMBER JOSEPH: And the ones that
8 are not-- with the shortfall of agents assigned to
9 schools, are all of the agents placed in a school?

10 TRACY MULET: Did you just say what was
11 the shortfall of the--

12 COUNCIL MEMBER JOSEPH: [interposing]
13 Yeah.

14 TRACY MULET: So, we have a-- due to
15 attrition, a loss of 358 School Safety Agents in the
16 fiscal year up to March 10th, averaging about 40 per
17 month.

18 COUNCIL MEMBER JOSEPH: How does that
19 impact schools?

20 TRACY MULET: You know, we're still--
21 we're providing security to schools. We have a lot
22 of resources. Of course, more is always better as I
23 say, you know, with School Safety Agents, but we're
24 still maintaining a secure corridor, a secure

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1
2 environment for the school staff as well as the
3 students.

4 COUNCIL MEMBER JOSEPH: I'm going to ask
5 you a question of my young people. I had a hearing
6 here on Monday on Education budget and it was 12
7 hours, because I wanted to listen to young people as
8 to what they would like to see we do as leaders,
9 right? A lot of them said they didn't want School
10 Safety Agents in their school. What's the-- I asked
11 for the alternative. A lot of them-- those were
12 things. They wanted to see more guidance counselors,
13 more social workers, because our students coming back
14 from COVID, and I taught through the COVID time.
15 They're facing a high mental health crisis. How do
16 we address that for young people?

17 TRACY MULET: So, we have-- in School
18 Safety, we have-- and just-- so let's just start with
19 that student/agent relationship. For a lot of
20 students that I talk to, they think of the School
21 Safety agent as like an aunt. They refer to them
22 sometimes as auntie, or you know, momma or whatever.
23 So, that's surprising to me. But then also, we have--
24 - in School Safety we have a community outreach that
25 provides mental health. We also have other programs,

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2 Options programs. Another program, we call it Little
3 Giant's Day, as well. In the Options program we have
4 mental health available, and this program it's at 127
5 Penn as well as in Arthur Avenue.

6 COUNCIL MEMBER JOSEPH: One of the things
7 they also brought up to me is during the summer time--
8 - this is for the Commissioner. Do you think about
9 probably switching out the uniforms to less blue,
10 maybe polos they can wear during the summer time?

11 TRACY MULET: Are we talking about the
12 School Safety Agents?

13 COUNCIL MEMBER JOSEPH: Yeah, School
14 Safety Agents in terms of uniforms.

15 TRACY MULET: So, we have-- just to that,
16 please excuse me, Commissioner, if you don't mind. I
17 am new there, I just started, but--

18 COUNCIL MEMBER JOSEPH: [interposing] I
19 know.

20 TRACY MULET: during the summer time--
21 thank you. During the summer time they are allowed
22 to wear like the softer yellow t-shirt, you know,
23 because it's summer.

24 COUNCIL MEMBER JOSEPH: It brings down
25 the anxiety level.

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TRACY MULET: Yes, yes.

COUNCIL MEMBER JOSEPH: They're there at least--

TRACY MULET: [interposing] And agents, they're working with DOE staff. they're working, like you said, with unfortunately the counselors that are there to, you know, mitigate-- as you know, we have child, some children in crisis, and we work and go guided by what DOE, you know, what they want to mandate.

COUNCIL MEMBER JOSEPH: Okay. Well, this is a-- let's have an ongoing conversation around that. I would like to see maybe a pilot program or something we can talk around young people and their relationship with school safety, mental health, and guidance counselors and social workers.

TRACY MULET: So just on the outreach that I mentioned earlier, you know, not only is it mental health. We have-- so it's in every borough, just so you know. This is like what you can give the kids. You know, School Safety is in every borough. School Safety has an outreach, and we have Explorers, we have posts [sic], and we're actively engaging them. And they have, say, wig making. They have

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2 lessons on, you know, the media, AI-- you know,
3 different say things to appeal to the kids to try to
4 reach out to them and connect with them.

5 FIRST DEPUTY COMMISSIONER KINSELLA: How
6 you doing? First Dep Tania Kinsella. I love the
7 youth. I'm big on the youth and making sure that
8 we're present, and as a prior precinct commander not
9 too long ago, school safety is an integral part of
10 tier learning and their safety and their wellbeing.
11 A lot of these School Safety Agents they live,
12 Councilwoman, in the community. They are the ones--
13 I promise you this. They are the ones that a lot of
14 times are bringing concerns to us to stop fights, to
15 stop certain items going-- or if a child is abused at
16 home. It's so many different things that the School
17 Safety Agents do that it's invaluable to our young
18 adults, I promise you that. I love children. I love
19 the youth. I'm passionate about that, and I was a
20 precinct commander twice, and I will say that always
21 because that's integral-- that's an integral part of
22 knowing your city, knowing your kids, and knowing
23 your youth, and it's important that we appreciate our
24 School Safety Agents. It's not a perfect system, but
25 I promise you that I would love to work with you.

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2 COUNCIL MEMBER JOSEPH: It would great. I
3 was an educator for two decades before I became a
4 Council Member. So this is-- my life's work here is
5 for young people, to always advocate for them for
6 their needs. Guidance counselors, social workers,
7 I'd love to sit and talk about that.

8 FIRST DEPUTY COMMISSIONER KINSELLA: Yes,
9 please.

10 COUNCIL MEMBER JOSEPH: Thank you.

11 COMMITTEE COUNSEL: Next we'll hear from
12 Deputy Speaker Ayala.

13 COUNCIL MEMBER AYALA: Yeah, I don't have
14 a question either. I just wanted to kind of take an
15 opportunity to bring it down a little bit. I want to
16 thank you all for being here today. I want you to
17 know that this council supports the NYPD and that we
18 want you to be safe, and we want you to be
19 compensated, and we want you to be all of those good
20 things, but our job is to act as an oversight
21 authority, and we have to ask tough questions
22 sometimes, and that makes people feel uncomfortable.
23 But the idea here is that we all collectively work
24 together to create a safer New York City, one that
25 acknowledges that there are injustices that happen in

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2 some communities that don't happen in others, and the
3 fact that we are having a conversation and making
4 this a fight, both of those things could be true.
5 Both of those things could be true. And so I am
6 really embarrassed by the behavior of my colleagues
7 today, and I just want to apologize to everyone that
8 is watching and to all of you that came here today,
9 but I do not want you to leave here with the
10 impression that this council is anti-NYPD. We are
11 anti-discrimination. We are anti-abuse tactics. We
12 are anti- a lot of things, and there has to be an
13 acknowledgement, right, that those things sometimes
14 do happen, and that we should be working together to
15 make sure that we are eradicating bad behaviors but
16 that we're also supporting good officers. And I will
17 tell you that many of-- if you -- there's 51 of us,
18 and if you ask many of us, I don't know that there's
19 one member in this body that doesn't have a good
20 relationship with their local precincts. I love my
21 precinct. I love my NCOs. I love my YCOs. I work
22 with them. I invite them over for Thanksgiving. I
23 invite them for Christmas. I invite them, you know,
24 to come in and just say hi and use the restroom if
25 they have to, because I value them, but I will also

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2 hold them to task if I see something or if I know of
3 something that is inappropriate because that is my
4 job. Here we have a responsibility when we're
5 talking about budget to really take a good look at
6 where we're-- how we're spending those public
7 dollars. We're talking about increasing policing
8 mechanisms, but yet we're cutting community centers,
9 right? We need social workers. We don't need the
10 NYPD to have to spend their day in Transit, all day
11 every day, because the system is not working for
12 mentally-ill individuals, my brother included. I
13 have spoken about that repeatedly. So, it's not
14 about one thing or another thing. Collectively, we
15 want a safer New York City. There is no this or
16 that. Maybe the way that people ask things is
17 differently, but I just want-- you know, I want to
18 make that very clear. We will always fight for what
19 is right. We will always scrutinize your budget, the
20 same way that we scrutinize everybody else's budget
21 and that is our, you know, prerogative. That's our
22 right to do that. It's our responsibility. But I
23 want you to know that, you know, I'm really grateful
24 for all of you here. I see, you know, Chief Tolbin
25 [sp?], my BFF, you know, Obe. I have many of you--

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2 you know, the Commissioner and I go back many years.
3 He was my CO for a long time. And so I really do
4 appreciate these relationships, but there is work
5 that has to be done, and I welcome an opportunity to
6 have that discussion.

7 COMMITTEE COUNSEL: Thank you. I'm going
8 to pass it to Chi Ossé, Council Member.

9 COUNCIL MEMBER OSSÉ: Thank you so much.
10 I do have a copy of the document that was I-- was
11 told to me that it wasn't a guide. Can I have
12 Committee Counsel bring this over to the
13 Commissioner, please? Is that okay?

14 DEPUTY COMMISSIONER GERBER: Council
15 Member, just to jump in for a second. This may make
16 it simpler. So, we checked and in fact this document
17 is no-- the document that you were referring to was
18 changed years ago.

19 COUNCIL MEMBER OSSÉ: Okay.

20 DEPUTY COMMISSIONER GERBER: Which is why
21 I think -- why the executives were not familiar with
22 it, because it has not been operative for years. It
23 was changed, my understanding is, a number of years
24 ago.

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2 COUNCIL MEMBER OSSÉ: And is there an
3 updated documented that is similar instructor guide
4 that is deployed to those who are training folks who
5 are joining the SRG.

6 DEPUTY COMMISSIONER GERBER: So, I don't
7 know, but we can get back to you on that.

8 COUNCIL MEMBER OSSÉ: Okay, that would be
9 great, and would love to see the language in terms of
10 what's specifically noted as violence and peaceful.

11 CHIEF MADDREY: I'll invite you to come
12 help write it.

13 COUNCIL MEMBER OSSÉ: I did want to
14 follow up on protests that are labeled as violent,
15 especially in terms of the ones that we've been
16 seeing recently, post the conflict in the Middle
17 East. What specific actions have these recent
18 protestors taken in these pro-Palestinian protests
19 that warrant the use of force from the SRG?

20 DEPUTY COMMISSIONER GERBER: I just--
21 before the Chief responded, I want to be clear. You
22 know, you referred to pro-Palestinian protests.
23 Again, that's not a category for us. It's just not.
24 It's protest and then the things we see at protest.
25 And with that, I'll turn it over to Chief Chell.

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2 CHIEF CHELL: You know, just like all the
3 protests, we don't care who you are, who you stand
4 for. We want to give people the place and the space
5 to do their first amendment. We'll allow you to go
6 on the street at times, but at each protest by volume
7 and by who's in it changes time to time, and I will
8 tell you some of the peaceful protests get hijacked
9 by people who aren't with that protest, and that
10 seems to be a problem once in a while. In terms of
11 what we're arresting for-- most arrests are
12 violations, blocking the street. We do see some
13 criminal mischief to windows and putting stickers and
14 graffiti, some minor assaults. Again, the vast
15 majority are violations arrests, and they differ from
16 protest to protest. But at the end of the day, we
17 always attempt to talk to the organizer of the
18 protest and see what they want to do and how can we
19 both accomplish the same thing of giving you our
20 voice and for us getting you there safely. I think
21 we've done a pretty good job with that so far this
22 year.

23 COUNCIL MEMBER OSSÉ: Sure. On March 2nd-
24 - I do want to refer to a protest that was
25 concerning, especially in the wake of the State

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2 Attorney General tiered system in terms of how the
3 SRGs should operate. On march 2nd I know that police
4 swarmed a pro-Palestinian protest, I'll say that, but
5 it was a protest in your book, and reports are saying
6 that cops saw a grenade or had reports of a grenade
7 that was about to go off. I think NBC reported it
8 as, tensions escalated between police and protestors
9 when a NYPD vehicle tried to break through the crowd
10 while responding to a call of a possible grenade near
11 Time's Square. My understanding is that this would
12 be a tier four incident k is that correct?

13 DEPUTY COMMISSIONER GERBER: So, well, I
14 just-- a few things. First, I want to be clear,
15 we're in phase one under the protest settlement.

16 COUNCIL MEMBER OSSÉ: Okay.

17 DEPUTY COMMISSIONER GERBER: So, we are
18 working on the policy, working on the training.
19 Ultimately, once that is done and we go through the
20 process set forth in the settlement agreement, we
21 then will be-- we'll be going into this tiered
22 system. We are not doing that right now.

23 COUNCIL MEMBER OSSÉ: We're not doing
24 that, so you're very clear about that.

25

1
2 DEPUTY COMMISSIONER GERBER: I want to be
3 very clear about that. That's important.

4 COUNCIL MEMBER OSSÉ: do we have a
5 timeline of when that will be established?

6 DEPUTY COMMISSIONER GERBER: Not yet. I
7 will say, though, just the settlement agreement by
8 its terms provides for certain time frames, not all.
9 Certain things are left open, but there is a time
10 frame for the back and forth between the parties
11 before we finish phase one. And then frankly, with
12 respect to the particular incident, I'm actually not
13 sure which incident referring to.

14 CHIEF CHELL: this was the incident where
15 a cab driver called in. Someone left at--

16 COUNCIL MEMBER OSSÉ: [interposing] Yeah,
17 in Times Square, I believe.

18 CHIEF CHELL: like an explosive device in
19 the back of his truck.

20 COUNCIL MEMBER OSSÉ: Sure.

21 CHIEF CHELL: And the route that our
22 emergency service took just happened to coincide with
23 people in the street that we allowed to be in the
24 street, and that's a risk you run. When we give the
25 streets up, there's vital services that get disrupted

1
2 for all our communities citywide, EMS, Police
3 Department, you name it. So that's the dicey part
4 that we're going to have to deal with in this new
5 settlement.

6 DEPUTY COMMISSIONER GERBER: And just to
7 be clear, and again, I want to be a little bit
8 careful there, because I'm not familiar the way some
9 others are with the details of this particular
10 protest. I actually don't think that'd be a tier
11 four. I think we're talking tier three. Again,
12 we're not there yet, and--

13 COUNCIL MEMBER OSSÉ: [interposing] Sure.

14 DEPUTY COMMISSIONER GERBER: I can't speak
15 to really the particulars here. But my understanding
16 is, if I'm thinking about this correctly, there were
17 a particular group of people who were blocking an ESU
18 truck that needed to get through, needed to get
19 through to address a potential grenade situation.
20 They were blocking. They were not getting out of the
21 way. I would think about that is-- that's-- you
22 know, they're engaged in that situation authorized
23 red light offenses, meaning they are subject to
24 arrest for tier three, and arrests were effectuated.
25 But the protestors were otherwise-- that there was a

1
2 group of protestors. Most other protestors simply
3 continuing to march and did continue to march, and
4 critically for tier three we had those arrests.
5 There were individual arrests, and otherwise, the
6 first amendment activity continued.

7 COUNCIL MEMBER OSSÉ: Thank you. Can I
8 ask one more question in this? Because the tier
9 systems or the phases haven't been established, what
10 protocols are the SRG using when it comes to
11 dispersing protests right now? And with those
12 protocols being in place, whether they're antiquated
13 or not, how are they-- how have they been changed so
14 that future lawsuits won't happen like the ones that
15 were established before.

16 DEPUTY COMMISSIONER GERBER: SO, I can
17 speak to some of this. I mean, our policy now,
18 right, is that obviously in most protests in the City
19 SRG is not there and nowhere to be found and not even
20 close, and then when SRG is requested for a detail,
21 in the normal course, they are kept sort of off-set
22 or off-scene so to speak. They are nearby in case
23 they need to be deployed. That is, of course, always
24 subject per our policy to safety and logistical
25 concerns, but you are certainly correct that, you

1
2 know, our policy in place now that as a general
3 matter, even when SRG is called for a detail, they
4 are remaining you know, off-scene or off-site,
5 available if needed.

6 COUNCIL MEMBER OSSÉ: So, just final
7 question. Since the settlement, I think about-- it
8 was salvaged-- it was going to be \$4-6 million for
9 the settlement in regards to kettling that happened
10 in the Bronx or since the AG's announcement. There
11 have been major protocol changes within the SRG and
12 how it operates.

13 DEPUTY COMMISSIONER GERBER: With regard
14 to what you are referring to as kettling, you know,
15 when we talk about encirclement, and this is
16 addressed squarely in the protest settlement-- if you
17 have a group of individuals, all of whom are subject
18 to arrest. You have 10 individuals, all of them are
19 subject to arrest, we are allowed to encircle those
20 individuals and then effectuate arrest on that entire
21 group. To the extent there are individuals who are
22 not subject to arrest, they cannot be enclosed. They
23 cannot be encircled. They have to be able to leave.
24 That is our policy now. That is our practice now,
25 and that is memorialized in the protest settlement.

1
2 COUNCIL MEMBER OSSÉ: Okay. I know I'm
3 overtime. I might go for more questions, but thank
4 you.

5 CHAIRPERSON SALAAM: Thank you. Thank
6 you. I just have a follow-up as well regarding the
7 proposal. So I saw that PEG restorations were in the
8 plan for-- as it relates to the class. I was
9 wondering if there will be anymore restorations in
10 the future.

11 ASSISTANT COMMISSIONER SEVERINO: So, we
12 are currently actively working with OMB in regards to
13 the Executive Budget, and that will come to fruition.
14 Again, this is an ongoing thing, and there will be a
15 hearing in May, and the Executive Budget will
16 probably be released around late April, so we'll
17 know, but there are ongoing conversations with OMB
18 right now.

19 CHAIRPERSON SALAAM: Thank you. So, I
20 just want to say thank you for being here, and this
21 has been a marathon. A lot of stuff is going on. I
22 can understand the energy in the room, and I want to
23 say thank you for all the stuff that you are doing
24 and that you will continue to do, because it's about
25 being guardians of society in the best way so that we

1
2 can be the best city, best department possible. So,
3 thank you.

4 FIRST DEPUTY COMMISSIONER KINSELLA:

5 Thank you.

6 CHAIRPERSON SALAAM: And we're going to
7 take 10 minutes, and then we're going to turn to CCRB
8 next.

9 [break]

10 CHAIRPERSON SALAAM: Thank you for
11 coming. We'll now hear from the CCRB.

12 CHAIR RICE: Chairperson Salaam, members
13 of the Public Safety Committee, thank you for the
14 opportunity to appear before you today. I am Arva
15 Rice, I use she/her pronouns and I am the Interim
16 Chair of the Civilian Complaint Review Board. I am
17 joined by the CCRB's Executive Director Jonathan
18 Darche. I joined the CCRB in June of 2021 and was
19 named the Interim Chair of the Board in February of
20 2022. Prior to joining the CCRB I served as Co-Chair
21 of the New York State Police Reform and Reinvention
22 Collaborative commissioned by Governor Andrew Cuomo.
23 In that role I spoke with NYPD leadership, rank and
24 file, and community members on how to strengthen
25 police-community ties and increase accountability.

1
2 COMMITTEE COUNSEL: Can we just pause a
3 second just to swear you in. I forgot to. I
4 apologize so much. Do you just affirm to tell the
5 truth, the whole truth and nothing but the truth and
6 answer honestly to Council Member questions? Seeing
7 that you both affirmed the following, please go
8 ahead. Thank you.

9
10 CHAIR RICE: In my two years as Interim
11 Chair, I have witnessed firsthand the exceptional
12 level of work being produced by our small team.
13 Executive Director Darche and I are here today to
14 emphasize the critical importance of the CCRB to
15 public safety in this city and the risks that could
16 arise if the CCRB continues to be underfunded namely,
17 not being able to investigate complaints, police
18 misconduct going unaddressed, and the public losing
19 faith in our public safety system. The CCRB was
20 created to ensure civilians had a recourse for
21 justice and accountability if police officers abused
22 their power. For decades, many New Yorkers felt
23 police officers operated above the law and NYPD could
24 not be relied upon to discipline their own officers.
25 The CCRB was created as a vital part of public

1
2 safety, to enforce officer accountability and ensure
3 all New Yorkers felt the city was working to protect
4 them. The CCRB is a vital component of New York
5 City's public safety ecosystem, and if it is not
6 adequately funded, that ecosystem collapses. Thirty
7 years ago, New York City was at an inflection point.
8 The City Council was faced with the decision to
9 reimagine what safety and accountability should look
10 like in this city, and determined that the people of
11 New York deserved more. Together that City Council
12 and Mayor Dinkins created the CCRB. Today, this city
13 is facing another inflection point. There is a fork
14 in the road. One path leads us down the same
15 trajectory we have followed for 30 years, incremental
16 changes that still leave us with a chronic issue of
17 misconduct and lack of accountability. The other
18 path would allow this city to realize the vision that
19 this council and Mayor Dinkins had 30 years ago when
20 they went out on a limb to create this agency. New
21 York City has continuously underfunded the CCRB,
22 making it almost impossible to keep up with the ever-
23 increasing workload. With adequate funding, we would
24 be able to close cases more efficiently, clear
25 backlogs, promote investigators to retain talent,

1 raise awareness, increase transparency, analyze data,
2 educate and serve more people, and keep New Yorkers
3 safer. In order to function as a truly independent
4 police oversight agency, the CCRB needs \$37.7 million
5 and 376 personnel. This is \$13 million more than
6 last year's budget and \$15 million more than OMB's
7 proposed budget. This is just over one half of one
8 percent of the budget of the agency we are tasked
9 with overseeing. The NYPD's proposed budget is \$5.4
10 billion with 35,000 uniformed officers. We do not
11 have enough funds to investigate all the complaints
12 within our jurisdiction. A priority for the agency
13 was to reduce investigation timelines, which last
14 year, we were able to bring down by 22 percent. Yet,
15 in 2023, civilians filed 50 percent more complaints
16 than in 2022, a 10-year high. So far in 2024, we
17 have received even more complaints, 14 percent more
18 than the already increased rate of last year. We are
19 on pace to receive 6,300 complaints in 2024 which
20 will inevitably cause timeliness to increase again,
21 which is worse for officers and civilians alike. In
22 December, the CCRB announced for the first time that
23 due to the cuts, we did not have the funding to
24 invest all complaints within our jurisdiction. This
25

1 was a last resort and if it were possible, we would
2 continue investigating all civilian complaints within
3 our jurisdiction. Unfortunately, we know it is
4 unfair to provide subpar services to the public, so
5 we decided to focus our resources. Starting January
6 1st, 2024, the CCRB stopped investigating the
7 following allegations when they are not accompanied
8 by other allegations within our jurisdiction: Failure
9 to provide Right To Know Act cards; Refusal to
10 provide name or shield number; Discourteous words or
11 actions; Threats with no action; Refusal to process a
12 civilian complaint; Forcible removal to a hospital;
13 Untruthful statements; And any complaint that has
14 only the above referenced allegations. I want to be
15 very clear that if one of these allegations is part
16 of a larger complaint that includes any other
17 allegation outside this list, the agency will still
18 investigate it. Thus far, the agency has had to
19 close 459 complaints as budget closures and refer 73
20 cases back to NYPD. These might be only the first-
21 round cuts if our budget is not restored. The
22 proposed cuts undermine the important role that
23 civilian oversight plays in public safety. For
24 people to trust in the police, they must have faith
25

1 that there is a system that holds police officers
2 responsible for misconduct. The CCRB is an unbiased,
3 independent, civilian voice in the police
4 disciplinary system, and failing to adequately fund
5 the CCRB shortchanges public safety in this city.
6 Over the years, the CCRB's responsibilities have
7 grown exponentially, while the budget and staffing
8 levels have not kept pace. This council has been
9 instrumental in enacting some of the most meaningful
10 changes in the CCRB's jurisdiction. In 2019, 74
11 percent of New Yorkers voted for a proposition that
12 gave the CCRB jurisdiction to investigate untruthful
13 statements. In 2021, this council passed a bill that
14 shifted the responsibility of investigating racial
15 profiling and bias-based policing from the police
16 department to the CCRB. In the eight years leading up
17 to this bill, NYPD investigated 3,480 cases of bias
18 and only found four officers guilty, highlighting the
19 necessity of having an outside body investigate these
20 allegations. In 2020, the City Council even passed a
21 resolution calling on Albany to give us final
22 disciplinary authority in the complaints that are
23 substantiated by the Board. The CCRB also voted
24 internally to change the rules that define our
25

1 jurisdiction. In 2021, we voted to begin
2 investigating untruthful statements made to other
3 entities and sexual misconduct as abuses of
4 authority. In 2022, we voted to implement the charter
5 changes regarding profiling and bias-based policing
6 and investigate body-worn camera, or BWC, misuse as
7 an abuse of authority. These changes are key steps
8 toward improving accountability in New York City and
9 ensuring all police misconduct is addressed. Yet with
10 these expanded powers, some of which are charter
11 mandated responsibilities, comes the need for more
12 budget and staff. Since 2021, the CCRB investigated
13 305 allegations of untruthful statements, 160 of
14 which it substantiated. Additionally, the agency
15 received 1,127 allegations of sexual misconduct
16 during that time and substantiated 67 of those
17 allegations. Since October 2022, we investigated
18 1,388 allegations of body-worn camera misuse, 56 of
19 which were substantiated. During that same period,
20 the CCRB investigated 1,005 allegations of racial
21 profiling or bias-based policing. The 50 percent
22 increase in complaints last calendar year overwhelmed
23 investigator's dockets, causing the number of cases
24 to investigate to increase. As stated earlier, the
25

1 trend continues, as January and February 2024 saw a
2 further 14 percent increase in complaints compared to
3 the same period last year. This would put the CCRB
4 on track to receive 6,300 complaints in this calendar
5 year, numbers not seen since 2010. This makes it
6 hard for investigators to meet the 18-month statute
7 of limitations, let alone reduce investigation
8 timelines. We need 73 additional investigators of a
9 variety of experience levels to manage the current
10 workload. This does not account for the 20
11 investigators who have had promotions and pay raises
12 delayed due to budget cuts. Without timely
13 promotions and fair compensation, we are at risk of
14 losing many of our most experienced and talented
15 investigators. In 2020, when New Yorkers filled the
16 streets and exercised their right to protest in the
17 wake of George Floyd's murder, police officers
18 responded en masse. The CCRB was inundated with
19 hundreds of cases in just a few days. We found 146
20 officers committed misconduct during the protests,
21 but many officers were not held accountable because
22 of statute of limitations disputes. If the CCRB
23 received the same influx of cases now, the agency
24 would not be able to investigate those complaints.
25

1
2 New Yorkers continue to protest across the city and
3 they deserve to know that the agency created to
4 protect their rights is actually able to do so. When
5 this Council passed the bill empowering CCRB to
6 investigate racial profiling and bias-based policing,
7 the Council also agreed to fund the creation of a
8 dedicated team to conduct those investigations. The
9 CCRB's testimony before the Council regarding the
10 bill explained the agency would need a team of 50
11 investigators, attorneys, and data scientists to
12 conduct this work properly. The FY 2022 budget
13 funded a new unit for these investigations with 33
14 positions. OMB only authorized us to hire 19 people.
15 Just in 2023, the RPBP unit received 364 cases.
16 These are extremely complicated cases that require a
17 comprehensive team; 19 people is not sufficient. We
18 need budget and headcount to hire a minimum of 10
19 additional qualified investigators, attorneys, and
20 data scientists to do this work. In 2012, the CCRB
21 and the NYPD signed a memorandum of understanding
22 that the CCRB would prosecute cases with the highest
23 level of misconduct, referred to as charges and
24 specifications. This created the Administrative
25 Prosecution Unit or the APU. The APU takes on some of

1 the most serious cases of misconduct that come
2 through this agency and prosecutes them in an
3 administrative trial before an NYPD trial
4 commissioner. We need to be able to offer
5 competitive salaries to attract high quality talent
6 to take on these cases. The APU needs additional
7 prosecutors. The CCRB and the NYPD signed a
8 memorandum of understanding a few years ago agreeing
9 to abide by NYPD's disciplinary matrix, which led to
10 the Board recommending that many more members of
11 service receive charges & specifications. In 2019,
12 the Board only sent 82 members of service to the APU.
13 In 2023, that number was 282 officers, an increase of
14 more than 300 percent. Currently, the APU has eight
15 prosecutors, and each prosecutor has approximately 83
16 cases on their docket. In order to close these cases
17 in a timely fashion and keep up with the growing
18 docket, the APU needs to hire two more prosecutors.
19 It is unfair to officers and civilians to have cases
20 languishing for years because the CCRB is not funded
21 for an appropriate number of high-level prosecutors.
22 The Case Management Unit, CMU, is responsible for the
23 coordination of all CCRB complaints. It facilitates
24 and records Board panel votes, manages case closures,
25

1 and communicates the final disposition of
2 investigations to both complainants and officers.
3 The CMU is in need of extra support to manage the
4 thousands of extra cases that came in last year.
5 While the CCRB's Outreach team connected with more
6 New Yorkers than ever last year by implementing
7 strategic planning, fostering meaningful
8 partnerships, building community trust, and embedding
9 diversity in our outreach methods. These initiatives
10 display a holistic approach to outreach that involves
11 creative methods of providing information,
12 canvassing, volunteerism, and the use of dynamic
13 settings. This includes our CCRB Courtside
14 initiative where we interact with New Yorkers on
15 basketball courts and other organized sports games;
16 CCRB Barbershop and Salon Series where outreach
17 coordinators connect with New Yorkers in their local
18 barbershop; CCRB Cares, a volunteer initiative where
19 CCRB staff partner with community-based organizations
20 to provide public education while physically engaging
21 in charitable activities that serve the public,
22 including community cleanups and food pantries; CCRB
23 Block by Block; and more. Community feedback through
24 our outreach efforts emphasizes the need for further
25

1 education and awareness around the city to ensure New
2 Yorkers are aware the CCRB exists and know their
3 rights when interacting with police officers. This
4 success only emphasizes the need for further
5 education and awareness around the city. The agency
6 needs more outreach coordinators and additional
7 budget to host events in order to maintain and
8 enhance public education for New Yorkers. We are
9 also requesting \$1 million for advertising. It is
10 the city's responsibility to reach New Yorkers and
11 meet people where they are. And that means
12 advertising on social media, on radio, on city
13 streets and more. People don't know to file a
14 complaint of police misconduct if they don't know an
15 agency exists to investigate police misconduct. Some
16 people are not even aware of their right when
17 interacting with a police officer. The city must
18 invest in educating New Yorkers. Only once most cases
19 of misconduct receive a complaint will New York City
20 understand the full scope of police misconduct that
21 we are facing and be able to address it. We are also
22 requesting \$100,000 in language access services to
23 ensure we can reach New Yorkers of all languages and
24 accessibility levels. And, of course, increased
25

1
2 public awareness and accessibility will further
3 increase the agency's workload. The Civilian
4 Assistance Unit has become an integral part of CCRB
5 services offered to New Yorkers. The CAU is staffed
6 by victims' advocates, licensed social workers, and
7 trauma services professionals who provide free and
8 confidential assistance. They work diligently to
9 connect our most vulnerable civilians with
10 desperately needed city resources, such as social and
11 psychological support services. Last year, the CAU
12 helped over 800 New Yorkers. It is important to
13 remember that some of these New Yorkers are in need
14 of trauma care because of their encounters with the
15 criminal justice system, while others might have
16 entered the criminal justice system due to previous,
17 unresolved traumas. CAU helps people address their
18 needs from the root causes, hopefully preventing
19 further need for law enforcement intervention. The
20 CAU is a key component of the CCRB, yet two members
21 of the CAU are currently funded by a grant, which
22 means the employees are given no benefits and the
23 grant is not guaranteed beyond 2026. As the agency
24 is moving towards implementing a trauma-informed
25 approach and services, CAU needs one full-time

1 therapist that can allocate time to work with
2 civilians and internally with staff. There has been
3 a high need to assist civilians who struggle with the
4 aftermath of trauma and staff internally who suffer
5 from vicarious trauma and burnout as a result of
6 interacting with traumatized civilians and viewing
7 hundreds of hours of graphically violent video in the
8 ordinary course of their work. Currently, we have a
9 grant-funded therapist, but her hours are limited to
10 seven hours a week, and the grant doesn't allow the
11 specialist to meet the demand for these kinds of
12 services. Since the repeal of New York State's Civil
13 Rights Law 50A, the CCRB has put a large emphasis on
14 transparency. We created a member of service
15 database where civilians can look up all NYPD
16 officers' CCRB history. We have created data tables
17 that allow civilians to search through the number of
18 complaints and type of allegations the CCRB is
19 receiving on a day-to-day basis. In the last year, we
20 started publishing closing reports from cases online
21 along with NYPD departure letters, letters which
22 explain why the Police Commissioner is rejecting the
23 CCRB's disciplinary recommendations. While we are
24 being incredibly proactive to increase transparency,
25

1 redacting documents to protect civilians takes a huge
2 amount of work and time. We have only scratched the
3 surface of what we can share because we have so many
4 years of documents to redact before we can publish
5 them. We also receive hundreds of complicated and
6 time-consuming Freedom of Information Law requests a
7 year and we are now down to one staff member
8 responsible for all this work. We identified a
9 candidate and submitted them to OMB in November and
10 are still waiting for that approval. In order to
11 fulfill FOIL requests in the timely manner that the
12 Freedom of Information Law intended, the CCRB needs
13 several more staff members working to redact and
14 publicize our documents. We are also asking for
15 \$600,000 in funding for software licenses,
16 subscriptions, data processing software and more. In
17 order to get the most out of the data and information
18 the CCRB has access to, we need adequate tools to
19 help us analyze and maintain our information systems.
20 The NYPD is considered of the most technically
21 advanced police departments in the world. In order
22 to serve as their oversight body, we need
23 technological advancements to keep up. In April of
24 2023, the APU finally tried the case of Kawaski
25

1
2 Trawick, the young man who was killed in his home in
3 April 2019 by two NYPD officers. This case was
4 particularly complicated because it took the NYPD
5 over a year and a half to fulfill the CCRB's request
6 for body-worn camera footage and other evidence. The
7 NYPD would not share evidence while they were
8 concurrently investigating the incident, and this
9 made it impossible for the CCRB to complete the
10 investigation within the statute of limitations. We
11 therefore had to use the crime exception to try the
12 case. This means that we no longer had to prove that
13 the conduct was a violation of the NYPD Patrol Guide,
14 but that it actually violated criminal law. While
15 the CCRB believes it was able to prove the crime
16 exception and that both officers should face
17 discipline for their conduct, the Deputy Trial
18 Commissioner recommended no discipline for both
19 officers on all counts. She did, however, note that
20 the officers' conduct and the NYPD's investigation
21 into the incident thereafter were concerning.
22 Essentially, the NYPD did not thoroughly investigate
23 the killing of Kawaski Trawick, cleared the officers
24 of any wrongdoing, refused to share evidence until it
25 was beyond the statute of limitations, and then has

1
2 once again tried to avoid holding the officers
3 accountable because the case was not closed within
4 the statute of limitations. This circumvention of
5 the disciplinary system is unacceptable and further
6 proof why the CCRB is such an important entity for
7 public safety. We hope that Commissioner Caban will
8 still hold these officers accountable as we wait for
9 his final decision. Largely due to this incident,
10 the CCRB and the NYPD have now signed a memorandum of
11 understanding that the NYPD will share evidence
12 within 90 days of a CCRB request, whether or not they
13 are still investigating the incident. Another high-
14 profile case that is at a standstill is the killing
15 of Delrawn Smalls. In July of 2016, Officer Wayne
16 Isaacs killed Delrawn Smalls in his car, in front of
17 his four-month-old baby, stepdaughter and girlfriend.
18 While Officer Isaacs was cleared in criminal court,
19 the CCRB has found that he violated the patrol guide
20 and committed misconduct when he killed Mr. Smalls.
21 After this case was substantiated, the CCRB requested
22 the court documents and evidence involved in Officer
23 Isaacs' trial. Unfortunately, these documents were
24 sealed which required the CCRB to file an unsealing
25 motion in court to access the necessary evidence to

1
2 prosecute this case. We then waited over a year and
3 a half for the judge to make a decision, and in March
4 of last year, he granted the CCRB's unsealing motion
5 and determined that we should access the evidence.
6 However, the PBA immediately filed an appeal which
7 blocked the unsealing motion, and this case continues
8 to stall as we await another court decision. Delrawn
9 Smalls' family has been waiting nearly eight years to
10 see accountability for their son's death and this
11 unnecessary delay of the disciplinary system should
12 not be allowed. Unfortunately, this problem cannot
13 be solved by an MOU but needs legislative change. The
14 CCRB has long advocated to be exempt from sealing
15 statutes and we hope for your support as we ask for
16 the state legislature to pass a bill that would
17 exempt the CCRB from sealing statutes. This would
18 guarantee us access to all relevant evidence for our
19 cases and avoid needless delays. Last year, Speaker
20 Adams introduced legislation that would allow the
21 CCRB to access NYPD's full body-worn camera database.
22 NYPD's main criticism of the bill was that it would
23 be illegal to share sealed evidence with the CCRB
24 without proper unsealing motions. If the CCRB is
25 exempt from sealing statutes, it will make access to

1
2 body-worn camera footage faster and more efficient,
3 allowing whatever budget is allocated to the CCRB to
4 go further. BWC footage is crucial to CCRB cases.
5 More so than any other type of evidence, the presence
6 of body-worn camera footage allows the CCRB to close
7 a case based on the merits 75 percent of the time.
8 Without BWC, cases are closed on the merits 29
9 percent of the time. Being closed on the merits
10 means there is a definitive conclusion as to whether
11 or not there was misconduct. This is better for
12 civilians and officers alike. While we have worked
13 closely with NYPD to improve the BWC footage request
14 process, direct access would be revolutionary to the
15 efficiency of our investigations and agency as a
16 whole. Investigators, who have the most detailed
17 understanding of what footage they are looking for,
18 should be the ones to search for the video they need.
19 Other cities such as Chicago and Washington, D.C.
20 have already given direct access to their oversight
21 bodies. Relying on the Police Department for all
22 documents and body-worn camera footage necessary to
23 completing our investigations compromises our
24 independence. We are supposed to be a completely
25 independent entity from the NYPD, yet we are

1 dependent on them for access to any paperwork,
2 transcripts, evidence, and footage. With direct
3 access, investigations and the agency would be more
4 efficient with its time and resources. We appreciate
5 the City Council taking this issue on last year and
6 we hope you will continue to work for such important
7 reforms. The CCRB conducts oversight of the largest
8 police force in the United States. There are over
9 35,000 members in the New York Police Department.
10 Other cities such as Chicago and Miami have their
11 budget tied to their local police department's
12 budget. They are guaranteed to maintain at least one
13 percent of the budget of the entity they are
14 overseeing. If New York were to adopt this same rule,
15 the CCRB's projected budget for FY25 would be \$54
16 million, more than double what the proposed budget
17 is. Even other cities in New York State commit to
18 higher levels of funding for police oversight.
19 Rochester's Police Accountability Board has a staff
20 of 30 and a budget of \$3.5 million to conduct
21 oversight over a police force of approximately 850
22 officers. The NYPD is 43 times the size of Rochester
23 Police Department, which is appropriate given New
24 York's population is 41 times greater than Rochester.
25

1
2 If the CCRB's budget was 41 times the size of
3 Rochester's Police Accountability Board, our budget
4 would be \$146 million, seven times our current size.
5 While we are often looked to as a national leader in
6 police oversight, we fall starkly behind when it
7 comes to direct access and budget. While I
8 understand our city is facing a difficult fiscal
9 situation, this is a pivotal moment for public safety
10 in New York City. If the City sets the CCRB's budget
11 at the level requested, \$37.7 million, an increase of
12 more than \$15 million over the proposed budget, we
13 will be-- we will follow through on the promises made
14 when this agency was created, the promises made in
15 2020 when I sat on a police reform commission within
16 the NYPD, and the promises made in 2021 when this
17 council passed the racial profiling bill. New
18 Yorkers should not be policed differently because of
19 their zip code or the color of their skin. Adequate
20 funding the CCRB is necessary to give the people of
21 this city confidence that misconduct will not be
22 tolerated. Thank you for your time. Mr. Darche and
23 I are happy to answer any questions you may have.

24 CHAIRPERSON SALAAM: Thank you for that.
25 Maybe I can start with something you mentioned in

1
2 your remarks. In fiscal year 2023, the City spent
3 \$298 million on settlements related to NYPD. In your
4 testimony, your agency is requesting \$13 million,
5 approximately four percent of the cost of payouts.
6 My question is do you believe \$13 million-- the \$13
7 million increase to the CCRB budget would decrease
8 the amount of and total cost of payouts each year,
9 which in turn would create a savings through
10 investment into oversight?

11 CHAIR RICE: Thank you so much for that
12 question. I'm going to ask our Executive Director to
13 talk about-- because it's complicated. The
14 correlation between the work of the CCRB and the
15 settlements that are negotiated through other offices
16 within the City.

17 EXECUTIVE DIRECTOR DARCHE: Thank you,
18 Chair Rice. Chair Salaam, as the Chair-- my Chair
19 said, it is a-- it's difficult for the CCRB to have a
20 direct correlation between the two. One of the
21 reasons for that is the CCRB does not have a policy
22 director because of the budget cuts that we've been
23 trying to address, but it's also something that we've
24 never studied. And so it is worth looking into
25 whether or not the investment into the CCRB would

1
2 result in a reduction in the amount of money that was
3 spent on settlements for police misconduct.

4 CHAIRPERSON SALAAM: Could that be
5 something that you could look into with the request
6 that you made?

7 EXECUTIVE DIRECTOR DARCHE: Yes, it
8 would.

9 CHAIRPERSON SALAAM: Okay. Then
10 following that, in terms of attrition, what is your
11 agency's current attrition rate?

12 EXECUTIVE DIRECTOR DARCHE: It's tough to
13 know right now because there are so many people who
14 are waiting on either promotion or the raises that
15 are coming through. There's a real concern that
16 we're going to lose a lot of people in the next few
17 months, especially if the promotions that are pending
18 at the Office of Management and budget are not
19 approved.

20 CHAIR RICE: We have just short of 10
21 percent of our staff at this time that are in that
22 category, and so as a result of what happens here
23 will have a big impact on our attrition rate.

24

25

1
2 CHAIRPERSON SALAAM: Are there certain
3 job titles in which the attrition rate is
4 considerably higher than the agency as a whole?

5 CHAIR RICE: The role of investigators is
6 the role that's most sensitive within our agency, and
7 we have investigators at three different levels, and
8 they work in a number of years in one level and they
9 look to be promoted to the other. And so I can have
10 the Executive Director talk a little bit more about
11 that.

12 EXECUTIVE DIRECTOR DARCHE: The Chair is
13 correct. The investigator position is the one with
14 the highest level of turnover. One of the reasons
15 for that is the difficult nature of the position,
16 investigating complaints where you're viewing
17 hundreds of hours of body-worn camera footage, and
18 that as the Chair said in her testimony, is extremely
19 stressful and causes-- exposes the investigators to
20 vicarious trauma.

21 CHAIRPERSON SALAAM: Interesting. When
22 do you plan to hire the next class of investigators,
23 and how many investigators will be included in that
24 class?

1
2 EXECUTIVE DIRECTOR DARCHE: At this
3 point, the agency does not have a plan to hire a new
4 class. Currently, the agency's present headcount is
5 higher than the Office of Management and Budget's
6 proposed headcount for the agency starting on July 1.
7 We expect to be under the headcount, because unless
8 those promotions are approved, we expect folks to
9 leave. Generally, the office hires between three and
10 four classes of investigators a year. I know you
11 just heard from NYPD, that might sound like a lot of
12 people, but we-- our classes are typically eight to
13 12 folks. So, we-- right now we are not in the
14 position to be able to hire anyone. We've identified
15 one person, a FOIL attorney, whose promotion-- whose
16 hire is on hold at OMB, but as the Chair said, we
17 right now only have one person doing that FOIL work.
18 So we really need to hire this second person.

19 CHAIRPERSON SALAAM: Are there any
20 positions for which you have submitted a request to
21 hire that were, like, declined or denied, and if so,
22 what was the reason given for that decline of
23 approval to hire?

24 EXECUTIVE DIRECTOR DARCHE: So, as I just
25 said, it was that one FOIL attorney whose hire is on

1 hold, but generally speaking, the reason we're
2 hearing from the Office of Management and Budget
3 about the reasons the promotions and this hire on
4 hold is that they've been monitoring the CCRB's
5 budget, and we are likely to be over budget. That is
6 because of the structural deficit in the CCRB's
7 budget. For years and years now, the CCRB has not
8 had the funds allocated to actually pay for the
9 positions that it was given by this council, and that
10 has caused a-- there to be a disconnect between the
11 number of positions that we are supposed to be able
12 to hire, and the amount of money we have to pay for
13 those positions. In a unfortunate feedback loop, one
14 of the things that happens when we are short
15 investigators to do investigations is we paid people
16 overtime to try and keep up, because we had made
17 substantial gains in reducing investigation times,
18 and we've been using overtime as a way to bridge the
19 gap between not having enough folks to do the work
20 and actually closing cases in a timely manner. And
21 so I don't actually know how much we are saving as a
22 city by keeping our headcount low.

24 CHAIRPERSON SALAAM: I'm going to pass it
25 to Council Member Ayala.

1
2 COUNCIL MEMBER AYALA: Thank you. I
3 guess my question is regarding the complaints and
4 cases versus time to complete the investigations.
5 According to the PMMR, it showed that in Fiscal Year
6 2023 there were approximately 1,200 more complaints
7 and 700 more cases received than in Fiscal Year 2022,
8 but the timeframe to close investigations dropped by
9 over 100 days. How many-- well, how have you
10 decreased case investigation times while the number
11 of complaints has increased?

12 EXECUTIVE DIRECTOR DARCHE: So, it's been
13 a combination of factors, and I think the one factor
14 I want to highlight is the hard work of the staff,
15 especially the investigators have been putting in to
16 really focus on closing cases, some of which had
17 gotten old during the pandemic, and there's been a
18 lot of really hard work. We also, in partnership
19 with the Department, centralized on both sides, at
20 the Department level with NYPD Legal and at our
21 level. We centralized how we request records and
22 body-worn camera footage from the Department, and I
23 think that has led to a decrease in how long it takes
24 us to get evidence from the Department which has led
25 to quicker investigations.

1
2 COUNCIL MEMBER AYALA: Okay. I have a
3 question regarding-- and I don't know a lot about
4 this. but my understanding is that the CCRB can take
5 a case, and then you know, based on the findings make
6 a report, right, that there was in fact reason to
7 believe that there was inappropriate behavior or that
8 something, you know, went wrong, and then it would--
9 but that the NYPD has the ability to pull those cases
10 and not-- and decide not to offer some sort of a
11 punishment. Is that the case, and how often does
12 that happen?

13 EXECUTIVE DIRECTOR DARCHE: It's a very
14 interesting question, Council Member, and if you
15 don't mind I'm going to take the opportunity to talk
16 more broadly before I get into the numbers about the
17 CCRB's process and how it interacts with the NYPD's
18 disciplinary process. When the CCRB gets a
19 complaint, we conduct an investigation. The
20 investigative staff makes a recommendation to the
21 Board which sometimes meeting is a panel of three, or
22 sometimes meeting is the full Board will review the
23 case. They review the-- the primary work product of
24 an investigator is a closing report, which summarizes
25 and analyzes the case, but the Board members also can

1 review body-worn camera footage, other video footage,
2 can listen to the interviews that the investigators
3 conduct themselves, review medical records. All that
4 work is available for the Board members to review and
5 then make a determination if misconduct occurred.
6 So, if-- and the Board determines each allegation
7 against each member of service in every complaint
8 individually. So there may be some allegations that
9 they find did not occur. The conduct alleged by the
10 civilian did not occur, and those, if they find that
11 by a preponderance of the evidence, the Board will
12 unfound. If they find by a preponderance of the
13 evidence that the conduct occurred, but was within
14 NYPD guidelines, then the Board finds them within
15 guidelines, which is in the old days we would call
16 exonerated that conduct. Sometimes the Board can't
17 make a determination by the preponderance of the
18 evidence on an allegation, and it unsubstantiates
19 that allegation. And finally, if by a preponderance
20 of the evidence, the Board finds that misconduct
21 occurred, it substantiates that allegation. If the
22 Board substantiates an allegation, it then recommends
23 to the Police Department what level of discipline to
24 take against that member of service, and the Board
25

1
2 has entered into an agreement with the NYPD to use
3 the NYPD's discipline matrix as a guide when making
4 those recommendations. The types of discipline from
5 least serious to most serious that can be recommended
6 are training, command discipline, and charges. If
7 the Board recommends that a member of service receive
8 training or command discipline, that goes to the
9 Department, and then the Department decides whether
10 or not to issue discipline and what form of
11 discipline it is supposed to take. Since 2012, the
12 CCRB has had an Administrative Prosecution Unit, as
13 the Chair described in her testimony, and that
14 handles the most serious allegations that are
15 substantiated against members of service, and in
16 those cases, the Administrative Prosecution Unit
17 stands in the shoes of the Department's Department
18 Advocate Office and prosecutes those cases
19 administratively in the trial room at One Police
20 Plaza.

21 COUNCIL MEMBER AYALA: And how often does
22 that occur?

23 EXECUTIVE DIRECTOR DARCHE: That was the
24 question you asked. I apologize, Council Member.

25

1
2 COUNCIL MEMBER AYALA: It's okay. No,
3 that was a great education on this. Because I don't
4 think that the general public understands that that
5 is an option, right, that the NYPD there is some sort
6 of correlation there and they may pull a case or two.

7 EXECUTIVE DIRECTOR DARCHE: So, in 2023,
8 calendar year 2023, the concurrent rate, the number
9 of times where the Police Department gave discipline
10 in non-APU cases, that was the level of discipline
11 the same that the CCRB recommended, was 55 percent.
12 And that same number for the APU was 58 percent. I
13 think it is worth noting that under the current
14 Police Commissioner, those numbers are up. Clearly
15 it hasn't been that long, but so far they are at 61
16 percent and 64 percent respectively.

17 COUNCIL MEMBER AYALA: The number of
18 cases that have been disciplined are up?

19 EXECUTIVE DIRECTOR DARCHE: The number
20 where they agree exactly on the level of discipline.
21 If we're just looking at--

22 COUNCIL MEMBER AYALA: [interposing] Okay.

23 EXECUTIVE DIRECTOR DARCHE: The
24 discipline rate where the CCRB recommended one level
25 of discipline and the Police Department gave

1 discipline, just another form of discipline, in 2023
2 the discipline rate for non-APU cases was 57 percent,
3 and in APU cases it was 73 percent. And again, those
4 numbers are all higher under the current Police
5 Commissioner.
6

7 COUNCIL MEMBER AYALA: That's good news.

8 Okay, thank you.

9 COMMITTEE COUNSEL: Thank you. Council
10 Member Holden?

11 COUNCIL MEMBER HOLDEN: Thank you all for
12 your testimony. I have a few questions on procedure.
13 You said the investigators, the highest level of
14 turnover is in your office, right, for investigators?
15 What are the qualifications and the starting salaries
16 for an investigator?

17 EXECUTIVE DIRECTOR DARCHE: They have to
18 have a four-year degree, and their starting salary is
19 \$44,000.

20 COUNCIL MEMBER HOLDEN: How much?

21 EXECUTIVE DIRECTOR DARCHE: \$44,000.

22 COUNCIL MEMBER HOLDEN: \$44, well,
23 there's your problem right there. An investigator--
24 how do you live in New York City on \$44,000 if you
25

1
2 have a bachelor's degree? Do you require any
3 experience?

4 EXECUTIVE DIRECTOR DARCHE: We don't
5 require it, but we look for it among the applicants
6 that we get. We--

7 COUNCIL MEMBER HOLDEN: [interposing] So,
8 I could have a degree in anything, any field and get
9 a job as an investigator?

10 EXECUTIVE DIRECTOR DARCHE: Correct.

11 COUNCIL MEMBER HOLDEN: Okay. So it
12 seems to be that the job description is much more
13 demanding than obviously the pay at \$44,000. And the
14 hours, what is a normal-- is it a 35-hour week for an
15 investigator?

16 EXECUTIVE DIRECTOR DARCHE: Correct, but
17 there's been substantial overtime in recent--

18 COUNCIL MEMBER HOLDEN: [interposing]
19 There's overtime involved, and that's where OMB comes
20 in. So, you brought this up to the Administration,
21 and-- by the way, we're hearing it from a lot of
22 different agencies that OMB is not cooperating in
23 filling lines and hiring people. It's not only your
24 agency. But I'm just curious as to the ask of this
25 Administration. Has it improved over the last--

1
2 because you were here under the last Administration,
3 too. I think both of you were. So, have you seen an
4 improving in the cooperation from the previous
5 Administration to now?

6 EXECUTIVE DIRECTOR DARCHE: So--

7 COUNCIL MEMBER HOLDEN: [interposing]

8 Without getting in trouble.

9 EXECUTIVE DIRECTOR DARCHE: So, first, I
10 think I made a mistake, because I forgot that this--
11 after the last DC37 agreement, DC37 agreement, our
12 starting-- our investigator starting salary went up
13 to \$46K, but I think you would probably have made
14 your same comments if I had gotten the salary correct
15 the first time. I think it is something we have been
16 working with the Office of Labor Relations on
17 increasing the starting salary. I don't know that
18 that's--

19 COUNCIL MEMBER HOLDEN: [interposing]

20 well, it's-- it's again, with inflation, with
21 everything else that's occurred, everything costs
22 more. If we're going to get good applicants, stands
23 to reason that we'd offer a competitive salary of an
24 investigator. Meaning, if we want talent, we're
25 going to have to pay for talent. If we want

1
2 somebody-- I mean, I thought that investigator would
3 have possibly an investigative background in
4 something, whether they worked for an insurance
5 company or they had some previous experience, and
6 they could start at a much higher rate if they had
7 that experience. Is that the case?

8 EXECUTIVE DIRECTOR DARCHE: So, in a way
9 it's similar to how the NYPD will take in people,
10 train them, and then have them go to other Police
11 Departments. Our investigators who we bring-- who we
12 train and bring into the agency often leave because
13 we've turned them into very highly-qualified
14 investigators, and because their salaries don't
15 increase the way we would need them to, they become
16 very attractive and very easy to poach, because
17 they're not getting paid enough.

18 COUNCIL MEMBER HOLDEN: Right.

19 CHAIR RICE: I was just going to add that
20 we have the investigators at three different levels,
21 because they're supervised by others. And so when
22 they come into our organization, they're trained for
23 these roles, and then once they become efficient at
24 them, then they move up to the next level. And so
25 just to give you a sense that they're, you know, not

1 philosophy majors that are coming in and making this-

2 -

3
4 COUNCIL MEMBER HOLDEN: [interposing] So
5 what's the top salary for an investigator after 10
6 years' experience? Just say an example of somebody
7 that went up through the ranks.

8 EXECUTIVE DIRECTOR DARCHE: So, we have no
9 level one investigators who have been here for 10
10 years. It's--

11 COUNCIL MEMBER HOLDEN: [interposing]
12 Nobody stays?

13 EXECUTIVE DIRECTOR DARCHE: Not if you're
14 going to stay--

15 COUNCIL MEMBER HOLDEN: [interposing] Not
16 at that salary, okay. So, I mean, they're-- that's
17 the problem here. If we're not going to pay people,
18 and the Administration is not funding you properly,
19 we're kind of spinning our wheels, aren't we?

20 EXECUTIVE DIRECTOR DARCHE: I just want
21 to point out that this is not something that just
22 happened.

23 COUNCIL MEMBER HOLDEN: I know. I know.
24 But I'm asking you is it getting better? Are we--
25 are we improving?

1
2 EXECUTIVE DIRECTOR DARCHE: The fact that
3 this agency is here and able to describe our need
4 which we hadn't done previously--

5 COUNCIL MEMBER HOLDEN: [interposing]
6 Alright.

7 EXECUTIVE DIRECTOR DARCHE: to me is a
8 sign of improvement.

9 COUNCIL MEMBER HOLDEN: Great. Thank
10 you, Chair.

11 CHAIRPERSON SALAAM: Thank you. Just a
12 follow-up to that. does your request in increasing
13 pay also-- basically, is it like going to make sure
14 that the starting salary for those individuals is
15 higher? Because to your point, you know, if we want
16 folks to stay and we're paying them, you know,
17 especially in the city of New York, not even a salary
18 that gives them the opportunity to survive-- I'm just
19 wondering is part of the budget request also for
20 them-- for that to be increased for them?

21 EXECUTIVE DIRECTOR DARCHE: No, because
22 the level one starting salary is negotiated directly
23 between the Office of Labor Relations and DC37. So,
24 one of the things we hope to do in our budget
25 proposal is have the money available to promote

1
2 people up from level one to level two to level three
3 in relatively-- when they show they're ready to take
4 on the responsibilities rather than having to
5 languish at level one or languish at level two when
6 they're ready to do the work. And sometimes frankly
7 we're making them do the work, because we need people
8 to do the work and they're able to do the work.

9 CHAIRPERSON SALAAM: I'm going to go back
10 to the disciplinary matrix. You know, at last year's
11 budget hearing, the NYPD testified that they were
12 making changes to the disciplinary matrix. Did the
13 Board submit recommendations for those changes?

14 EXECUTIVE DIRECTOR DARCHE: So, the Board
15 did not submit formal suggestions on the disciplinary
16 matrix. The General Counsel of the agency and myself
17 met with the Chief of Staff to then First Deputy
18 Commissioner Caban and his team. After speaking to
19 lawyers who worked in the panels that saw some of the
20 problems that Board members brought up during
21 deliberations, issues they thought could be improved,
22 it-- the biggest suggestion we made was on the-- in
23 the matrix there are different levels of penalty for
24 entries, for example. So, the CCRB just has improper
25 entry as one level, as one allegation, but the matrix

1
2 breaks it up into different levels of how egregious
3 that behavior is, how bad the entry was. Was it
4 merely sticking your foot in the door, or was it
5 going into someone's home and trashing it? so, we
6 suggested that for offensive language, it might be
7 better to do the same thing, that there are certain
8 phrases that if a member of service uses show that
9 they might not be suited to be a member of service,
10 but that there are other times in other situations
11 where using offensive language just isn't-- doesn't
12 rise to that level, doesn't show that level of-- it
13 is misconduct, but it doesn't mean that you're
14 necessarily-- shouldn't be a police officer. As far
15 as-- so, we-- the General Counsel and I then met
16 again with the Chief of Staff to the Police
17 Commissioner early on when the Police Commissioner--
18 I think he was still the interim Police Commissioner,
19 frankly-- had another conversation about the matrix,
20 but the 2022 matrix is still in effect until-- there
21 have been no changes made to that matrix. There has
22 not been another version of the matrix since the 2022
23 matrix, which I think is the third matrix.

24 CHAIRPERSON SALAAM: So I mean, I'm
25 wondering, even though there wasn't an-- I'm trying

1
2 to understand, there wasn't an official
3 recommendation to them, but there was a conversation.
4 Am I understanding that correct?

5 EXECUTIVE DIRECTOR DARCHE: Correct.

6 CHAIRPERSON SALAAM: Okay. I don't know.
7 I got a question here that's about, you know, whether
8 recommendations implemented, but I'm now wondering if
9 the suggestions were received and perhaps adopted.

10 EXECUTIVE DIRECTOR DARCHE: So, the 2022
11 matrix is still in effect, so when the-- we are still
12 hopeful that when the 2020-- whenever the next
13 iteration of the matrix is released, it would take
14 those suggestions into effect. It might see the
15 problem that we suggested and address it a different
16 way. We don't know, but there-- we're still waiting
17 to see what the next matrix looks like.

18 CHAIRPERSON SALAAM: So, I maybe have one
19 final question, and that question is how can the
20 Council assist you in reaching the goal of filing the
21 vacancies and meeting the budget that you need?

22 CHAIR RICE: I think the way that you can
23 help us most is to approve our request for the \$37.7
24 million budget and the 261 headcount would be the
25 best way that you could support us. There's other

1 things that we've asked for legislatively in terms of
2 the lifting of the sealing statutes so that the CCRB
3 has direct access, and also the work that you've done
4 on-- done around body-worn camera footage. So those
5 are the two things legislatively you could help us
6 with, and the other ones are approving our budget as
7 requested.
8

9 CHAIRPERSON SALAAM: Thank you. This has
10 been helpful.

11 CHAIR RICE: Thank you.

12 EXECUTIVE DIRECTOR DARCHE: Thank you,
13 Chair. We will now be turning to the District
14 Attorneys.

15 SERGEANT AT ARMS: Good afternoon
16 everyone. We are heading to the next section of the
17 Public Safety hearing. We need everyone to find a
18 seat. Any food or beverages, please remove from the
19 Chambers at this time. Once again, everyone please
20 find a seat. We ask that nobody approach the dais at
21 any point. Thank you.

22 CHAIRPERSON SALAAM: I'm going to turn to
23 Committee Counsel to swear in this panel.

24 COMMITTEE COUNSEL: Thank you, Chair
25 Salaam. Next, we'll turn to the panel of District

1
2 Attorneys. Representing the Bronx we have District
3 Attorney Darcel Clark, from Staten Island District
4 Attorney Michael McMahon, from Queens District
5 Attorney Melinda Katz, from Brooklyn District
6 Attorney Eric Gonzalez. We also have the Special
7 Narcotics Prosecutor, District Attorney Bridget
8 Brennan, and from the Manhattan DA's Office we have
9 Meg Reiss. If you could each raise your right hand.
10 Do you affirm to tell the truth, the whole truth and
11 nothing but the truth before this committee and
12 respond honestly to Council Member questions? Noting
13 for the record all the witnesses answered
14 affirmatively. You may begin your testimony in
15 whichever order you choose.

16 DISTRICT ATTORNEY CLARK: Hello. Good
17 afternoon. Thank you so much, Chair Yusef Salaam,
18 and also Chair of the Finance Committee, Justin
19 Brannan and all the Council Members for this
20 opportunity to speak before you today. I bring you
21 greetings from the boogie down Bronx, the birthplace
22 of hip-hop 50 years ago, and the home of 1.5 million
23 people of rich, diverse backgrounds and cultures.
24 The resilient wonderful people I serve should not
25 have to live in a place where 13 and 14-year-olds

1
2 carry guns and shoot other teens in broad daylight,
3 where last month an innocent bystander was killed and
4 five people wounded when 19 shots were fired in a
5 subway station in rush hour, where family-owned
6 stores and large retail chains are closing because
7 they are plagued by recidivist shoplifters, where
8 fentanyl is killing innocent children as well as
9 drug-users. I come before you today as I have ever
10 since 2016 when I was first elected Bronx District
11 Attorney to tell you proudly that we are performing
12 our duty to the Bronx with diligence, compassion, and
13 a judicious use of public tax dollars allocated by
14 you. I do want to acknowledge my dedicated and
15 committed staff for their tremendous work during this
16 time of drastic attrition, increased violent crime,
17 and changes in the criminal justice system that makes
18 their work extremely challenging. They show up every
19 day, nights, weekends, holidays, in the heat, in the
20 dark like postal workers, but they do deliver for the
21 people of the Bronx. They inspire me to think bigger
22 and reach further for the deserving citizens of the
23 Bronx. I want to thanks Bronx DA for being the true
24 public servants that they are to help us pursue
25 justice with integrity every single day. And I want

1 to thank you, the City Council, and the Mayor for the
2 continued support for my office. I know this year
3 has been financially challenging for the City, and I
4 appreciate you maintaining our baseline budget.
5 Instead of asking for additional funding for my
6 office today, I am here as a call to action, asking
7 you to take a bold step toward correcting decades'
8 long neglect of the Bronx. I have said it loud and
9 clear and repeatedly to two governors, to two mayors,
10 to senators, to congress members, to state
11 legislators, and to you the New York City Council. I
12 cannot prosecute my way out of this. This neglect has
13 led to deep-rooted social and economic conditions
14 that cause crime. The lack of resources for youth
15 and mental health are driving violence, subway crime,
16 and retail theft. Unemployment in the Bronx is the
17 highest in the five boroughs. A third of Bronx
18 children live in poverty. There's a dearth of
19 affordable housing. The Bronx has ranked the least-
20 healthy of New York State's 62 counties, and we have
21 the largest share of the City's drug overdose deaths,
22 nearly 30 percent. Also, a low rate of high school
23 graduates, and we suffer from an overwhelming supply
24 of guns. There were 12,062 gun arrests last year in
25

1 the Bronx, and in 2023, nearly a third of the city's
2 shooting involving people under 17 years old occurred
3 in the Bronx. We have an epidemic of gun violence.
4 Areas of the Bronx that were violent and under-
5 resourced over 30 years ago when I was a young ADA
6 are still enduring disproportionate levels of
7 homicide and shootings while they still remain under-
8 resourced. The homicide numbers are a fraction of
9 what they were in 1993, but they are still shocking.
10 Thank goodness the incredible work of my Homicide
11 Bureau who have worked extremely hard to hold murders
12 accountable and secure justice for surviving
13 families. We work tirelessly to bring justice for
14 victims, fairness for defendants, and improve public
15 safety through community engagement. There must be a
16 holistic approach to turn this around. Last year, I
17 started a Youth Advisory Council. I increased victim
18 services. I targeted retail theft with designated
19 prosecutors, strengthened our financial fraud and
20 construction industry corruption investigations, and
21 expanded diversion programs and re-entry services.
22 All of the details are in my written submission. But
23 all of what we have done is having a direct positive
24 impact on public safety in the Bronx, but I still
25

1
2 need your help, because the Bronx needs your help in
3 order to thrive. We will not need to invest in jails
4 and more police if we invest in alternatives to
5 violence. We must invest in communities. The Bronx
6 DA and NYPD should be the last resort, not the first
7 to solve society's ills. We need more jobs, good
8 schools, housing, healthcare, community centers,
9 youth development, thriving local businesses, and
10 effective drug treatment programs. This will allow
11 my office to use the necessary resources to focus on
12 violence and those offenders who threaten public
13 safety. The safest neighborhoods don't have the most
14 police, they have the most resources. The Bronx
15 deserves its fair share. Right now we can see that
16 there's a mental health crisis. Far too often the
17 only place where someone with mental health issues is
18 treated in the criminal justice system because other
19 systems have failed. We need additional mental
20 health resources and problem-solving courts. The
21 Bronx has more defendants in need of mental health
22 treatment than the one court we have can handle.
23 There also needs to be an expansion in capacity for
24 secure, therapeutic facilities. We have had enough
25 with people cycling in and out of the criminal

1 justice system. Of course, my Community Justice
2 Bureau will try to get people into a treatment
3 program, but the reality is defendants can refuse a
4 lengthy program or opt for a short jail stint,
5 thereby avoiding the help that they really need. We
6 have asked the Office of Court Administration to
7 provide more mental health and problem-solving court
8 parts and resources. I ask that you support us in
9 this request. I support the new Forensic Assertive
10 Community Treatment, FACT teams, that provides mental
11 health treatment to people wherever they are, even if
12 they are displaced, unhoused, or unsheltered on the
13 street or in the subways. The Bronx also deserves a
14 community justice center which responds to quality of
15 life crime and low-level offenses by offering
16 services that keep people out of the criminal justice
17 system, a center that partners with the clergy,
18 businesses, not-for-profit and community-based
19 organizations which focuses on violence and crime
20 prevention, provides family services, and strengthens
21 communities. A community court was opened in Midtown
22 Manhattan way back in 1993. From that came a
23 community justice center in Harlem. Brooklyn has a
24 community justice center in Red Hook and one in
25

1
2 Bronxville, and yet still, the Bronx lacks this
3 vital resource. In addition-- in addressing violence
4 against women, for decades, the Bronx District
5 Attorney's Office was the only DA's Office in the
6 State with an accredited Rape Crisis Center. It was
7 one of only two accredited Rape Crisis Center in the
8 Bronx. We service 389 sexual assault survivors in
9 2022. The New York State Department of Health
10 recently changed its rules to exclude DA's Offices
11 from housing such centers. Therefore, our office
12 lost its accreditation leaving the Kings Bridge
13 Heights Community Center as the sole Rape Crisis
14 Center. Every borough has at least one hospital-
15 based-- excuse me-- one hospital-based Rape Crisis
16 Center, and Manhattan has six. We have none. We
17 request that the City support the establishment of
18 additional Rape Crisis Centers in the Bronx to help
19 provide free and confidential services for sexual
20 assault victims and survivors. I also would like to
21 mention a reoccurring concern and complaint in my
22 community regarding unlicensed cannabis or smoke
23 shops. There are over 200 shops identified by NYPD
24 as operating without a license in the Bronx, and yet,
25 there are only three licensed shops in the Bronx. At

1 two of the illegal shops there have been three
2 shootings and shots fired incidents. At six others
3 there have been robberies, narcotics calls, and
4 quality of life calls. People are selling marijuana
5 outside the storefronts. I'm constantly being asked
6 by the community residents what am I-- what is your
7 office doing about these places? Of course, I'm
8 handling any criminal violent acts, but I am unclear
9 what other city agencies are doing to crack down on
10 these shops since this is now a civil matter. In the
11 meantime, I have directed my Civil Litigation Bureau
12 to work on notifying the landlords of their legal
13 liability for unlicensed sale of cannabis by tenants
14 and warn them of the potential legal action that may
15 come against them. The city needs a real
16 comprehensive strategy to ensure sellers are
17 following the rules and the good intentions behind
18 the decriminalization of marijuana are realized. I
19 truly hope you can see the urgency of providing
20 resources of the Bronx. I look forward to the days
21 when the Bronx is no longer the first in all things
22 bad, and last in everything good. So long as my
23 constituents and neighbors are in need, I will keep
24 advocating for them. You know that I will not stop
25

1 fighting. We are Bronx strong and we deserve better.
2 Thank you for your time and your attention.
3

4 CHAIRPERSON SALAAM: Thank you.

5 DISTRICT ATTORNEY MCMAHON: Good
6 afternoon. You can see now why no one wanted to sit
7 in this char, because we have to follow the
8 presentation of the great DA of the Bronx, Darcel
9 Clark, our colleague. I'm honored to be here with my
10 colleagues, Eric Gonzalez from Brooklyn, Melinda Katz
11 from Queens, our Narcotics Special Prosecutor Bridget
12 Brennan and Chief Assistant Meg Reiss representing
13 Alvin Bragg from Manhattan-- from Danny [sic] form
14 the DA of New York. It's an honor and a pleasure to
15 appear before the City Council today and I hope your
16 families are well and safe, and I look forward to
17 continuing our work together to improve our criminal
18 justice system in line with our shared goal of better
19 protecting and serving the people of the City of New
20 York. I want to thank you, Chairman Salaam, and your
21 staff, and Council Member Holden for showing the
22 interest in the work that we are doing by being here
23 today, and I'm sure that you will take the
24 opportunity to share our testimony with the other
25 members of this committee and of the Council who

1
2 couldn't be here today, because they probably have
3 pressing business back in their districts. I once
4 served as a Council Member representing the northern
5 part of Staten Island and I certainly appreciate what
6 they have to do, but I also would say to them that
7 it's important to show up and listen to the others
8 who work in city government and are trying to serve
9 the people of New York. Mayor Adams has said time
10 and again that public safety is a pre-requisite for
11 prosperity. I agree with that sentiment, as I know
12 many of you do as well. However, as Staten Island's
13 Chief Law Enforcement Officer, I remain deeply
14 concerned that the public safety challenges facing
15 all five boroughs, particularly those unique to my
16 home borough, are not being addressed with the
17 seriousness, urgency and creative thinking necessary
18 to restore both public safety and peace of mind for
19 all New Yorkers. while I am incredibly proud of all
20 the work we have done in my office, together with our
21 partners in the NYPD, and all partners across our
22 borough and city and neighboring law enforcement
23 agencies and those who call our borough home,
24 unfortunately, crime rose 10 percent on Staten Island
25 last year, and with the notable exception of an 11

1
2 percent decline in stolen cars, Staten Island saw
3 increases in six of the even index crimes in 2023.
4 And these statistics beg the question, what caused
5 these disturbing increases in New York City's safest
6 borough. During my testimony before you last year, I
7 warned the council that Staten Island is facing a
8 dire shortage of uniformed police officers patrolling
9 our borough. During the first six months of 2023,
10 our borough had 40 percent fewer cops than we did in
11 2019. In fact, for the majority of last year, there
12 were fewer cops deployed on Staten Island than there
13 were in 1968 when our population was nearly half of
14 what it is today. Fortunately, our call for more
15 uniformed personnel was answered in the second half
16 of last year, and although we are still short of what
17 our appropriate staffing should be, it is no surprise
18 that our crime numbers began to fall and move in the
19 right direction after this deployment was made. This
20 is a trend that has continued so far this year.
21 Despite these decreases, Staten Island continues to
22 face significant public safety challenges,
23 frustrating law enforcement professionals and causing
24 crime victims and hard-working Staten Islanders pain
25 and suffering. Grand larcenies spurred by

1
2 omnipresent and increasingly sophisticated scams
3 increased 13 percent in 2023. In fact, over \$2.6
4 million that we know of was scammed from elderly
5 Staten Islanders in 2023. These scams are no longer
6 just innocuous easily identified phone calls, texts,
7 and emails, but cleverly disguised attempts to rob
8 innocent New Yorkers of their life savings and
9 retirement funds in the blink of an eye or the click
10 of a link with a mouse. While my office does all we
11 can to identify and aggressively prosecute these
12 fraudsters and recoup stolen funds for victims, the
13 City can and must do more to ensure New Yorkers are
14 better protected against these threats. I urge you
15 all to invest resources and awareness and prevention
16 public awareness campaigns. Another significant
17 driver of crime on Staten Island is domestic
18 violence, a terrible reality that impacts far too
19 many families and we know goes wildly unreported--
20 underreported. These insidious crimes throw felony
21 assaults up by more than 20 percent in 2023, and
22 while we will always support survivors and hold
23 domestic abusers accountable in the courtroom, we
24 once again ask that our City Council members support
25 the lifesaving work of the Domestic Violence Bureau

1
2 and Victims Services Bureau with the Dove funding. I
3 would be remiss if I did not mention the overdose
4 crisis that continues to rage, claiming the lives of
5 over 150 of our neighbors in 2023, a record number
6 that should shock all of us to our core. It's a
7 five-alarm fire that shows no signs of abating and
8 has been ignited further by the omnipresence of
9 fentanyl in the illicit drug supply. Now found in at
10 least 80 percent of fatal overdoses of Staten Island.
11 We are also concerned with the growth of Xylazine, a
12 dangerous animal tranquilizer which is mixed with
13 fentanyl, heroin, cocaine, and methamphetamine now we
14 see and does not respond to naloxone. This substance
15 deserves the attention of the Council as it's the
16 latest development in our year-long fight against the
17 overdose crisis. I'm also gravely concerned like my
18 colleagues with the rise in violence amongst our
19 young people. Incidents of violence perpetrated by
20 and against our young people skyrocketed in 2023.
21 Felony juvenile arrests increased by 40 percent. 11
22 shootings were committed by perpetrators under the
23 age of 18 compared with just one the year before, and
24 we lost four young Staten Islanders under the age of
25 18 to unspeakable acts of violence in 2023. Simply

1
2 put, we are failing our kids and they are not
3 alright. Well-intentioned, yet recklessly naïve and
4 unfunded criminal justice reforms do nothing to serve
5 these young people, and instead protect youth
6 offenders from ever facing accountability in the
7 courtroom and leave them as prey to adult gang
8 members who use them to carry out their dirty work.
9 Combine this with the dearth of meaningful
10 programming post-arrest, and we are witnessing our
11 young people never receive the care, compassion, and
12 support they need to move past their trauma and lead
13 meaningful, productive lives. It is for these
14 reasons and more that my office remains dedicated to
15 addressing the underlying conditions of crime while
16 encouraging supportive programs that build families
17 up. However, for far too long the Richmond County
18 District Attorney's Office had done this critical
19 work with one arm tied behind its back. Thank you.
20 Staten Island is the only borough without a Community
21 Justice Center besides the Bronx, and as you can see,
22 when we two join forces, we are going to make this
23 happen. And while we received funding for expanding
24 programming and identified a site, the former
25 Criminal Court building on Targee Street and

1
2 Stapleton to house the future facility, capital
3 funding is needed to correct this inequity and bring
4 this dream to fruition. And similarly, our office
5 seeks to continue and expand our Ripples [sic] Hope
6 program which started with funding from a federal
7 grant. This important program connects children
8 impacted by substance use disorder in their
9 households to therapeutic services at the Counseling
10 Center at our YMCA so that we can end the cycle of
11 trauma and addiction. With grant funding expiring at
12 the end of the year, this incredibly meaningful
13 program is in need of support from this council. And
14 lastly, I continue to forcefully advocate for this
15 body's support of a mental health support and
16 diversion center on Staten Island, and the screening
17 of those arrested at police precincts. As you've
18 already heard from DA Clark, her borough, my borough
19 and the whole City suffers from an incredible mental
20 health crisis. As a 21st century prosecutor I fully
21 understand the inherent connection between mental
22 illness and crime, and the fundamental truth that we
23 cannot prosecute our way out of every issue. These
24 initiatives would make clear from the very beginning
25 of the case whether a defendant is potentially

1 suffering from a mental illness and then would give
2 law enforcement and there assigned counsel a place
3 for them to go instead of being sent to already over-
4 burdened emergency rooms, examined, and released back
5 onto the street with little or no connection to
6 services. As my office continues to work tirelessly
7 to combat these challenges, our success depends
8 entirely on us working together not make our city as
9 safe as possible. We have remained vigilant and
10 consistent in our dedication to the rule of law, the
11 protection of victims of crime, and the overall
12 improvement of public safety on Staten Island, but I
13 must reiterate in the strongest possible terms, we
14 need your help. and with that said, the remainder of
15 my testimony is detailing the greatest challenges as
16 well as our priority budget needs for Fiscal 2024,
17 and in my written testimony I outline more
18 specifically our requests for the Staten Island
19 Community Justice Center which will twin the center
20 that's coming to the Bronx, with the capital request,
21 and explain the building and the site that we have
22 and the programs that we can implement there. I just
23 want to say that together with the Bronx, we are the
24 only boroughs without a Community Justice Center of
25

1
2 its own. We all believe in that problem-solving
3 approach and connecting people to programs that they
4 need. We have to make it available to the people of
5 Staten Island and the Bronx. And secondly, I have
6 request to extend our Ripples of Hope program to
7 provide the support of the families that are victim
8 to substance use disorder when individuals in their
9 families have that as well. We have helped hundreds
10 of families with this program, and we can provide the
11 data to show it. We now need funding from this
12 council to continue that program. And then lastly,
13 funding to begin two mental health initiatives which
14 I mentioned. One is to have a mental health
15 screening in the precinct like we do with health
16 screenings now so that we know immediately in the
17 beginning of the criminal justice process if someone
18 is identified as a mental health-- someone has mental
19 health issues or suffers from mental health illness
20 so we can address it immediately. Think about it, in
21 drug cases we know because the charge that they're
22 arrested for is usually possession of narcotics. We
23 know how to deal with it. We need that for mental
24 health as well. And then also, to have a connection
25 in crisis support and connection center or crisis

1
2 intervention center on Staten Island as well so that
3 those individuals who suffer from mental health
4 illness can be connected to services before they go
5 down the path of a lifetime connected to or being
6 incarcerated. I thank you for your time and
7 consideration of my testimony. It would be my
8 pleasure to answer any questions you may have. I look
9 forward to working with this body and its members and
10 my colleagues and all our partners in the City to
11 achieve these goals and further our shared mission of
12 a safer and more just New York for all. Thank you.

13 CHAIRPERSON SALAAM: Thank you.

14 DISTRICT ATTORNEY GONZALEZ: Good
15 afternoon. I'm Brooklyn District Attorney Eric
16 Gonzalez, and I want to say thank you to Chairman
17 Salaam and the members of the committee for the
18 opportunity to address you today alongside with my
19 great colleagues regarding the Mayor's Fiscal Year
20 2025 budget plan and the needs of the Brooklyn
21 District Attorney's Office. It's my honor to lead a
22 dedicated team of more than 1,200 attorneys,
23 investigators and staff serving New York's most
24 populous borough. Working together with our law
25 enforcement partners, we continue to make great

1
2 strides in improving the safety of the communities we
3 serve, and improving fairness in our judicial system.
4 Since the pandemic era peak in 2020, Brooklyn has
5 seen a 47 percent decrease in homicides, and a more
6 than 50 percent reduction in shooting victims,
7 hundreds fewer families have been victimized by gun
8 violence and countless lives have been spared. Last
9 summer was Brooklyn's safest on record, and we will
10 continue to surgically focus our efforts on the
11 drivers of crime that cause the most harm while
12 working to prevent violence by using every tool at
13 our disposal. In last year's budget request, my
14 office sought funding to continue the innovative work
15 that is engaging communities, making them safer, and
16 reducing the footprint of the criminal legal system.
17 We sought funding for the staff, technology, and
18 services to meet ever-expanding needs amidst rising
19 costs, and many of these needs remain unmet,
20 straining our ability to do the vital work that is so
21 critical to the people of Brooklyn. While the City's
22 fiscal picture has improved, funding challenges
23 continue to place a high burden on our already over-
24 worked staff. I also want to offer some background
25 as to how the Brooklyn District Attorney's Office

1 budget differs from our peer DAs. Brooklyn's asset
2 forfeiture resources are much less than some other
3 counties, and uniquely we are the only District
4 Attorney's Office that pays a significant portion of
5 our budget, \$22 million, to rent our space from a
6 private landlord. This leaves us with much less to
7 support our programs and staff. When rent is
8 subtracted from our top line budget number, the
9 disparity with our peer offices becomes very clear.
10 While my colleagues work in city-owned spaces mostly
11 rent-free, the decision to lease space at 350 J
12 Street was made in the 1990s. While the decision was
13 made decades ago to centralize court operations, it
14 continues to pose a budgetary challenge unique among
15 our peers. I ask you to keep that in mind as you
16 consider the fairness of our current budget and our
17 ability to serve Brooklyn's 2.7 million residents.
18 My colleagues in their offices deserve every penny
19 they get, but while Brooklyn serves the largest
20 population and prosecutes the largest case volume,
21 our budget lags behind our peers. I offer this
22 background to provide context to our funding request
23 and ask the Council to work with us to remedy the
24 inequities that constrain our operations and limit
25

1
2 our ability to adapt to these challenges on the
3 horizon. Now, some of you had the opportunity to
4 join me at my legislative breakfast last month at
5 Brooklyn Law School. We were joined by a young man
6 names Jason Bostick [sp?], a graduate of Project
7 Restore Bed-Stuy. Jason told us about his path from
8 life as a gang member with little help-- little hope,
9 to his success this year as a student at Columbia
10 University, looking forward to what I know is going
11 to be a very bright future. As part of this 15-month
12 pilot program launched in the wake of takedowns of
13 two rival gangs in Bed-Stuy, Jason was one of 30
14 young men who participated in this first of its kind
15 restorative justice initiative to address
16 generations' long gang rivalries that have caused
17 violence in the neighborhoods for decades. The
18 program offered these young men not just a way out,
19 but a path forward through internships, job
20 opportunities, intensive healing circles, and the
21 invaluable guidance of mentors and case managers.
22 With support from the Mayor's Office of Criminal
23 Justice, my office collaborated with Bridge Street
24 Development Corporation, Inside Circle, and Columbia
25 University to help these young men to address their

1 trauma, to learn the skills they need to support
2 themselves and their families, and to reject
3 violence. The pilot program recently ended, and I
4 feel strongly that Project Restore played a
5 significant part in the reduction in violence that we
6 have seen in the 79 and 81 precincts. Project Restore
7 illustrates what we know, which is that traditional
8 law enforcement responses alone are not enough to
9 make our community safe. For that, we need to engage
10 with communities as partners in determining for
11 themselves what they need for their communities to
12 thrive. The improvements to public safety we saw
13 with this project are beyond what we hope for, and
14 the participant stories are inspirational. I welcome
15 the chance to share them in more detail with any of
16 you, because I know you will agree that this is a
17 program that deserves funding not only to continue,
18 but to also be replicated in other parts of Brooklyn.
19 To do that, we're asking for \$3 million this year,
20 and I hope that you will advocate with OMB for this
21 amount to be baselined in our budget. Last year, I
22 told the committee about the establishment of
23 Brooklyn's Division of Gender-based Violence with
24 about 20 percent of our employees dedicated fulltime
25

1 to investigating and prosecuting these cases and
2 supporting victims and their families. Our battle
3 against domestic violence in Brooklyn is both a moral
4 imperative and a key pillar to our public safety
5 strategy. A significant portion of our domestic
6 violence cases arise from open complaints. This means
7 that the police are making arrests weeks or months
8 after the crime has occurred but before the case
9 comes to the District Attorney's Office. To better
10 help us serve these vulnerable victims, I'm
11 requesting \$750,000 to hire additional staff to
12 gather evidence and discovery material proactively so
13 that when cases reach our prosecutors they have all
14 the essential information to proceed efficiently and
15 to engage victims proactively. To continue, that we
16 can do this vital work, I'm also asking for your
17 continued support of the domestic violence Dove
18 Initiative and the Brooklyn Rising Against Violence,
19 BRAVE program. These programs are tailored to help
20 communities facing cultural and linguistic barriers.
21 They are not just about prosecutions, but
22 empowerment, healing and community resilience,
23 ensuring every victim has access to justice and
24 support that they need. Cannabis sales by unlicensed
25

1
2 retailers continue to be a source of tremendous
3 public concern in Brooklyn. There are hundreds of
4 these jobs in Brooklyn alone, many of which are
5 located near daycare centers, schools, and other
6 places where young people gather. The Governor and
7 the State Legislature recently enacted a law that
8 expressly authorized DAs Office to engage in civil
9 enforcement such as seeking injunctions and evictions
10 of commercial tenants. We are renewing our request
11 for funding to establish a new Cannabis Civil
12 Enforcement Unit to take civil actions against these
13 illegal shops. The unit would be comprised of four
14 staff members, a chief, two assistant DAs, and a
15 paralegal, and we're asking for \$470,000 in funding
16 to tackle this big problem in our city. As we
17 continue to work to improve fairness and transparency
18 in our and to build public trust robust data
19 collection and analytics capacity is essential.
20 Reliable and clear data allows us to analyze our
21 work, refine our strategies, and evaluate program
22 success, and maintain transparency with policy-makers
23 and the public. As part of my Justice 2020
24 initiative, we collaborated with CUNY's Institute for
25 the Study of Local Government to identify potential

1 bias, a key discretion point in our work, and to
2 guide corrective strategies. While the study offered
3 great insight to the effectiveness of reforms we have
4 implemented and areas for improvement, it also
5 highlighted the need for additional personnel and
6 technology to enhance our data collection analysis
7 and dissemination capabilities. These needs were
8 recently underscored by the challenge we face
9 complying with the comprehensive data reporting
10 requirements pursuant to Local Law 161 of 2021 which
11 required our first annual report of prosecutions
12 earlier this month. While we've made significant
13 investments in technology we use to investigate and
14 prosecute cases, our data analytics capacity lag
15 behind, and we're seeing \$750,000 to fund and equip a
16 data and analytic unit within the Brooklyn DA's
17 Office. Brooklyn may be one of the only DAs Offices
18 that does not have that unit currently. Finally,
19 because hate crimes have seen an alarming spike in
20 Brooklyn, we're seeking funding to hire three
21 additional prosecutors for our Hate Crimes Bureau.
22 These horrific offenses not only traumatize the
23 victim but entire communities, and they demand a
24 robust and multifaceted response. Our comprehensive
25

1
2 approach includes community education and engagement,
3 as well as robust investigation and prosecution. To
4 ensure that we have significant staff to broaden the
5 impact of our work, we're seeing an additional
6 \$300,000 to combat hate crimes. As I mentioned when
7 I began, while my office services New York's most
8 populous borough, we handle the largest cases of
9 volumes, and yet, because of high rent and limited
10 asset forfeiture funding, we are woefully underfunded
11 relative to our other offices. For these reasons
12 we're left with far less funding available for the
13 programs and personnel that are essential to
14 continuing the progress we had made. We have
15 received assurances in the past that these inequities
16 would be addressed. As of yet, they have not been,
17 so I ask for the City Council support and advocacy to
18 address them. I know that each and every one of you
19 cares deeply about the safety of our city and about
20 the fairness of our system. And I am grateful for
21 your past support of the work that we do in Brooklyn,
22 and I thank you for the opportunity to discuss the
23 budget priorities with you today, and for your
24 submission. I put written submissions that detail
25 our requests more comprehensively. I look forward to

1
2 continuing our work as we build a safer and fairer
3 city. Thank you.

4 CHAIRPERSON SALAAM: Thank you.

5 DISTRICT ATTORNEY KATZ: Good evening.

6 Good evening, Chairman Salaam, Bob Holden, of course,
7 the esteemed councilman from Queens. I want to thank
8 you and your staff for doing this so diligently and
9 paying attention to every single person who is
10 speaking. It says a lot to the commitments for
11 public safety and I'm honored to be back in these
12 chambers after serving with DA McMahon as Council
13 Member for six years. Always happy to be back, and
14 thank you and congratulations on the chairmanship. I
15 am-- I'm not going to read all my testimony. So, I'm
16 going to go through some highlights. We have
17 detailed testimony on what we'd like to see in the
18 budget that we handed in. But I would like to go
19 through some of the issues that we are concerned
20 with. Adding onto what Darcel Clark said, so Queens
21 County is 190 countries, 200 languages. We are the
22 most diverse area on the planet. With that comes
23 clearly the need to be fair and just. People come
24 from all over the world to make Queens County their
25 home. 49 percent of the residents that fill out the

1
2 census are born somewhere else, and they come and
3 they make Queens County their home. They choose to
4 be in the county. They don't choose to be in the
5 United States. They don't choose to be in the City
6 of New York. They choose to be in Queens County, and
7 49 percent of our residents have chosen to make
8 Queens their home. I believe that comes with a huge
9 responsibility. It comes with a huge responsibility
10 not only for the new Americans, it comes as a huge
11 responsibility for everyone who lives in our county.
12 Since I have been the DA, we have accomplished, I
13 believe, quite a bit. I just want to go through a
14 little bit of that with you. Our ADAs have increased
15 from 312 when I first came into this office on
16 January 1st, 2020. We now have 390 ADAs. We have
17 871 people on staff, including our ADAs, our legal--
18 our paralegals, our support staff, and our detective
19 investigators. We had purchased IT hardware and
20 software to address both the upgrade and our new
21 solutions needed to meet the obligations of discovery
22 reform. We are prosecuting-- we have about 49,000
23 arrests in the borough of Queens County in 2023. We
24 have about 38,000 arraignment sin the borough of
25 Queens County. Out of those arrests, 22,000 are

1
2 felony arrests, 27,000 are misdemeanor arrests. In
3 2023, I will say that we have decreased our homicides
4 greater than the rest of the borough in general. The
5 rest of the borough decreased 11 percent. In Queens
6 County our homicides decreased 34 percent. The rest
7 of the City decreased their shootings by about 25
8 percent. We decreased it in Queens County about 37
9 percent. So while we lowered those numbers, other
10 crime have increased. We have increased in
11 automobile larcenies. We've increased in felony
12 assaults. We have increased in robberies. Our hate
13 crimes numbers have also increased about 35 percent
14 from 22 to 23. We are prosecuting at this time about
15 3,000 gun cases, a little over 3,000 gun cases at a
16 time in the County of Queens. At the same time we
17 have developed over the last few years a Human
18 Trafficking Bureau, a Bureau of Worker Protection, a
19 Bureau of Housing and Worker Protection, a Bureau of
20 Hate Crimes, the first one in Queens County that we
21 have formed. So, we have done a lot with the money
22 that we have received from the City Council and from
23 the Mayor in the budget. We are very grateful for
24 the funds that we have received, and for any extra
25 funds that we've requested, it's detailed in the

1 testimony that we have handed in. I will say our
2 biggest issue in Queens County is not only the
3 funding for these prosecutions, but it's also the
4 funding for all the other things that I have added.
5 We now have an immigration lawyer on staff to make
6 sure that we don't have unintended consequences. We
7 have an immigration lawyer not working as a
8 prosecutor on staff to go over past convictions, to
9 look to see whether there's unintended consequences
10 of deportation and whether some are deserved because
11 they had a prosecution 20 years ago, or a conviction
12 20 years ago. They maybe review it for immigration
13 purposes. I added a Conviction Integrity Unit. We
14 had 102 vacatures [sic] since I have been the
15 District Attorney. 86 of those vacatures were
16 because the testimony and the conviction relied on a
17 police officer who later on was convicted of either
18 perjury or falsification of documents. We went
19 through and we vacated those. 16 of the vacature are
20 based on long-term investigations. We have added a
21 rehabilitation and restorative justice service. We
22 go through every single DAT that comes into our
23 office, and we review them for mental health, drug
24 rehabilitation, workforce development, anything that
25

1 we can possibly do to get people out of the system.
2 We had over 500 people who applied-- that we referred
3 for restorative services before their arraignment in
4 2023, before their arraignment, over 500 people. WE
5 had 302 people during 2023 that completed their
6 restorative justice before their arraignment. And so
7 we think the system is working. I hired a Director
8 of Youth Services. His sole responsibility, sole
9 responsibility, is to go from school to school, from
10 civic to civic, to precinct counsel to precinct
11 counsel, to community to community and talk to our
12 young people, get them involved in our Explorers
13 programs, in our internship programs, and all of the
14 programs we have in our office. His responsibility
15 is to keep our young people out of the criminal
16 justice system, and that is responsibility and that's
17 what he does day and night for our office. So, we
18 had the largest-- so what is it that we actually
19 need? So we need a building. Quite honestly, we
20 need a lot of the funding to continue the services
21 that I have added. I will tell you that in Queens we
22 are almost at the lowest of homicides that we've ever
23 been at. We had 52 last year. But our people are
24 very spread out. So, it's funny because DA Gonzalez
25

1
2 may have the most people. I have the largest
3 borough, and yet my people are in five offices,
4 literally five offices, spread out on Queens
5 Boulevard. And so at some point, we need to have
6 them in one location. I do believe in talking and
7 debating in having discussions about individual
8 cases. Very hard to do that when you are spread out
9 in five locations throughout the borough, but I
10 believe it is a necessity. In general, one of the
11 things that we've also added is our Community
12 Partnership Division. We have almost 20 people now
13 that go out to communities, to precinct councils, to
14 the civic associations, to our Community Board
15 meetings, and we get a lot of referrals that way. So
16 people say, well, why are you in the communities so
17 much? Because we get referrals. Because someone
18 says, I have a friend. I sit next to her in church.
19 She's very worried about her daughter. She thinks
20 her daughter is being trafficked. Is there anything
21 you can do about that? Or I have someone who's being
22 abused at home. She's too afraid to go to the
23 authorities. Do you have any suggestion? And the
24 people that are in the community are non-lawyers who
25 people feel very comfortable talking to. And so it's

1 not about just us getting our message out there.
2 It's about the community gaining trust and faith in
3 law enforcement and gaining faith and trust in their
4 District Attorney, and we have found that to be
5 extremely useful. Many of our cases come from our
6 individuals in the community who report back and they
7 give an update, but they also give referrals for
8 people that really need help. Lastly, I'll just say
9 the cannabis issue is an issue in Queens County also.
10 Right now, we have about-- since November 22, about
11 186 individuals that we are prosecuting for cannabis.
12 We have seized items from at least 215 cannabis
13 dispensaries. Evidence recovered is, you know, over
14 1,000 pounds of cannabis, 1,300 pounds of the flower,
15 9,500 cannabis vape pens, and we continue to eat away
16 at it, but at the end of the day there are legal
17 dispensaries who got their license, who add to the
18 tax of the state of New York. They need a chance to
19 survive. They need a chance to thrive, and they are
20 vetted. When they are legal they are vetted. In
21 Queens County, 75 percent of our overdoses are due to
22 fentanyl that is laced with other drugs. About 42
23 percent of the people who are overdosing are over the
24 age of 50. Those are amazing numbers when you think
25

1 about it. 42 percent of the people that have died an
2 overdose because of fentanyl in Queens County are
3 over the age of 50. 76 percent, again like I said,
4 fentanyl, because of the overdoses they are dying.
5 So we need to make sure that as people are moving
6 into legal sales of cannabis, that we also do
7 something about those that are unvetted, untested,
8 not adding to the tax bases of the City of New York,
9 and that we have the tools to do that. Last but not
10 least, domestic violence. It is extremely important
11 that we fund our domestic violence programs. We stay
12 with our victims, whether we have an arrest or not.
13 We stay with our victims. We make sure that they
14 have an infrastructure of support, even if we don't
15 have an arrest. We photograph the victim. We go
16 after-- we get the HIPAA releases. We make sure that
17 they have an infrastructure of support, and then by
18 the time the arrest is made, if it's not immediate,
19 we've already gathered all of this evidence and all
20 of this that we can use at trial and use in the case.
21 We have about 2,000 cases pending of domestic
22 violence, approximately 521 felonies, and
23 approximately 1,457 are misdemeanors. Mr. Chair, I
24 thank you for the work that the Council has done. We
25

1
2 thank you for the support that you have given us over
3 the years, and we look forward to answering any
4 questions you may have.

5 CHAIRPERSON SALAAM: Thank you.

6 BRIDGET BRENNAN: Good afternoon. I'm
7 Bridget Brennan. I'm the City's Special Narcotics
8 Prosecutor, and welcome to the Public Safety
9 Committee and the Chairmanship of the Public Safety
10 Committee. It's a pleasure to have you here. Council
11 Member Holden, it's good to see you, too. You're
12 always a stalwart. You always come for our testimony
13 and we really appreciate it. And thank you very much
14 for the work that we do with the Council. We work
15 with them very closely. I hear from them a lot about
16 problems in their individual districts. While they
17 might not be here, we work with them and we
18 collaborate with them quite closely. And before I
19 get into my testimony-- first of all, I'd like to
20 refer you to the booklet that we put together. It's
21 very comprehensive and it may actually have some
22 resources that you can tap into. But I'd like to say
23 a couple of words about the remarkable District
24 Attorneys in this city. I work for all five of them.
25 My office is an office that is set up with an

1 agreement among the five DAs, and I get to see day-in
2 and day-out how remarkable they are. Their
3 dedication is unparalleled. Their knowledge of their
4 counties is impressive, and the way we're able to
5 work together on this terrible issue that we're all
6 confronting now, you've heard it from everybody,
7 fentanyl and the drug issues-- that is truly
8 remarkable. So, big applause to them. They are an
9 incredible group. And now let me just say a few
10 words. I'm going to try to keep my testimony brief. I
11 know it's been a long day for you. Oh, I didn't see
12 you come in. Welcome to you, too. Thank you. I've
13 worked with many of the Council Members over the
14 years, and I do appreciate your leadership. As you
15 know, ours is a unique office, operating by agreement
16 of the five DAs and focused on felony narcotics
17 crimes across the City, and most specifically on drug
18 crime that has a citywide impact, perhaps due to the
19 volume of drugs, violence of an organization, or a
20 concentration of overdose deaths. New York City is
21 an international hub for narcotics trafficking, and
22 our city's drug market today is more unpredictable
23 than ever, especially as fentanyl is mixed in with
24 other drugs and pressed into counterfeit prescription
25

1 pills. 80 percent of our drug poisoning shows the
2 presence of fentanyl. The amount of fentanyl that
3 could kill one of us, the amount of pure fentanyl
4 would fit on the tip of a pencil, and last year our
5 office seized more than 700 pounds of it in powder
6 form and more than a million fentanyl pills. Roughly
7 eight out of 10 overdoses in New York City involve
8 fentanyl. It's found mixed with an expanding number
9 of substances. So those people who are buying on the
10 black market have no idea of what they are buying.
11 An analysis of drugs seized from high-level
12 distributors in street markets indicate mixtures may
13 contain as many as five different substances,
14 including the narcotics heroin and cocaine, but
15 synthetic drugs like Xylazine as DA McMahon talked
16 about and methamphetamine, a stimulant. And Xylazine
17 right now is not a controlled substance in New York
18 State. It's under consideration by the State
19 Legislature to add it to the schedule of controlled
20 substances, something which I support. Xylazine is
21 an animal tranquilizer, and it is not responsive to
22 Narcan. So when it is mixed with fentanyl and
23 somebody tries to revive someone with Narcan, they
24 may well not succeed. Methamphetamine is a non-

1 narcotic drug, and that has consequences too for
2 enforcement. Because it is not a narcotic drug, it
3 is not eligible for bail in many instances, even if
4 we seize as we recently did, about 40 pounds of
5 methamphetamine, and the individuals were not from
6 the US. They were from elsewhere. They certainly
7 weren't from New York either. We were not able to
8 request bail in that kind of a situation. I think
9 that's simply an oversight, and that's something
10 we're urging the legislature to fix as we see more
11 and more methamphetamine coming into New York City.
12 The cocaine supply in New York City is increasing,
13 and the reason for that is beyond our control. The
14 government of Columbia has discontinued aerial
15 eradication of coca plants, and so there's been a
16 dramatic rise in cultivation. As a result, we're
17 seeing a higher volume of that drug in the City,
18 often converted to crack and sometimes mixed with
19 fentanyl. Our mission is to save lives through
20 innovative strategies that stem the flow of lethal
21 drugs. We focus on high-level trafficking
22 organization often with international ties while
23 addressing open-air drug markets that destabilizes
24 neighborhoods and lead to overdose deaths and
25

1 violence. In New York City, an estimated 3,300
2 people fatally overdosed between September of 2022
3 and 2023 according to the Centers for Disease
4 Control, and those are the most recent statistics we
5 have. We believe that we'll indicate another rise in
6 2023 when the City Health Department tabulates
7 results in the number of overdose deaths in New York
8 City. And the number the year before in 2022 was the
9 highest ever. So, while in the rest of the state the
10 overdoses have been leveling off, the overdose
11 deaths, the numbers have been leveling off, and in
12 some areas even declining, and that's true in the
13 rest of the country as well. The number of deaths,
14 overdose deaths, in New York City appears to be
15 stubbornly rising despite all our best efforts.
16 Every drug poisoning is tragic, but in September our
17 City was shocked by the death of a toddler at a day
18 care center in the Bronx that DA Clark referred to,
19 and that DA Clark's office is investigating and
20 prosecuting. It was shocking that that daycare
21 center doubled as a fentanyl stash location. But I
22 think the death woke up the City to what a tremendous
23 reach this terrible drug has. Many people asking the
24 question, is no one safe? And then in November, just
25

1 this past November, a 14-year-old freshman at
2 Brooklyn Technical High School died from a drug
3 poisoning due to fentanyl. We recently met with her
4 mother. Members of my staff met with her as well,
5 and she wants to explore ways she can help educate
6 parents so that no other parent will face the tragedy
7 she has had to face. And we're working with her and
8 we're working with the Board of Ed as we have been.
9 we've never done this many presentations in schools
10 and as much reach-out as we are doing now, because we
11 know that law enforcement alone is not the answer to
12 this. We need to educate people, particularly young
13 people so they understand prevention is the key, as
14 is treatment. We are not seeing as many
15 opportunities for treatment, nor as many people that
16 should going into treatment. And then harm reduction
17 efforts are critical, too, and we support all of
18 that. So, I promised you I'd be brief, and I'm going
19 to summarize our funding request. For Fiscal Year
20 2025 we have two specific requests, and they're both
21 outlined in our testimony. We want to expand our
22 alternative to incarceration program, one that we're
23 running. We've been-- Manhattan DA's Office kindly
24 allowed us to kind poach in on their program. We
25

1
2 have started to run it ourselves and started to pay
3 for it ourselves out of our own budget, but we need
4 to expand it. It's a great program. It's with
5 Criminal Justice Initiatives and Manhattan Justice
6 Opportunities, and we're doing extraordinary work
7 there diverting people from turning to criminal
8 behavior and helping them build employment skills,
9 helping them find places to treat their substance use
10 issues, and helping them with those things which
11 cause them to turn to committing drug-related crimes.
12 So we're asking with help with that. It's about
13 \$220,000 we're asking for. In addition, we're asking
14 for money to fund new radios for our investigators.
15 The Police Department changed their radios. Now ours
16 has to conform with theirs, and so that's a capital
17 funding request for about \$150,000, and all this is
18 spelled out in our testimony. Like the other DAs,
19 our office is deeply committed to serving this city
20 and to facing the challenges that we're all facing.
21 I look forward to working with the Council Members on
22 the district problems, the problems that we see with
23 open drug dealing, and people's fears about substance
24 use affecting their own families is personal, and
25 I've heard from a lot of the Council Members about

1
2 that. We look forward to working with you in the
3 future. Again, our office is fully-dedicated to
4 making New York not only a safer place, but a more
5 fair and just place. So thank you very much for your
6 attention.

7 CHAIRPERSON SALAAM: Thank you.

8 CHIEF ASSISTANT DISTRICT ATTORNEY REISS:

9 Good afternoon, Chairman Salaam. Good afternoon
10 Chairman Salaam and other members of the Committee.
11 My name's Meg Reiss and I'm the Chief Assistant
12 District Attorney for the Manhattan District
13 Attorney's Office, and thank you for the opportunity
14 to speak with you here today regarding our office's
15 Fiscal Year 2025 Preliminary Budget. We thank the
16 Council for its past support and the other four
17 District Attorneys and the Special Prosecutor for
18 their collaboration, and know that a safer and fairer
19 city requires all of us working together. The twin
20 goals of the Manhattan District Attorney's Office are
21 delivering safety and fairness, and we know that we
22 cannot have one without the other. We are achieving
23 these goals with a targeted strategy focusing on the
24 drivers of violence, addressing the underlying needs
25 of those who commit crimes, and investing in

1
2 preventative measures, all of which will keep our
3 communities safe today and in the long term. We are
4 proud of the downward trend of serious crime over the
5 past two years of DA Bragg's administration,
6 including a 21 percent drop in homicides from 2021-
7 2023 and a 38 percent decline in shootings over the
8 same period. Similarly, we are encouraged by the
9 drop in almost every index crime in Manhattan from
10 2022 to 2023, including an eight percent reduction in
11 robberies, 23 percent reduction in burglaries, and 28
12 percent reduction in rapes. We are proud of our
13 accomplishments, but we know we have so much more
14 work to do. We will continue our targeted
15 enforcement efforts through continued partnership
16 with the community, elected officials, and other law
17 enforcement agencies, and remain focused on driving
18 these incidents even lower in the years to come to
19 make Manhattan even safer. A top priority the
20 District Attorney has always been fighting, the
21 devastation of gun violence. As I previously
22 mentioned, since DA Bragg took office, shootings have
23 declined 38 percent. We are encouraged by the
24 continued impact of our efforts this year. As of
25 March 17th, 2024, shooting incidents this year are

1
2 down 43 percent compared to the same time period in
3 2023. A great deal of credit needs to be given to
4 Manhattan's tireless community leaders and community-
5 based organizations for the work that they do to
6 prevent gun violence before it ever occurs. Credit is
7 also due to the hard work of NYPD and our ADAs, who
8 take on the fight through rigorous gun possession and
9 gun use investigations and prosecutions. For
10 example, our gun prosecutions have nearly doubled
11 from 280 in 2021 before DA Bragg took office to 592
12 in 2023. To date, our Ghost Gun Initiative has
13 prosecuted cases involving the seizure of over 104
14 ghost gun parts, 90 firearms, 442 high-capacity
15 magazines, 47 silencers, and other gear including
16 scopes and rapid-fire modification devices. We are
17 also using white collar investigative tools to hold
18 those who commit crime-- those who commit gun
19 violence accountable. In one notable case, we
20 identified a suspect in several gang-motivated
21 incidents, including a gunpoint robbery in August
22 2022 where an innocent bystander was grazed with a
23 bullet to the head. During our investigation, we
24 observed that the suspect's social media included
25 posts attempting to recruit others to deposit stolen

1
2 checks. Our Financial Frauds Bureau then initiated
3 an investigation into the alleged check fraud and,
4 using wiretaps to intercept his cellphone and social
5 media messages, we were able to secure a search
6 warrant for the suspect's apartment. During that
7 search, a loaded 9mm handgun was recovered which
8 ballistics testing showed was the same weapon used in
9 the August of 2022 shooting. The suspect was then
10 indicted for the shooting, gun possession, and the
11 check fraud. We know the Council supports us in our
12 efforts to fight gun violence, and we are also
13 thankful to the Council for the additional \$626,000
14 in baseline funding we received last year for our
15 Worker Protection Unit. We are using our White
16 Collar practice to protect the hardworking men and
17 women of the City by expanding enhancing our
18 investigations and prosecutions into wage theft and
19 other crimes committed by employers. We are also
20 grateful to the Council for additional funding
21 received last year for our Survivors Services Bureau,
22 formerly known as the Witness Aid Serve Unit. The
23 Survivor Service Bureau improves public safety in
24 several ways. First, it helps hold accountable those
25 who commit crimes by supporting our victims through

1
2 the court process. Second, by seeking to heal trauma
3 experienced by crime victims, it prevents future
4 violence and re-victimization. And third, our
5 Survivor Service Bureau helps build trust with
6 communities and boosts the legitimacy of the justice
7 system, which encourages more people to come forward
8 and report crime as well as obey the law.

9 Prioritizing this facet of our office has led to an
10 increase in crisis responses from 386 responses in
11 2021 to 2,183 in 2023. It is more than a 500 percent
12 increase in the use of immediate survivor-centered
13 support. Historically, the Survivor Services Bureau
14 has worked primarily with survivors of intimate
15 partner violence, sexual assault, or homicides.

16 Survivor Services have increased outreach to those
17 involved in domestic violence cases, from an outreach
18 total of 3,877 in 2021, to 5,276 in 2022, and now to
19 6,611 in 2023. It is the District Attorney's vision
20 that all victims of violent crime are supported by a
21 team, including a prosecutor and victim's advocate
22 from the very beginning of their case. To this end,
23 the office has developed and implemented a HEAT
24 ticket system that connects a victim advocate to a
25 case when their case is being drafted. Recently

1
2 launched and still in pilot phase in one trial
3 bureau, the HEAT system has expanded our advocacy
4 exponentially to survivors who can benefit from help
5 connecting to housing resources, safety planning,
6 counseling, and accessing reimbursement from New York
7 State's Office of Victim Services. Already we have
8 seen a substantial increase in referrals from the
9 pilot, and the corresponding increase in individuals
10 going through intake is equally impressive.
11 Historically, individual trial bureaus would refer
12 approximately 10 individuals to Survivors Services
13 per month. Since HEAT was introduced to one trial
14 bureau, on January 29th, 2024, that number has
15 increased to 63 referrals in four weeks. Given these
16 encouraging statistics, we expect that once HEAT
17 system is expanded to cover all six trial bureaus,
18 the number of trial bureau referrals will increase to
19 over 2,200 per year, more than doubling our numbers
20 of intake in 2023. Another primary area of focus has
21 been our hate crimes work. In 2022, our office
22 received an additional \$1.7 million in baseline
23 funding from the City Council to hire full-time
24 staff, train assistant DAs across the office who
25 specialize in these cases, and expand our hate crime

1
2 investigations, victim services, community
3 engagement, training and education on cultural and
4 linguistic capacity. In 2020, Danny prosecuted 28
5 hate crimes. That number rose to 81 in 2021 with a
6 sharp increase in anti-Asian hate crimes. Then in
7 2022 we prosecuted 92 hate crimes. Last year, our
8 work load rose even higher as we prosecuted 114 hate
9 crimes. To build on the progress of the last two
10 years, we are requesting additional funding from the
11 City to support the work of our office. Our only
12 request for new funding is not for our office, but
13 similar to our partner in the Bronx, but for our
14 partners in problem-solving courts without who we
15 could not do our jobs. We make our communities safer
16 every day by connecting people with resources that
17 lead to stabilization in community, resources like
18 healthcare, housing, education, job training, and
19 employment to address some of the underlying issues
20 that drive harmful behavior. The issues being
21 substance use disorder, untreated mental illness,
22 joblessness, housing instability, and trauma. Of
23 course, not every case I appropriate for an
24 alternative to incarceration resolution. There are
25 some violent crimes where incarceration is necessary

1
2 for accountability and safety. However, by embedding
3 a Deputy Bureau Chief from our Pathways to Public
4 Safety Division in each trial bureau, our office
5 reviews every felony case within 48 hours of criminal
6 court arraignment to identify and assess whether the
7 person charged can be safely supported in community.
8 In so doing, we see that many of the people who come
9 through our doors are suffering from substance use
10 disorders and untreated mental illnesses and trauma,
11 and those issues are clearly driving their behavior.
12 In those cases, treating those underlying issues can
13 do more to prevent crime immediately and in the
14 future than incarceration. The results from these
15 efforts speak for themselves. Since 2022, in the 12
16 months after their felony problem-solving court
17 graduation, 96 percent of graduates have not been re-
18 arrested for violent felony offense, 91 percent have
19 not been re-arrested for a felony offense, and 86
20 percent have no new arrests whatsoever. Although
21 there is no direct control group for comparison,
22 these recidivism rates are dramatically lower than
23 similar rates for those with people released from
24 city jails or state prison, and the result, of
25 course, is a safer city. Our office funded the

1
2 creation of a Felony ATI court in June of 2019 to
3 fill the gaps in traditional problem-solving courts,
4 and the court has become an integral part of our
5 system. The number of people accepted into the
6 Felony ATI annually has increased by over 50 percent
7 since 2021, from 108 people accepted in 2021 to 168
8 accepted in 2023. This is just to clarify, our
9 Felony ATI part, not all of our problem-solving
10 courts. Manhattan recognized the need, created, and
11 funded a mental health track in our Judicial
12 Diversion Court for drug and drug-related offenses.
13 Unlike our other problem-solving courts, the Judicial
14 Diversion Court is statutory and as such is funded by
15 the State. Those that are statutorily eligible can
16 nominate to participate in diversion. However, our
17 office noticed that a large number of people in this
18 court have co-occurring mental health issues, and the
19 staff who are trained to address drug issues were not
20 always adequately trained or prepared to support
21 those presenting serious mental illness. Therefore,
22 we funded the creation of the Judicial Diversion
23 mental health track to provide these individuals with
24 specialized treatment. To date, our Office has
25 funded both Felony ATI and the Judicial Division

1
2 Mental Health Track almost exclusively, using our
3 asset forfeiture funds to create and pilot these
4 courts, spending close to \$3 million on these two
5 courts in last year alone. Now that we are seeing
6 positive outcomes from our problem-solving courts and
7 have data that proves this is an effective
8 enforcement strategy and an effective safety
9 strategy, we need other actors to continue this
10 funding, as our asset forfeiture funds are dwindling
11 and will not be replenished. The failure to fund
12 these courts would be abandoning a viable enforcement
13 and safety strategy that saves hundreds of years of
14 incarceration and enhances safety. At current
15 funding levels, Felony ATI costs approximately \$2.1
16 million per year, and the Mental Health Track in
17 Judicial Diversion costs approximately \$700,000 per
18 year. Relative to the ballooning costs of jail and
19 prison, these programs are an excellent fiscal
20 investment on top of being consistent with safety and
21 fairness. Not only do we need this funding
22 responsibility to be assumed by government, we need
23 to expand the reach of the courts. Since 2022, we
24 have more than doubled annual referrals and
25 acceptances to problem-solving courts. This has

1 brought greater fairness and safety to Manhattan but
2 has also strained existing resources. At present,
3 individuals detained on Rikers Island can wait up to
4 six to eight weeks to be assessed, and those who are
5 not detained wait even longer. This poses a genuine
6 public safety risk, as those who remain untreated
7 without receiving resources are more likely to
8 recidivate the longer they wait for treatment, and
9 those that are incarcerated in our jails languish
10 there needlessly. As our referrals and acceptances
11 grow, our system must also grow to support this
12 increased volume. Doubling the existing funding to
13 \$4.2 million for Felony ATI and \$1.4 million for the
14 Mental Health Track would be proportionate to the
15 number of people who could stabilize in community
16 with the benefit of these court mandates and
17 resources. Not only would this save the City money
18 overall, it would make our city safer. Thank you
19 very much. Thank you to the Chair and to the Council
20 for the opportunity to speak today, and I welcome any
21 questions you might have.

22
23 CHAIRPERSON SALAAM: Thank you as well.
24 So, I guess I'll open the questions up with-- the
25 Council has heard from some of the DA's offices

1
2 requesting new needs for Fiscal Year 2025. Could you
3 briefly talk about your requests and how these
4 increase in funding would increase the efficiency of
5 the justice system?

6 DISTRICT ATTORNEY GONZALEZ: Chairman,
7 I'll take a first attempt at this question. So, one
8 of the big asks of my office is money to do
9 preventative work. As District Attorney, my office
10 prosecutes the largest volume of cases in the State.
11 We do the most number of trials. We have the largest
12 population. We have a fairly large staff. But the
13 preventative work that we're attempting to accomplish
14 in the County I think is a real driver of safety and
15 has allowed Brooklyn to reduce violence especially
16 over the last few years in dramatic ways. Hundreds
17 fewer shootings in the county, fewer homicides.
18 Index crimes were down by about five percent last
19 year. Brooklyn is moving in the right direction. I
20 referenced in my written submission and in my oral
21 testimony Project Restore Bed-Stuy. The Bed-Stuy is
22 where this demonstration project was launched. What
23 it did was it followed a multi-year takedown of two
24 rival gangs who had been involved in dozens of
25 shootings and homicides, continuously shooting at

1
2 each other, endangering not only their own lives, but
3 lives of ordinary Brooklynites. After the takedown
4 was done, we went into the community. We held a town
5 hall and we asked the community for what solutions
6 they would like to see to make sure that this
7 violence does not continue. They came up with the
8 outline of Project Restore. That outline was
9 preventative in nature. We engaged a restorative
10 justice group, community-based organizations,
11 violence intervention individuals, and we went on in
12 full participation with NYPD and the Mayor at the
13 time, engaged in Project Restore Bed-Stuy. The long
14 and short of it is, looking at that program we saw an
15 over 40 percent reduction in violence in the
16 catchment areas where this program ran. Of the 30
17 men who participated, only two were arrested during
18 this 15-month cycle. I should say that these 30 men
19 who participated in the program were identified in
20 the New York City Police Department as being most
21 likely to engage in acts of violence, in particular
22 shooting violence. And so this program, I think,
23 goes a long way into doing a few things which is
24 shrinking the footprint of our justice system, making
25 sure that we're not just prosecuting cases, but we're

1
2 actually saving lives by having preventative
3 solutions. It also increases public safety. Very
4 clearly, these men were men that would have cycled in
5 through the system, but did not because they had the
6 internships, the jobs to go to, the services that
7 were working towards their betterment. And I'm going
8 to say that during the course of the 15th month
9 program-- and I believe Council Member Rita Joseph in
10 the great borough of Brooklyn was there when we had a
11 legislative breakfast. The remarkable change that I
12 witnessed in these young men, men who were
13 traditionally lost, had no purpose in life, had gone
14 through a transformation and are no longer some one
15 that I think are threats to our public safety. The
16 program had not only a public safety improvement for
17 our community, but really had a transformation value
18 to these young men's lives, and I ask that, you know,
19 the City Council really work with me to get
20 continuing funding through OMB to support these
21 initiatives not just in Bed-Stuy but in other parts
22 of the county where we really need this. We selected
23 Bed-Stuy because we had seen the rise in shootings
24 there, and after this 15-month demonstration project,
25 shootings were down, you know, like I said, by more

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2 than 40 percent. And so we are thinking that this is
3 exactly the kind of work that the City Council would
4 want to invest in, work that is preventative, work
5 that prevents needless bloodshed in our city, and
6 yet, also moves people from potential-- you know,
7 people who are going to wind up in prison to
8 productive citizens.

9 DISTRICT ATTORNEY MCMAHON: And if I
10 could just add, Mr. Chairman, that I think one-- you
11 know, we're six different people. We come from
12 different boroughs and of course the Special
13 Prosecutor across the City, but I think one thing,
14 one thread that was common through everyone's
15 testimony is the efforts that we're undertaking to do
16 more diversion, to do more problem-solving work.
17 That's-- there are other requests that we have, but
18 that's one thing that I think is really interesting,
19 because we all see no matter how we came to this
20 position, we see that the way that we can be most
21 impactful is not prosecuting crime but preventing
22 crime, and the tool that we have is to use these
23 pathways to justice, the alternatives to
24 incarceration that are tools that are available to
25 us. In Staten Island, and I know it maybe defies

1 expectations or preconceived notions, but in 2018 out
2 of close to 9,500 docketed cases, three percent
3 received offers of diversion. In 2023 when we had
4 over 8,000 docketed cases, 33 percent are receiving
5 these offers of diversion. What we need, though, is
6 what's on the other side, these programs, the ability
7 to partner with organizations, and that's where
8 funding and maybe even a citywide, you know,
9 diversion or whatever the right name-- alternatives
10 to incarceration initiative would be extremely
11 helpful, because we see it incredibly so with all of
12 our cases. It's really apparent in our youth cases.
13 So, in Family Court, the Family Court judges really
14 have a dearth of programs that they can connect
15 people to, and so that sort of other side of it, of
16 where-- okay, we want to divert more people. We want
17 to be more preventative, but how do we do it? For
18 us-- because that's where the community justice
19 center request comes in as well, but it's all part of
20 that same, if you will, perspective or orientation
21 that we're trying to take our offices to, but we need
22 the places to go. If I put someone in diversion who
23 has a particular need and I have no program-- and for
24 us in Staten Island it's especially acute because
25

1 there are many citywide programs that the
2 Administration and the Council fund that have no
3 presence for us on Staten Island. We can get into
4 the specifics, but I think across the board, I think
5 you heard from each one of us a desire to do this for
6 Mental Health Treatment Court, Drug Treatment Court,
7 our Hope program, our Ripples of Hope, it's all sort
8 of the same idea.

10 DISTRICT ATTORNEY CLARK: I would just
11 say, as I began my remarks is that I wasn't
12 necessarily asking for more funding for my office.
13 I'm using platform today to ask for more resources
14 for the Bronx in general. The criminal justice
15 center, the Rape Crisis Center, more programming,
16 work development for our young people, mental health
17 courts and resources, and things of that nature.
18 There was one-- there is one financial ask, and that
19 goes back to what was allotted to us by OMB last year
20 where they gave us funding in November for 70
21 positions which came out to \$6 million, but there was
22 a technical error in their math, so they shorted us
23 \$3 million, so we're asking for the \$3 million back.
24 Alright, so that's it. But otherwise, you know,
25 we're thankful for the funding that we have. We're

1
2 using every tool in our toolkit to make sure we do
3 everything to prevent violence and crime and people
4 going into the criminal justice system, and with
5 those resources going into the community, investing
6 in communities we will continue to see the change.
7 Our numbers are high. We lead the City, but we have
8 seen declines, but to me, a little decline is not
9 enough. I want to see eradication of crime, and I
10 want to do all that we can to have alternatives to
11 violence, not just incarceration to violence.

12 DISTRICT ATTORNEY KATZ: So, I mean,
13 you've heard that yes, as DA McMahon said, there's a
14 common thread. For every dollar that we spend on
15 keeping people out of the criminal justice system, we
16 don't have that money to spend on prosecution, and
17 the truth is, the more money we spend keeping people
18 out of the criminal justice system, the less money
19 we're going to need on the prosecution. So it
20 actually works very well together. I do think things
21 like Project Reset, the pre-arraignment diversion
22 programs, having an immigration lawyer, getting guns
23 off the street-- you know, it's not just about the
24 diversion and restorative and rehabilitation programs
25 which we have an abundance of, especially-- you know,

1 I only know my borough-- and we do that all the time.
2 It's also about getting the guns off the street.
3 It's about doing gun buy-backs where we got almost
4 450 guns off the street. It's about being the most in
5 the city that we're getting the ghost guns off the
6 street. We have the highest amount of retrievals of
7 ghost guns throughout the City. That means that the
8 guns aren't there to buy, and if we attack the market
9 for the guns like we are all doing in our diversion
10 and in our rehabilitation programs and our
11 restorative justice programs and our youth programs,
12 then we hit it from the market side as well. And
13 that's extremely important when it comes to criminal
14 justice. It's extremely important when it comes to
15 lowering the rates of prosecution. Thank you.

17 BRIDGET BRENNAN: Just very quickly. Our
18 office had one funding request that wasn't a capital
19 request, and that's to pay for two social workers two
20 work in an ATI program, and that will facilitate the
21 movement of the cases through the system.

22 CHIEF ASSISTANT DISTRICT ATTORNEY REISS:
23 And the same for Manhattan DA's Office, resources for
24 our problem-solving courts so we can expand and take
25 more cases and have them move more quickly.

1
2 CHAIRPERSON SALAAM: So, does the
3 Preliminary Plan provide all the resources your
4 offices need to meet the demands of discovery reform?

5 And in addition to that, what additional resources
6 would you need to be provided to meet these demands?

7 DISTRICT ATTORNEY MCMAHON: We-- I think
8 we're sort of happy to report-- well, there's a
9 history there, and it's a very excellent question.
10 We were almost looking to shut down our offices. I'll
11 speak for myself. We were almost looking to shut
12 down because a year ago we were facing an incredible--
13 - and that's just hyperbole, Mr. Chairman. We-- I
14 was face-- because of the demands of discovery
15 directly linked, we had an attrition, an exodus of
16 ADAs from our office of about 34 in a little over a
17 half a year last year, 34 percent, and I only have
18 80-- roughly 75 to 80 ADAs. So that's how many left
19 to go to other city jobs, in particular government
20 positions, the courts, because the pay was so low
21 relative to all other agency attorneys and the
22 workload was immense. The Governor and the State
23 Legislature did give us funding to increase the
24 salary of assistant district attorneys, number one,
25 and that-- since then I've lost one assistant since

1 August, roughly-- and extra money for support staff,
2 discovery specialists as well. The City, in the
3 November Plan, I wasn't as fortunate as the Bronx,
4 but we also received some funding for extra staff.
5 so, at this point in terms of the funding to deal
6 with the discovery issues, it's still an issue, the
7 discovery laws themselves, but that's mainly a
8 discussion for the State Legislature, but in terms of
9 the staffing at least in our case in Staten Island,
10 it's not so much the issue currently because the
11 Governor stepped in and helped in the funding area.

13 DISTRICT ATTORNEY CLARK: Yeah, I think
14 that's the answer for all of us. We did finally
15 after years since the laws changed and it was an
16 unfunded mandate for so long, we have finally
17 received funding, and we're working our way in and
18 spending it and making sure that we use it to be most
19 effective in order to protect the cases, you know,
20 that we're prosecuting. A lot of it was losing
21 staff. I think probably out of everybody I left the
22 most staff. So I have been able to raise the salary.
23 My number one priority for the last eight years I've
24 come before this council asking for parity, making
25 sure that I could pay the lawyers to do the work. So

1
2 I've been able to raise those salaries. We've been
3 able to get money for technology now. Those are all
4 the things that are going to be able to help us. So,
5 thankfully we have that now. We're working through
6 it, and I think that it's going to make a significant
7 difference. Not that there still shouldn't be some
8 tweaks to the law, but that's something different.
9 But I'll take the money and we're going to use it the
10 best way we can to make it the most effective as
11 possible.

12 BRIDGET BRENNAN: Special Narcotics is in
13 a slightly different position. We were not on the
14 aid to prosecution grant, the state grant that funded
15 the DAs. We have a separate grant which wasn't
16 funded. Again, I think it was an oversight. We have
17 alerted OMB to this, and if we have issues because of
18 the lack of that resource that the DAs got-- since
19 our attorneys are employees of each of the DAs
20 offices, and they set the salaries for our attorneys.
21 So, if they raise the salaries, it has to come out of
22 our budget, and if we weren't funded for it, we could
23 have a problem. And if we do, we alerted OMB and
24 we'll work with them on that issue. Thank you.

1
2 DISTRICT ATTORNEY GONZALEZ: Chairman, we
3 in Brooklyn indicated that we're asking for \$6.5
4 million. The current funding that we have is an
5 expiring source. And so just kind of alerting that
6 while this fiscal year there's funding that is not--
7 you know, there is no continuation of that source.
8 So, to answer your question, I think \$6.5 million is
9 the request for Brooklyn, and non-expiring so we can
10 continue to hire and to have the staff to do the
11 discovery.

12 CHAIRPERSON SALAAM: So, I guess that
13 leads me to the next question that you all have been
14 talking about in terms of retention, retention and
15 hiring. You know, does your office face issues with
16 retention and hiring, and does the Preliminary Plan
17 provide it, provide your offices with sufficient
18 resources to retain and hire staff?

19 DISTRICT ATTORNEY CLARK: Again, we have
20 the resource and I was able to raise the salary, so I
21 think that's going to help me retain the ones that I
22 have. Recruitment is a big thing. I am personally on
23 the road constantly going to law schools, visiting,
24 meeting with deans across the country in order to
25 convince new lawyers, those graduating from law

1 school, that prosecution is a noble choice and work
2 to do. And because as 21st century prosecutors,
3 we're doing it differently than we did back in the
4 day. I mean, I started in 1986 when it was nail 'em
5 and jail 'em, and that's all we did. And from
6 listening to all of us here today, you can tell that
7 we are doing this work so differently. And you, Mr.
8 Chairman, of all people know firsthand through your
9 lived experience that this is not the same kind of
10 prosecutors that were in office when you went through
11 the things that you experienced. So, I'm happy that
12 I can say that, and we are committed to making sure
13 that we do it in the right way, that we have public
14 safety and fairness at the same time, and we're using
15 the budgets in order to do that. So the money is
16 helpful for me to go out and do my recruitment.
17 Every single person in my office is charged with
18 making sure that we bring in people that share the
19 vision that we have for public safety and to pursue
20 justice with integrity.

22 BRIDGET BRENNAN: Again, Special
23 Narcotics is a little different because we can't hire
24 our own attorneys, and if there's a shortfall in the
25 DA's offices, obviously they're not going to staff us

1
2 to the degree that we may need attorneys. So, we've
3 had significant attrition among lawyers, and so our
4 staffing is pretty stretched right now in terms of
5 legal staff. Our non-legal staff is a problem in
6 terms of some of the more high-level IT people. It's
7 hard to hang on to them, too.

8 CHAIRPERSON SALAAM: So, I want to maybe
9 pass it to other members.

10 COUNCIL MEMBER HOLDEN: Thank you, Chair,
11 and thank you all for your testimony. It's eye-
12 opening to say the least. This morning we had Police
13 Commissioner Caban, he mentioned in his testimony--
14 he said looking back to 2017, 30 percent of our total
15 youth arrests were for a major felony. Today, that
16 number has more than doubled to 62 percent, and over
17 that same period, the percentage of youth gun arrests
18 has more than tripled. In the five years from 2017
19 to 2022, the number of juveniles who identify as
20 shooters jumped 156 percent. This was all, you know,
21 very depressing. You know, we're headed in that
22 direction, and also he went on to say when we drill
23 down even further we see that one in four young
24 people arrested with a gun in 2020 were involved in
25 another shooting incident within two years, up from

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2 less than one in ten prior in 2018. So, I think you
3 have a handle on this. All the DAs would have a
4 handle on this as to why this is happening. I think
5 the Commissioner mentioned-- and by the way, it's
6 also the victims of guns, also our youth, as you
7 know. But he-- Commissioner said something very
8 troubling. He says the gangs are actively recruiting
9 members, because of some of the laws that were
10 passed, you know, a few years ago. Do you all see
11 that happening? Is that-- because that's-- and how
12 do we combat that? How do we address the recruitment
13 of younger people with guns in these gangs? I know
14 that's a tough question, but a few questions.

15 DISTRICT ATTORNEY MCMAHON: No, for sure.
16 And in my testimony I highlighted how in Staten
17 Island we are seeing a dramatic increase in juvenile
18 arrests in gun cases amongst juveniles and victims as
19 well, right? So let's say-- the year before I had
20 one shooting involving a juvenile, and just last
21 year, 11 with four deaths.

22 UNIDENTIFIED: [audience yelling]

23 CHAIRPERSON SALAAM: We're just going to
24 pause for a moment.

25 DISTRICT ATTORNEY MCMAHON: Yep.

1
2 CHAIRPERSON SALAAM: For the disturbance
3 to pass.

4 COUNCIL MEMBER HOLDEN: Sergeant, could
5 we close the second door out there? So we can get
6 this hearing-- sorry, Chair.

7 DISTRICT ATTORNEY MCMAHON: Okay, and so
8 the way we see it-- so we've seen this dramatic
9 increase as well, and we see this using of the
10 younger people as mules or carriers for the guns by
11 the older ones, and then you see also many young
12 people who are carrying knives or pepper spray or
13 guns, not so much because they are using them, but
14 because they feel they have-- they're in an
15 environment where they need it for their protection.
16 So, you know, that's all there. And for us, the way
17 we see it is that the Raise the Age laws from Albany
18 coming into effect in 2018, 2019, 2020 removed
19 accountability out of the equation when it comes
20 dealing with young people engaged in criminal
21 activity. And I want to be very clear, I'm not
22 looking to nail them and jail them or lock up and
23 throw away the key, but we do see is when a young
24 person, a 16-year-old, is arrested with a loaded gun
25 in his or her waistband, they are going to Family

1 Court. There's a dearth of services there, so
2 they're not having a meaningful connection there, and
3 they're back on the street in a few hours, because we
4 don't even see those cases, right? In my mind, that
5 young person should face some accountability and
6 receive some counseling and have a connection because
7 there is a disconnection there, and nothing's
8 happening, and that's across the board. You see
9 assault cases. You see larceny cases. Auto-- grand
10 larceny autos, car after car after car being stolen
11 and there's no accountability to try to change that
12 behavior. And that's the gap-- and I understand--

14 COUNCIL MEMBER HOLDEN: [interposing] So,
15 there's no mandatory-- so if a youth, let's say a 16-
16 year-old is arrested with a gun and the courts don't
17 have some kind of program that they could mandate
18 that this 16-year-old take some-- you know, certainly
19 some counseling and go into a program and prove, you
20 know, that-- and stay clean, you know, stay off with
21 the guns for a while. I mean, that's not happening?

22 DISTRICT ATTORNEY MCMAHON: No, it's not
23 happening, and you know, for the most part the judge
24 is not even-- you know, the records are getting
25 sealed. The judge is not even seeing that there may

1 have been prior activity, prior cases, number one.
2 And number two, when they passed the Raise the Age
3 law, I think the number was \$850 million was
4 associated with that was supposed to come down to
5 create these programs. That money never came down,
6 or less than 20 percent of that money came down as I
7 understand it. so, if you go into-- I know my Family
8 Court in Staten Island, if I go in there, the judge
9 is trying, but there's not the meaningful connection
10 and there's not the accountability with these
11 programs and the follow-through to make sure that
12 they are attending the classes, let's say, or the
13 counseling sessions or whatever would be appropriate
14 and tailored to those individual cases. In our
15 world, we have that accountability to a great extent,
16 because yes, I'll offer you a diversion, but I have,
17 you know, a clerical person kind of keeping track.
18 Yes, they were supposed to go to drug counseling on
19 Tuesday, they showed up, and eventually you report
20 that to the court and you dismiss or reduce the
21 charges. It's not happening with the Raise the Age
22 cases, and that to me is the biggest failure in the
23 Raise the Age legislation.
24

1
2 DISTRICT ATTORNEY CLARK: I think I could
3 add another perspective to this. I was DA-- of
4 course, I was in favor of Raise the Age. New York
5 and North Carolina were the last two states to raise
6 the age of criminal responsibility from 16 to 18. I
7 was in favor of that. The way the law was written
8 there was still some-- you know, there was some
9 concerns, especially with the guns. Possess-- they
10 have to display it before we could keep in the
11 Criminal Courts. So there's a difference between
12 what happens in Family Court and in Criminal Court.
13 But I could say from base-- and having spent 16 years
14 on the bench dealing with young people and when they
15 were charged as adults and not-- see, what we have
16 now is the fact that we need to revamp or do a look-
17 back now. It's been eight years since Raise the Age.
18 We need to look back, because the judges in the
19 Criminal Court that's in the youth part that has
20 these 16 and 17 year olds now can't-- are not allowed
21 to see what is happening in the Family Court. Some
22 of these same young people have been in the Family
23 Court system and they have cases pending there, and
24 they may have cases in the youth part, but the two
25 judges can't see the records in both sides. So how

1
2 can a judge really understand what needs to happen,
3 or the prosecutor know or understand what needs to
4 happen with this young person if we don't have the
5 full picture of who this kid is? And we have to put
6 the humanity back and look-- these are young people.
7 I don't want to end their lives or whatever. They
8 need second chances or whatever, but some of them are
9 lost by the time I see them that there's no
10 resources-- even in the Criminal Court I'm-- you
11 know, my hands are tied as to how much I can do for
12 them because the programs are not-- we don't have
13 enough in the criminal side, nor in the family side.
14 So what needs to happen is that all the stakeholders
15 need to come together. The State Legislature needs
16 to look back at the laws that they wrote and try to
17 fix some of these gaps, because the judges can't do
18 justice for that child or for our community if we
19 don't have the information. It comes before me in my
20 office in Criminal Court. I don't know what happened
21 in the Family Court. So, we have blinders on, and I
22 think they really have to look back at the law.
23 well-intentioned, well-intentioned, but we need to be
24 able to do the right thing for these kids to make
25 sure that we can get them on the right path, hold

1
2 them accountable, and accountability looks different
3 for each and every one of them, because they're all
4 not the same. You know, and that's what I'm teaching
5 my staff. A 14-year-old who's already out shooting
6 on a subway, you know, and they're telling me how
7 horrible the crime is, and my first question to him
8 is who is this kid and how did he get a gun at 14?
9 And then when we peel back the onion, he's been in
10 the foster care system or the parent is in prison, or
11 they're drug addicted. That kid didn't stand a
12 chance. The gangs got to him, because that's the
13 only person that's showing him love. What do we do
14 with that kid? And we need to have programs to be
15 able to deal with that. So I think that's what the
16 gap is. The Police Department is doing the best they
17 can. They're committing these crimes, and we have to
18 do something to hold them accountable, but what does
19 that accountability look like, and how are we going
20 to change their path? Because if they're already
21 carrying guns at 13 and 14 and 15, by the time
22 they're adults they're going to be in state prison if
23 we don't do something to try to correct it now. So
24 that's what I'm asking for. so when I'm asking for
25 more resources for the Bronx, I'm talking about

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2 programs for those, you know, adolescent offenders
3 who are the ones that are carrying these guns because
4 the older ones know they're not going to get in as
5 much trouble as if the adults-- the way the adults
6 are. So we really need to have a real look-back.

7 COUNCIL MEMBER HOLDEN: So-- I'm sorry,
8 Chair. There's no program right now that exists--
9 the Staten Island, obviously, DA was saying-- it's
10 mind boggling that we're not-- we're just letting
11 these kids just go out and do it again and do it
12 again and nothing's happening.

13 DISTRICT ATTORNEY CLARK: I wouldn't say
14 there's no programs, but they have to be effective
15 and they have to be funded, and sometimes we have to
16 build them. I built programs because there's a lack-
17 -

18 COUNCIL MEMBER HOLDEN: [interposing] But
19 what program? I mean, you're saying there's no
20 program. You're saying there are some programs, but
21 what works? That's what I'm asking here.

22 DISTRICT ATTORNEY CLARK: And that's the
23 study that we have to look at to really see, because
24 we don't get a-- there's not enough there. There may
25 be some there. We're working. I built one. I had

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2 to build one because there wasn't nothing there. I
3 have a gun diversion program with the Osborne
4 Association and the Fortune Society to help, you
5 know, some of these young men, the first time gun
6 offenders, things like that. But it-- you know,
7 these programs only go but so much. Kids or even
8 adults are eliminated from some of the programs,
9 because they not only possess the gun, but once they
10 fired it, a lot of programs don't want to-- they
11 don't want to take that risk. So that's-- so we need
12 to build programs that's for the first time gun
13 offenders, for ones that have actually pulled the
14 trigger, or are really involved in more than one case
15 and we see the violence. And we have to have
16 programs that's going to be able to deal with that
17 kind of kid, because a lot of the programs-- we have
18 the programs, but they don't want take that risk.

19 COUNCIL MEMBER HOLDEN: Thank you. Thank
20 you.

21 CHAIRPERSON SALAAM: Thank you. I'm
22 going to pass it to Council Member Joseph.

23 COUNCIL MEMBER JOSEPH: Thank you all so
24 much for that, and thank you. As you mentioned, no
25 program is a cookie-cutter model, right? I've seen

1 that before. I had a quick question for Ms. Brennan.
2 You said you work with New York City Public Schools
3 on fentanyl. I'm the Education Chair. I have never
4 heard of your program.
5

6 BRIDGET BRENNAN: It's not a-- I mean, we
7 get invited to speak by the Board of Ed. We're
8 working with-- what's her position? Health
9 Programming Coordinator.

10 COUNCIL MEMBER JOSEPH: Well, we would
11 love-- I would love to be engaged in that
12 conversation--

13 BRIDGET BRENNAN: [interposing] that'd be
14 great.

15 COUNCIL MEMBER JOSEPH: as the Education
16 Chair.

17 BRIDGET BRENNAN: Sure. We'll contact
18 you. Thankyou.

19 COUNCIL MEMBER JOSEPH: Sure. I have a
20 quick question for youth diversion program. How many
21 are there?

22 DISTRICT ATTORNEY GONZALEZ: I mean,
23 there are a number of different diversion programs.
24 So there are the ones that are court, I think
25 facilitated, and then there are the, you know, many

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2 community-based organizations. In Brooklyn, you
3 know, we work with many of the established youth
4 diversion programs, but then we try to work with
5 community-based organizations who are willing to take
6 on clients who have been charged criminally. So, you
7 know, probably a dozen court programs that we could
8 send people to, but you know, dozens more.

9 COUNCIL MEMBER JOSEPH: Can we rate them?
10 What's the quality of delivery? What's the success
11 rate when young people enter these programs?

12 DISTRICT ATTORNEY GONZALEZ: I think
13 they're-- a number of them are fairly efficient and
14 well-thought. I think of Exalt as an example right
15 off the top of my head of somewhere that we send
16 people and we get good outcomes. And then I guess,
17 you know, the definition of what we mean by young
18 person, right? Because there's really school-aged
19 young people and then up to 23, 26, depending on who
20 you ask. But there's a number of programs that we
21 work with in the county. We believe that those
22 programs are efficient, and I always advocate for
23 more funding for them as well.

24

25

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2 COUNCIL MEMBER JOSEPH: If we were to
3 expand, how much would it cost us for us to expand
4 those type of programming?

5 DISTRICT ATTORNEY GONZALEZ: I couldn't
6 speak to that officially, Council Member, but I know
7 that I do advocate on behalf of individual programs
8 and believe that those resources are the type of
9 resources that allow the District Attorneys to
10 continue the fight for safety and fairness.

11 DISTRICT ATTORNEY CLARK: Councilwoman, I
12 would love for the City to do a review of the
13 programs. Let's do a study on that. How many
14 programs are there--

15 COUNCIL MEMBER JOSEPH: [interposing]
16 That's what I'm getting at.

17 DISTRICT ATTORNEY CLARK: Can we-- can we
18 evaluate them and see if they're producing. Because
19 there's a lot of times that money is given out. Like,
20 there was \$800 million allocated, only \$270 million
21 spent, but where did it go? And the programs that
22 are there, what are they doing? I mean, we have--
23 you know, not only do we have the community-based
24 organization and the court has mandates, the
25 Department of Probation is responsible for a lot of

1 these things, etcetera, etcetera, but we need to
2 evaluate them. I mean, everything that we do, we
3 need to evaluate. The answer is always just throw
4 money out there, but you throw the money out there,
5 but if there's no accountability, then what is the
6 point? It's the-- you know, it's a waste of the
7 money. We work with the Cure Violence group. I know
8 they stand in the gap.

9
10 COUNCIL MEMBER JOSEPH: Right.

11 DISTRICT ATTORNEY CLARK: And they do a
12 lot of things, but we need to make sure they're
13 trained properly, that they're doing it right,
14 because it's risky. They're standing in that gap, but
15 if we're giving them money, let's make sure that
16 they're spending it wisely and that we see some
17 results. You know, we want to see positive results.
18 These numbers keep going up, which means there's a
19 disconnect somewhere.

20 COUNCIL MEMBER JOSEPH: correct, correct.
21 And that's exactly what my colleague had alluded to
22 earlier, because we're seeing trends in young people
23 going into juvenile detention. I just did a hearing
24 last year, and I saw the numbers. As the Education
25 Chair and along with Criminal Justice, we're seeing

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2 the numbers going up. We want to know where do we
3 stop these numbers? What is missing? Where do we
4 put the resources? We have to put the resources in
5 the right place, right? Like, as you said, we can't
6 keep throwing money at the problem, but we need to
7 really find solutions for the problem. I know
8 Gonzalez, DA Gonzalez, your Criminal Justice
9 Ambassador Program at Columbia is a great model. How
10 do we expand that more into seeing young people who
11 used to pick up guns that are now students at
12 Columbia University? So there's a pathway. As we
13 have to study-- when I was an educator, right, two
14 decades-- data drives my instruction, so data has to
15 be able to inform our decisions and also our policy-
16 making. So how do we capture that data as DA Darcel
17 said? How do we capture that data, improve the work,
18 and expand it? We can't just keep expanding and
19 throwing money at programs without having to evaluate
20 the program.

21 DISTRICT ATTORNEY GONZALEZ: So, in
22 Brooklyn we are working with both Columbia University
23 who is going to do a look at our programming, but we
24 also have an outstanding-- our gun diversion program
25 is being evaluated by NYU, and so we expect to be

1
2 able to report on that in short order to be quite
3 honest. But in general, continuing to work with the-
4 - any kind of group that is working to prevent the
5 recruitment of young people into gangs. I know that
6 when I look at my county and I look at shooting
7 violence in particular, nearly 60 percent of those
8 shootings are related to gang violence. And so if we
9 wanted to dramatically reduce gun violence in the
10 county and the use of young people to carry out these
11 crimes, we have to really try to prevent these young
12 people from being recruited into-- in gangs. And a
13 lot of the work that we've done in Brooklyn is around
14 exactly that. This is a very complicated issue,
15 because if you live in certain parts of my county,
16 you have to have some affiliation or membership to
17 safely get to one block to another block. You have
18 to be part of it in certain housing developments. So
19 to say that we have to eradicated gang involvement
20 is, you know, a very complicated solution, but we
21 have to be very clear-minded that the solution to a
22 lot of our young-- justice-involved young people are
23 centered around this gang life, and so we need to
24 have solutions to that. And I'm happy to show you
25 what, you know, the studies in my office show. But

1
2 many of the young people who've been arrested with
3 guns in my office when they speak about why they had
4 a gun, it's because they're personally afraid of
5 being shot at by a rival gang or being mistaken for
6 belonging to a gang because they live in a
7 neighborhood that is, you know, belongs to a
8 particular group. And so we have to make sure that
9 we continue to do that. I think generally that New
10 York City does a better job than some other big
11 cities in prevention of, you know, gang growth, but
12 we have to do more, and I think that DOE has a big
13 role to play in that as well.

14 COUNCIL MEMBER JOSEPH: And that's why I
15 want to be a partner in this work.

16 DISTRICT ATTORNEY MCMAHON: Council
17 Member, can I just add that--

18 COUNCIL MEMBER JOSEPH: [interposing]
19 Sure.

20 DISTRICT ATTORNEY MCMAHON: Part of that
21 conversation has to be the corporation council as
22 well and maybe data from them, because you know, when
23 the case leaves us, they take over the-- use the word
24 prosecution, I'm not sure what the right verb is
25 there. You know, the adjudication-- thank you-- the

1 adjudication of the case. And so I would be asking
2 them, okay, give me the identified data on, you know,
3 cases outcomes, connect-- could be identified just by
4 headcount they could, I think. I would ask them. I
5 don't know if the law allows it or not, but certainly
6 they would have a lot of it, because you understand
7 once the case is identified as a Raise the Age case
8 and it's not a very select few cases, then they go--
9 we don't touch them. We don't know anything. We
10 don't know the outcome until we see those individuals
11 back on our end of the criminal justice system. So
12 they--

14 COUNCIL MEMBER JOSEPH: [interposing]
15 Well, that's exactly--

16 DISTRICT ATTORNEY MCMAHON: [interposing]
17 I would make them part of the conversation as well.

18 COUNCIL MEMBER JOSEPH: that's exactly
19 what DA Darcel just said, no one is talking to each
20 other. All of the stakeholders-- exactly.

21 DISTRICT ATTORNEY CLARK: Law we're not
22 allowed to discuss it. That's how the law is written
23 that they-- they put walls up so we couldn't. I
24 mean, it's a well-intentioned law, but I think that
25 they thought that if the DAs had that information

1
2 we're going to do more to punish them, and it's just
3 the opposite. Like, if I had the information, I'd be
4 better informed as to what I need to do for that
5 particular child, because they're children still, you
6 know?

7 COUNCIL MEMBER JOSEPH: Correct.

8 DISTRICT ATTORNEY CLARK: But they're
9 committing serious crimes that we have to put a stop
10 to it, but the law prevents us from being able to
11 really explain-- understand.

12 COUNCIL MEMBER JOSEPH: DA Katz?

13 DISTRICT ATTORNEY KATZ: Hi Council
14 Member.

15 COUNCIL MEMBER JOSEPH: Hi.

16 DISTRICT ATTORNEY KATZ: So, I also think
17 it's important to note that, you know, there's also
18 opportunities before the young people ever end up in
19 the criminal justice system to begin with and before--
20 - I know you had a busy day. We were talking about
21 the fact that like-- so on my staff we have a youth
22 director and his sole responsibility is to go into
23 the school and to the community councils and to civic
24 organizations to talk to mothers and fathers and
25 parents and caregivers who need help with their

1 children. We have internship programs. We have
2 Explorer programs. We have all of these programs
3 that we are doing in the community to make sure that
4 they never end up in the criminal justice system to
5 being with if that's possible. Then you get to
6 someone who does do something. We have pre-
7 arraignment diversion that we work with, you know,
8 the Court of Justice Innovation, right? So we have
9 over 500 people, a lot of them young people who end
10 up getting diverted before they even get to the
11 arraignment. We completed about 300 of those cases
12 last year. Then once they're in the system, vetting
13 those DATs, especially mostly misdemeanors, and also
14 gun cases for diversion is an important step as well.
15 So, I think it's important, and one thing you've
16 heard from a lot of us here today is the holistic way
17 of looking at the criminal justice system. It has to
18 start when they're very young. It has to start, I
19 think, before they even end up in the criminal
20 justice system. And so you hope that you catch folks
21 along the way, but it's not an easy catch, and then
22 once they're in our system hope-- you know, the
23 diversion programs quite honestly in my office it's
24 had great effect and great success. We started a gun
25

1
2 diversion program a few years ago. We vet them,
3 anyone up to the age of 24 years old, 18 to 24,
4 because 16 and 17 aren't really in our parameters if
5 they didn't shoot, if they just possess. So I think
6 it's important to catch-- my point is to catch people
7 every step of the way, especially when they're young.

8 COUNCIL MEMBER JOSEPH: Thank you, Chair.
9 Thank you so you much.

10 CHAIRPERSON SALAAM: so my next question
11 is-- DA McMahon testified that 33 percent of cases in
12 Staten Island were offered an alternative to
13 incarceration. Can the other boroughs state what
14 percentage of their cases were offered diversion
15 programs? And also, how much funding has each of
16 your offices allocated for alternatives to
17 incarceration?

18 BRIDGET BRENNAN: I don't think I have
19 those numbers off the top of my head, but we can get
20 back to you with that information.

21 DISTRICT ATTORNEY KATZ: I don't either
22 have them handy at the moment. I can only tell you
23 that every single DAT that comes through is vetted
24 for alternatives to incarceration and programming.
25 Apparently we're getting the numbers.

1
2 DISTRICT ATTORNEY CLARK: And I'll have
3 to get back to you with those numbers as well. What
4 we do-- alternatives to incarceration-- I started a
5 Community Justice Bureau just for that to make sure
6 that we could do those things, but what we also do
7 because we don't run the programs, you know, so it's
8 through the courts. We offer it. They-- you know,
9 they can or cannot accept it. And you know, we've
10 had success. I mean, I did build one, the Gun
11 Accountability program with Osborne, so we've seen--
12 it's started as a pilot. We've seen great results
13 with that and we're building on that, and the Fortune
14 Society is helping with us as well. But we also-- I
15 personally write letters of support for Osborn and
16 Fortune and CJI for Reset, Hope. We have a Driver
17 Accountability program. We have Common Justice, Safe
18 Horizon, Bronx Legal Services. So all those CBOs we
19 make-- I make sure that I write letters of support
20 when they're looking for funding and grants, that I'm
21 supportive of that, because we use their services in
22 order to make sure that we can provide those
23 opportunity for people that get-- but the exact
24 number, I would have to get back to you.

CHIEF ASSISTANT DISTRICT ATTORNEY REISS:

So, for our indicted felonies, approximately 25 percent of our indicted felonies are going to a problem-solving court and are pending in a problem-solving court, and then our misdemeanors, I can get back to you on the exact numbers, but I can tell you on our DATs we just implemented a new strategy called Rapid Reset which has-- which I think you've heard some of the fellow DAs speaking about which was a-- Project Reset was created several years ago and funded by MOCJ which was outreach to people that were given a desk appearance ticket to do some type of connection to services, meaningful engagement, and not have to come to court. However, there have been many, many difficulties. About 30 percent of the total population of DATs were able to make connections for a variety of people-- people being unhoused, not having cell phones, not feeling comfortable giving contact information to law enforcement. So there wasn't-- the connection wasn't being made. So we've implemented sort of-- on the continuum, if you're not reached in the community before returning to court, we've actually connected pre-arraignment when they do come to court.

1
2 Surprisingly people are returning to court when they
3 must appear for their desk appearance ticket, and the
4 number of cases that we've now connected and been
5 able to divert with deferred prosecution under Rapid
6 Reset-- which we started the end of November-- is
7 about 50 percent of the DATs. So the number I need
8 to get back to you on is the online misdemeanors and
9 what our diversion rates are there.

10 DISTRICT ATTORNEY MCMAHON: In terms of
11 budgeting, just sort of an example-- so in our office
12 I have-- I'll get you the exact number, but it's a
13 staffing issue, right? How do I dedicate personnel
14 to this? So we've got 12 people that are in the ATI
15 unit that we created last year that's ADAs, a social
16 worker, paralegals, a coordinator who tracks the
17 cases, and out of our budget we gave about a million
18 dollars to our program supporters. So that's the
19 YMCA, EAC, Staten Island Partnership for Community
20 Wellness, the Staten Island PPS, a few others that
21 are providing the programs that we're connecting to.
22 So, I'll get back to you with the exact budget
23 numbers.

24 DISTRICT ATTORNEY KATZ: Mr. Chairman, my
25 staff is reminding me that we also vet all the

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2 misdemeanors and felonies for diversion as well. But
3 I would like to apologize. I have to speak in Queens
4 at 6:30 and I thought I had allocated enough time.
5 It's probably going to take me longer than that to
6 get back to Queens. So I do have staff here if
7 there's any other further questions, and if you'll
8 excuse me I'd appreciate that.

9 CHAIRPERSON SALAAM: Absolutely.

10 DISTRICT ATTORNEY KATZ: Thank you.

11 DISTRICT ATTORNEY GONZALEZ: And Mr.
12 Chairman I would say that in Brooklyn we've had a
13 very proud history of being a place that offers
14 diversion regularly on our cases. We've seen a
15 decrease in the number of participants who choose
16 diversion. I think there's a number of reasons for
17 that. One has been in the past, a lot of people have
18 chosen to enter into treatment or a diversion
19 programs because they had bail set against them, and
20 now that, you know, they're no longer detained, they
21 choose to go forward with their cases. There's also
22 less involvement in early diversions because of
23 discovery reform. In the past, people were more
24 interested in resolving their cases, but with
25 discovery since there's a chance that cases will get

1 dismissed, especially in the misdemeanor court, there
2 are less takers for diversion. Nonetheless, last
3 year in Brooklyn we completed 5,537 cases that were
4 successful in our diversion processes, and I will get
5 back to you the total number of diversion that was
6 offered. But like Queens said, in virtually every
7 case, you know, there's an examination of whether or
8 not diversion is appropriate or not appropriate, and
9 then a majority of cases in the county there is, you
10 know, some offer made preliminarily before the case
11 proceeds to diversion, especially in Criminal Court.

12
13 CHAIRPERSON SALAAM: I'm going to pass it
14 to the member.

15 COUNCIL MEMBER HOLDEN: Thank you. I
16 just have a question on those illegal pot shops that
17 are popping up or have opened. For instance, I have
18 a legal shop, my first one in the district, and on
19 the same block there's four illegal places. And we
20 went in with the Sheriff a couple of weeks ago, and
21 we closed three of them. what we found-- I mean, I
22 knew they existed, I just had no idea how blatant,
23 how right out in the open, they had pot displayed,
24 but they had mushrooms, psychedelic drugs, other
25 things, and I-- you know, and the Special Prosecutor

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2 you could probably tell us what-- I mean, there's
3 obviously fentanyl in some of those things, possibly,
4 we don't know because they're packaged on the
5 location. They have the-- they have like sort of
6 these bags that look like they're for kids, and some
7 child could certainly ingest it if it's there. What
8 these Sheriff's people were telling me that if you
9 took some of these mushrooms, you might be
10 incapacitated for two hours, two and a half hours.
11 And what I'm concerned is so many of these illegal
12 shops, we can't close them. By the way, we closed
13 them one day and they're opened again, and that's
14 frustrating to any law-abiding person, especially
15 once-- a Council Member who wants to keep the
16 community safe. When I got these guys-- and you see
17 them pulling up at all different hours, getting in,
18 going into those places. One place was totally-- it
19 was totally about pot and drugs, nothing else, no
20 bodega on the side. That's all it was, blatant drug
21 sales, illegal, and they had a place to get high, a
22 lounge down in the basement. Now, how is that making
23 the community-- you know, how is the community
24 supposed to, you know, really put up with this
25 because obviously when these guys are getting out

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2 they're stoned and their driving. We don't know how
3 to even test somebody for smoking pot, much less how
4 do we test them for when they're driving under the
5 influence of mushrooms? So, where are we headed with
6 this? We have to come up with a solution, and I know
7 your offices are trying and the Special Prosecutor.
8 But how do we give you more power to close these
9 place and to close them permanently?

10 BRIDGET BRENNAN: I kind of have to bag
11 off on that. In that-- those are not narcotic drugs,
12 and so the jurisdiction of our grand jury allows us
13 to look at those cases sometimes in Manhattan,
14 because the grand jury has jurisdiction there, but
15 citywide, if you had fentanyl or narcotic drugs in
16 there, then we would have jurisdiction over it. We
17 haven't per say seen that. More likely it's the
18 mushrooms and the psychedelic drugs which are
19 controlled substances as opposed to narcotic drugs.

20 COUNCIL MEMBER HOLDEN: So, it's not
21 under your jurisdiction at all?

22 BRIDGET BRENNAN: No. Sometimes we see
23 fentanyl dealers using those spots as stash spots,
24 but it's not clear that it's with the consent and
25

1
2 that the ones running the spots are actually
3 involved.

4 COUNCIL MEMBER HOLDEN: so, what could we--
5 - how can we empower the DAs to deal with this or can
6 we? Or do you--

7 DISTRICT ATTORNEY CLARK: [interposing]
8 The law has to change. It's been decriminalized.
9 Like, we do crime, and it's-- you know, the
10 violations that you're talking about are all civil
11 violations. That's why the Sheriff is involved. The
12 Office of Cannabis Management, they have to have more
13 enforcement. And the process has to be shortened.
14 Like things take forever. When you talk about Civil
15 Court, we're trying to get people evicted and things
16 like that, it takes forever. Yeah, they shut them
17 down, but like you said, it could turn around and
18 open back up. So, everybody's so used to us being the
19 ones to do that. Like, we don't have that power
20 anymore. I have my Civil Litigation Bureau that's
21 looking at it, but it's a real process in order to
22 make sure. Look, this should be all about
23 compliance, like you said. You have a legal one on
24 the block. The state needs to work faster and better
25 and more effectively, and I heard the Governor's

1
2 looking at his now, to make sure that people are in
3 compliance. It should be about compliance. Help
4 them get the licenses so that we could make sure that
5 what they're selling is--

6 COUNCIL MEMBER HOLDEN: [interposing] But
7 you get involved when they get behind the wheel.

8 DISTRICT ATTORNEY CLARK: Yeah, but like
9 you said, there's no test yet for marijuana use or
10 whatever. The police can't stop people because they
11 smell weed--

12 COUNCIL MEMBER HOLDEN: [interposing] So,
13 you--

14 DISTRICT ATTORNEY CLARK: coming out the
15 car and they're driving. All of that is gone.

16 COUNCIL MEMBER HOLDEN: So you haven't
17 prosecuted for driving under the influence of
18 mushrooms or psychedelics or pot?

19 DISTRICT ATTORNEY CLARK: No.

20 COUNCIL MEMBER HOLDEN: No.

21 DISTRICT ATTORNEY CLARK: We don't, no.
22 There's no--

23 COUNCIL MEMBER HOLDEN: [interposing] And
24 we know it's happening.
25

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2 DISTRICT ATTORNEY CLARK: It's not like
3 alcohol, there's a test. They don't have-- but
4 drugs, narcotic drugs, controlled substance, yes.
5 Marijuana is not in that category.

6 DISTRICT ATTORNEY GONZALEZ: I would add
7 that one issue that I've raised with the State
8 Legislature is that the current laws around
9 marijuana, it's changed and now the District Attorney
10 has to prove the pure weight of the THC, which is an
11 impossible standard. So what that means is-- you
12 know, before their changing the law, it was the
13 cannabis, the marijuana was collected. It was dried.
14 It was weighed by the Police Department and that was
15 the weight, and so if there was going to be a charge
16 of possession of over five pounds, it was dependent
17 on the weight of the marijuana. What the law has now
18 said is the parts of the cannabis that no longer can
19 get someone high, you know, the twigs, the seeds, the
20 things like that have to be separated and only the
21 part of the marijuana plant that can actually get
22 someone high can be weighed and they call that the
23 pure weight. That's an impossible standard. The lab
24 is not able to do that. If you can imagine pounds of
25 marijuana, someone picking through to try to take out

1
2 all the pieces that are not doing-- so it's not being
3 done. It means that it's almost impossible in my
4 county to bring a weight count for marijuana
5 cannabis. It's been raised to the State Legislature.
6 I know Senator Kruger [sp?] has some bill to try to
7 deal with that, but it's-- you know, it's one of the
8 enforcement paradoxes, because even if you get a
9 truck full of marijuana who's shipping it illegally
10 from California in violation of all of our laws, the
11 chance of, you know, having a case that's more than a
12 misdemeanor is very slim.

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

15 DISTRICT ATTORNEY MCMAHON: Can I just
16 say about driving under the influence of marijuana.
17 We can prosecute it, but we need the drug recognition
18 experts from the Police Department to sort of be on
19 scene, because they can make a visual observation and
20 make a determination, but their training that someone
21 is under the influence, they are few and far between,
22 and that's a question for the Police Department. I
23 think maybe there are 12 or 13 in the whole City.
24 Staten Island gets one every so often. So, you know,
25 in reality, DA Clark is absolutely right, it is

1 almost never prosecuted, but it could be, and maybe
2 it's a question for the PD where they train more
3 people, because you drive on the roads in Staten
4 Island it's wafting into car from the next car. So
5 people are doing it and it's going to-- it's leading
6 to a dangerous situation.

8 COUNCIL MEMBER HOLDEN: Thank you.

9 CHAIRPERSON SALAAM: So we are almost
10 there. This probably will be my last question. It's
11 a three-part question. The NYPD Commissioner Caban
12 testified that despite his Department's efforts,
13 there's little accountability on the back end after
14 they catch a suspect in the act of committing a
15 crime. NYPD says this lack of consequences is
16 furthering growth in recidivism by smaller numbers of
17 people who he called career criminals. So my
18 question is, do you agree with this perspective, and
19 what are the types of offenses that make up-- what
20 are the types of offenses that make up much of
21 recidivism, and what does your office see behind it
22 from data and information from your prosecutors?

23 DISTRICT ATTORNEY GONZALEZ: I'll give it
24 a shot. In terms of what we see in, you know, career
25 recidivism-- recidivists-- you know, we've used the

1 term in our office high utilizers. People who have,
2 you know, 50, 60, 70 arrests and prosecutions, they
3 come in and out of the system. Traditionally, they
4 are engaged in low-level offenses, things that are
5 misdemeanors and will not land them in state prison.
6 So they wind up getting arrested, being prosecuted,
7 and within days, weeks, or months being released and
8 go back into that system. I think that the City
9 needs to invest in solutions to that population. You
10 know, even by NYPD's own calculus, you know, 30
11 percent of a-- a very small percentage of recidivists
12 are responsible for up to, you know, 60, 70 percent
13 of retail theft. These are the people that go back
14 in and out. There's been some efforts in Albany to
15 deal with that, but the reality is, you know, when I
16 look at that population, and we look at each and
17 every one of those cases, my office very carefully,
18 you know, we see the same troubling facts which is
19 you see high uses of drugs, dependency on drugs. You
20 look at mental illness, issues of homelessness and
21 other, you know, things that sort of relate to why
22 they continue to go back and engage in that conduct.
23 Separate and apart from some of the other
24 conversations about organized retail theft, you know,
25

1 that are done strictly for profit, but these are
2 people who come in and out of the system because of
3 drug use, mental health issues, and homelessness that
4 we-- DA Clark talks about this all the time. They
5 are causing great harm in our community, but the
6 solutions to much of their problems look like mental
7 health treatment, housing, opportunities to build
8 life skills and to get job training, and to get back
9 into the market. In my office when we see a repeat
10 offender, when appropriate driven by, you know, their
11 level of recidivism and their level of harm we will
12 sometimes choose to indict them to try to force them
13 into a program, you know, whether it be a mental
14 health program or a substance use program, but those
15 are the rare cases that meet the qualifications of
16 raising it to a felony offense. We see, you know,
17 quite honestly hundreds of people who come in and out
18 of the system that are repeat offenders of low-level
19 offenses, and the only solution that we have is, you
20 know, a small jail sentence or the attempt to try to
21 place them with a community-based organization to
22 provide support and services. You know, our thinking
23 in Brooklyn is that if you build enough community
24 support around the person and have a placement, that
25

1 we may have a better opportunity to prevent
2 recidivism, but we struggle tremendously with this
3 population of high utilizers, because the fact is
4 that most of them are not housed, and without some
5 kind of basic shelter in order to continue to make
6 sure that they're getting their services, that
7 they're receiving their medication, that we're
8 keeping track of them, they get lost and the next
9 time we see them is because they've reoffended. So
10 there has to be much more infrastructure built around
11 that. we're looking in Brooklyn to do, I think, what
12 Manhattan is in the process of building which is
13 create more of mental health services at our
14 arraignment so that we can continue to keep track of
15 these individuals and continue to make sure that
16 we're getting services to them and having them take
17 their medicine so that they'll decompensate and
18 continue to commit more crime. But this is what we're
19 seeing. You know, in terms of other violent
20 offenders, the system, I think, has held them
21 accountable. We work, and you know, again, I stress
22 this tremendously because it's contrary to the
23 notion, but you know, violent crime is going down in
24 Brooklyn, and that is due to the hard work of many
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2 plyers, including the Police Department and the
3 people in my office and many of the people on the
4 ground, stakeholders who are working to prevent
5 violence each and every day. And so I am optimistic
6 that there will be a peace dividend in this city that
7 we are not going to continue to see rising crime
8 levels. But this low-level offenses, these-- the
9 random attacks on our subway are problematic, and if
10 we're seriously interested in reducing crime in this
11 city, we have to have real substantive solutions
12 involving mental health and housing. Those two go
13 together. Without that, we will continue to see this
14 low-level quality of life that is causing a lot of
15 fear and is driving away business in communities,
16 especially in our communities, communities of color.

17 DISTRICT ATTORNEY CLARK: What he said.

18 DISTRICT ATTORNEY MCMAHON: That's what
19 she said.

20 CHAIRPERSON SALAAM: The next part of the
21 question, I'm just going to ask both of them
22 together. What role do you see the availability of
23 diversion and intervention programs playing in
24 recidivism, and what's your perspective and thoughts
25 on what might it take to reduce recidivism?

1
2 DISTRICT ATTORNEY CLARK: I think it's
3 just that, dealing with the root cause of why they
4 are committing the crimes in the first place. You
5 could keep throwing police and National Guard and the
6 State Police, but if you don't deal with-- in the
7 subways that people actually are living there, and
8 that they're mentally-ill and they don't even know
9 better that they are sick and that they need help,
10 we're never going to stop this. All the police in
11 the world down there is not going to stop a mentally-
12 ill person from pushing one of those cops in the
13 tracks, right? So, we have to deal with the root
14 cause. That's where the investment needs to go.
15 We've never done it. We've never done it. The
16 answer has always been put more police in there and
17 put the DAs on it. We are not equipped to do it.
18 It's not fair. It's not our job to do what needs to
19 be done for unhoused people, for mentally-ill people.
20 That's not the police job. That's not my job, but it
21 is now because nobody else is doing it. So the City
22 needs to get real serious about putting the
23 investment in there, and looking at the laws that are
24 there that unfortunately has to make the people get
25 the treatment or the help that they need, even if

1 they don't want to do it. And you know, and it takes
2 everybody. Everybody plays a role in public safety.
3 And that includes the people, the advocates for
4 people that are mentally-ill. That's the advocates
5 for people that are homeless. That includes the
6 Defense Bar. Like, when these services are there, we
7 need to make sure that the people get the help that
8 they need, and we all play a role. I'm willing to
9 offer it every single time if it's going to stop them
10 from doing what they're doing. But if you know, they
11 want to wait me out on discovery and said don't take
12 the plea or don't take the help, the case is going to
13 be dismissed. We're not treating the problem. And
14 throwing police at it and DAs and everybody else is
15 not going to solve it. I want to help the people to
16 top them from having to go through what they're going
17 through. It's painful to watch people suffer with
18 mental illness. I have people in my family that deal
19 with it. I know how hurtful it is. I know how
20 hurtful it is to people that are suffering, suffering
21 with substance use disorder that can't stop. So
22 they're staying because of it. I have that in my
23 family as well and my neighbors. You know, I'm not
24 just visiting the Bronx, I live there with the people
25

1 every day. I know what's happening. So I think that
2 if we really want to stop it, stop thinking that law
3 enforcement is the answer and put the money into the
4 social workers and the treatment and the job training
5 and the housing. Housing the number one thing. If
6 people had a stable place to live and be able to
7 thrive, we would eliminate a lot of this. SO, I
8 think that you asking me honestly, stop making me do
9 that work. It's not my job. Let me focus on those
10 real crime drivers that are causing the harm, that in
11 spite of the treatment an everting else-- if they're
12 getting the treatment, we'll make sure we get that
13 done. But those who just keep doing it for the sake
14 of, you know, causing crime, let me deal with that.
15 That's what I need to deal with.

17 DISTRICT ATTORNEY MCMAHON: I repeat my
18 last answer. I'm with her.

19 CHAIRPERSON SALAAM: So, I guess we are--
20 thank you-- yeah?

21 DISTRICT ATTORNEY MCMAHON: Just a point
22 of personal privilege, Mr. Chairman, if I may just
23 mention, I wanted to be on the record here at the
24 City Council. Yesterday, the mighty Wagner College
25 of Staten Island men's basketball team with only

1
2 seven scholarship players and no reserves on the
3 bench took down the mighty Howard University men's
4 basketball team, and they are the only New York City
5 team and really the only regional team, I believe,
6 because we don't consider the University of
7 Connecticut part of our region here in Staten Island,
8 to be in the NCAA tournament, and on Thursday they
9 will be up against some team I never heard of, NC
10 State, and so I hope everyone will be cheering for
11 the mighty engine that could, the Wagner College
12 men's basketball team. Go Seahawks, and thank you
13 for my time, Mr. Chairman.

14 CHAIRPERSON SALAAM: Thank you as well,
15 and thank you all for your testimony. Thank you.
16 We'll briefly adjourn.

17 [gavel]

18 CHAIRPERSON SALAAM: Good evening. I'll
19 now open up for public testimony. I want to remind
20 the members of the public that this is a formal
21 government proceeding, and that decorum shall be
22 observed at all times. As such, members of the
23 public shall remain silent at all times. The witness
24 table is reserved for people who wish to testify. No
25 video recording or photography is allowed from the

1 witness table. Further, members of the public may
2 not present audio or video recordings as testimony,
3 but may submit transcripts of such recordings to the
4 Sergeant at Arms for inclusion in the hearing record.
5 If you wish to speak today-- if you wish to speak at
6 today's hearing, please fill out an appearance card
7 with the Sergeant at Arms and wait to be recognized.
8 When recognized, you will have two minutes to speak
9 on today's hearing topic. The topic is the budget of
10 the Police Department, CCRB, District Attorneys, and
11 the Special Narcotics Prosecutor. If you have a
12 written statement or additional written testimony you
13 wish to submit for the record, please provide a copy
14 of that testimony to the Sergeant at Arms. You may
15 also email written testimony to
16 testimony@council.nyc.gov, that's t-e-s-t-i-m-o-n-
17 y@council, c-o-u-n-c-i-l, council.nyc.gov, or other
18 email address within 72 hours of this hearing. Audio
19 and video recordings will not be accepted.

21 COMMITTEE COUNSEL: thank you, Chair.
22 For the first panel we'll be hearing from Donald
23 Nesbit, Stan German, Lisa Schreibersdorf, Ann
24 Mathews, Justin Luongo, and Lori Zeno. You may-- I
25 picked an order, but you may begin-- you may go start

1 and then we kind of-- we'll move on to the defenders.

2 Thank you.

3 DONALD NESBIT: Good evening everyone.

4 Thank you, Committee Chair Salaam. I am Donald

5 Nesbit, Executive Vice President for Local 372 DC37

6 AFSCME. I represent the school crossing guards at

7 the NYPD, all 2,200 of them and we'll be testifying

8 today, Local 372, with a request that we restore the

9 school crossing guard positions that were removed

10 from the last year's budget. The next thing that we

11 wanted to request is that there is also a campaign

12 that the City invest money into reforms and a

13 campaign around stop the violence against school

14 crossing guards. School crossing guards are often

15 the first line of defense to improve the safety for

16 students who walk, bicycle, and take public

17 transportation to schools. Student pedestrians often

18 face major safety hazards every day caused by double

19 or triple-parked cars at bus stops in front or near

20 school buildings. These workers are put at high-risk

21 with their own health, their safety, and their lives

22 as they perform their duties. This role also places

23 the school crossing guards in a very vulnerable

24 position as they lend immediate assistance to our

1 students and everyone that is crossing these
2 intersections. Cases like these sadly become a common
3 occurrence where violence is committed against the
4 school crossing guard, and it is essential that New
5 York City increase funding for the additional hiring
6 of school crossing guards. When such incidents
7 happen such as the unfortunate death of Christina
8 Nopawatz [sp?], school crossing guard in Queens, it
9 leaves the post uncovered, vacated, and thus school
10 crosswalks become vacant and vulnerable to accidents
11 when school crossing guards are moved from one
12 intersection to another. We have heard a lot in the
13 recent news about violence against transit workers.
14 What we have not heard that there are similar cases
15 and risk of violence to school crossing guards that
16 they face on a daily basis.

18 CHAIRPERSON SALAAM: So, we've reached
19 our two minutes. I'm very interested in what you
20 have to say. I just want you to expand on the needs
21 of crossing-- of what you're talking about in terms
22 of crossing guards.

23 DONALD NESBIT: Okay. Increasing the--
24 by increasing the number of school crossing guard
25 positions will take care of the staffing and safety

1 issues that we have. There's also an equity issue
2 that exists there. School crossing guards, whenever
3 there's a day that is missed of school, they are
4 often not paid while servicing the nearly one million
5 students. A snow day might be the determining factor
6 in whether a school crossing guard can put food on
7 the table. And for many New Yorkers living paycheck
8 to paycheck like school crossing guards, any
9 unanticipated day off of work, this is the difference
10 between making ends meet or financial ruin. There
11 has to be a campaign around school crossing guard
12 safety. I'm also on these corners. The unfortunate
13 death that happened in Queens, actually it drew the
14 light to what the union had been saying for so long.
15 On some corners there should be additional school
16 crossing guards, to have one another back. An
17 intersection, for example, like the one where the
18 tragedy happened, it was Atlantic and Woodhaven, huge
19 intersection, but there was one school crossing guard
20 there that day. Also, the public is not aware that
21 it is a felony to assault a school crossing guard.
22 So often in cases, folks threaten them. They jump
23 out of their cars and things of this nature. So
24 there should also be a campaign around stop the
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2 violence against school crossing guards. Thank you,
3 Chair.

4 CHAIRPERSON SALAAM: Thank you.

5 TINA LUONGO: Good afternoon. Thank you
6 very much, Chairman Salaam, and congratulations on
7 your appointment and for your dedication in sitting
8 here listening today and throughout the-- what will
9 likely be a late night for this committee. I'm Tina
10 Luongo. I'm the Chief Attorney at the Legal Aid
11 Society's criminal Defense Practice, and we are-- the
12 public defenders of New York City are giving this
13 testimony jointly, the Bronx Defenders, Brooklyn
14 Defender Services, the Legal Aid Society,
15 Neighborhood Defender Services of Harlem, New York
16 County Defender Services, and Queens Defenders. As
17 New York City public defenders we serve hundreds of
18 thousands of low-income people, overwhelmingly Black
19 and Brown New Yorkers each year. Monday, the United
20 States celebrated the decision in Gideon V.
21 Wainwright that created the modern public defense
22 system. here in New York City long before Gideon
23 there was an important premise that lawyers be in
24 criminal courts, and through the 61 years here in New
25 York City, despite having insufficient funding, our

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2 offices have expanded our services as public
3 defenders by adding social workers, investigators,
4 paralegals and a broad range of services that meet
5 our clients and the people who need us most in the
6 community long before court, but certainly in courts,
7 24 hours a day, seven days a week. Last year we
8 testified before the City Council about the
9 difficulties we were having as offices to keep our
10 dedicated staff due to low pay scales that we've been
11 forced to maintain under our current funding. We
12 also discussed significant technology needs, partly
13 due to the discovery laws that were passed in 2019,
14 and I indeed heard you ask the DA's about this. The
15 good news was that our advocacy led the Council and
16 the Mayor to fight for funding upstate for us, but we
17 did not get nearly enough. So we are here today to
18 ask as jointly for \$133.5 million in Fiscal Year 25
19 that will help us bridge the gap in our salaries and
20 bring in the technology needed. With that, I'm going
21 to turn it over to my colleagues to give detail

22 CHAIRPERSON SALAAM: Thank you.

23 STAN GERMAN: Good evening Chairman
24 Salaam. My name is Stan German. I'm the Executive
25 Director of New York County Defender Services. You

1 know, I think all of us have a lot of pride in our
2 city. I grew up on 177th street in Washington
3 Heights. I went to NYU undergrad. I went to NYU Law
4 School. I'm a product of New York City. But one
5 thing that is an embarrassment for this city is the
6 chronic low pay of public defendant's salaries.
7 Oakland, California, Los Angeles, Atlanta, Georgia,
8 Minneapolis, Minnesota, Houston, Texas, all cities
9 that pay public defenders a starting salary higher
10 than New York City. Oakland, LA, Atlanta, Seattle,
11 \$100,000 is the starting salary, and we're talking
12 about a livable wage for students who are in school
13 for seven years, who literally walk away with
14 hundreds of thousands of dollars in student debt, who
15 turn down law firm jobs and a quarter of a million
16 dollar salaries to do what? To represent poor people
17 accused of crimes. And so the ask, as part of that
18 ask, is specifically the \$60 million dollars we need
19 to retain experienced lawyers. It is a crisis that
20 we pointed out last year. A majority of the City
21 Council signed a letter. It got a lot of publicity.
22 26 out of 51 of your colleagues said this is a
23 priority and they urged the executive to include it.
24 But I think the sad reality is that the executive is
25

1 not our champion on this cause. It has to be the
2 City Council. We need the City Council not to urge,
3 but to demand. We cannot continue to lose the
4 experience that all our offices are losing. We pay a
5 five-year police officer over \$121 to arrest
6 somebody. We pay a five-year DOC officer \$101,
7 almost \$102,000 to watch over them in a cage, but
8 we're only paying public defenders \$88,000 on average
9 at the five-year mark. We have got to prioritize
10 this issue or we are going to have a crisis in our
11 offices, and it's going to be reflected in our court
12 houses. That's what leads to wrongful convictions.
13 That's what leads to unchallenged police misconduct.
14 We need this money desperately. We should be the
15 shining beacon of public defenders throughout this
16 city, and I hope that next year when I'm here I'm not
17 citing seven other cities, all of whom have a lower
18 cost of living compared to New York City when it
19 comes to public defender salary. Atlanta is 22
20 percent lower cost of living.

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22 CHAIRPERSON SALAAM: Can you--

23 STAN GERMAN: [interposing] Minneapolis
24 is 27 percent lower cost of living. So not only are
25 they 25 percent higher, but when you factor into cost

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2 of living-- that's why it's being-- it's incredibly
3 difficult to retain good, talented public defenders
4 in New York City. Thank you.

5 CHAIRPERSON SALAAM: Thank you.

6 LISA SCHREIBERSDORF: Hi, my name is Lisa
7 Schreibersdorf. I'm the Executive Director of
8 Brooklyn Defender Services. I wanted to comment a
9 little bit on some of the things that we heard from
10 the District Attorneys today. One of which was that
11 the Brooklyn DA's office-- you know, I run an office
12 in Brooklyn. I've been working in Brooklyn for my
13 whole legal career. They have 1,200 employees, but
14 in Brooklyn, combined Legal Aid and Brooklyn
15 Defenders has about 400 employees doing criminal
16 work. So, just to understand that-- and we agree
17 that the DAs are also not properly funded. We joined
18 with them last year to ask for 25 percent increases
19 in all of our salaries across the board, because we
20 understand that what happens in court, it really
21 depends on the quality. The retention, the
22 longevity, the skill, the dedication of all of the
23 people involved, and so aside from none of us really
24 getting that increase in salary, we also are facing
25 much lower staffing, and we have the same issues

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2 with, you know, evidence which you'll hear a little
3 more about and we really-- we just really need the
4 City Council to step up for us and you know, try
5 really hard to get us to a much higher level of
6 salary. But I did want to address a couple of things
7 that came up earlier in testimony, because it was a
8 little bit troubling. I think there was a couple of
9 things that came up that were maybe almost even
10 misleading. Like, the fact that a judge in Criminal
11 Court cannot know what's happening in Family Court.
12 That's actually false. It's not true at all. But one
13 of the issues that really upsets me the most is the
14 talk about programming, because recently the Mayor's
15 Office has eliminated very, very critical programs
16 that were really effective, and instead of housing
17 them in independent places like Esperanza [sic] which
18 worked with young people and met young people and
19 their families where they were and worked with them
20 very individually and successfully, they lost their
21 funding after 20 years and a lot of programs that
22 were taking place at Rikers Island lost all of their
23 funding. And now there's all this talk about moving
24 programming into the prosecutor's office, into law
25 enforcement. So what I want to just say is I think

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2 that's the wrong message. I think there were a few
3 other wrong messages, but I think that's the most
4 important one. We should not be turning to law
5 enforcement to solve the problems that they've
6 identified readily as a lack of resources for people
7 who need resources, and often times would not end up
8 in these situations, you know, if they receive them.
9 So, thank you.

10 CHAIRPERSON SALAAM: Thank you.

11 ANN MATHEWS: Good evening, Chairman
12 Salaam. My name is Ann Mathews and I'm the Managing
13 Director of the Criminal Defense Practice at the
14 Bronx Defenders. Last year, we came before this
15 committee and testified at length about the myriad
16 ways in which the discovery laws that were passed in
17 2019 have radically changed the way in which we
18 practice, and there is no question that discovery
19 reform was long overdue, and there's no question that
20 it's significantly enriching our advocacy now on
21 behalf of the people we represent. It removes the
22 discovery blindfold that for year grossly prejudiced
23 people accused of a crime and their attorneys.
24 However, the volume of discovery material which
25 includes significant digital discovery such as body-

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2 worn camera videos and other video surveillance is
3 tremendous. Significant additional cloud storage is
4 needed to maintain the data. Software programs are
5 needed to help organize materials and interpret
6 digital data. Attorneys, advocates, and
7 investigators must thoroughly review and digest the
8 material in order to counsel clients, to prepare
9 mitigation, negotiation, and trial strategies. To be
10 sure, these are good problems to have, but these good
11 problems require solutions, and the solution is clear
12 and overdue. Additional funding is needed for these
13 critical resources. Thanks in large part to advocacy
14 by this City Council and the Administration's
15 lobbying in Albany last year on our behalf, two state
16 discovery related funds were established to assist
17 our offices. One of these funds specifically
18 allocated \$50 million in capital monies to New York
19 City to cover discovery implementation and other
20 technology needs. These funds, the \$50 million
21 specifically allocated to New York City, were
22 intended to be distributed to the police,
23 prosecutors, and defenders, but that is not in fact
24 how distribution has occurred. 100 percent of the
25 FY24 New York City specific funds were allocated to

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2 the prosecutor's offices, and we, the defenders,
3 received none. And we'll--

4 CHAIRPERSON SALAAM: [interposing] Can
5 you--

6 ANN MATHEWS: note that earlier in the
7 testimony by the District Attorney's office,
8 discovery funding was not raised in their initial
9 remarks, and that is because they received the
10 funding they requested, as they acknowledged, but we
11 the defenders did not. Those funds would have been
12 used to provide defenders access to improve discovery
13 management platforms, transcription software, and
14 other basic but invaluable technology, and related
15 personnel that we are sorely lacking at this moment.
16 So this year, we must receive, and we are asking for
17 the Council's assistance-- we must receive the same
18 amount of funding for this purpose as the District
19 Attorneys received last year. It is critically
20 important to archive the full promise of discovery
21 reform and to aid those it was designed to benefit
22 and protect, the people we represent. Thank you.

23 LORI ZENO: Good afternoon. My name is
24 Lori Zeno I'm the Executive Director and Founder of
25 Queens Defenders. We are an organization that

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2 represents approximately 20,000 people a year in
3 Queens County. I guess I want to sort of start by
4 saying, you know, when-- especially after hearing a
5 lot of the testimony today, right? Most people think
6 about public safety is certainly public safety around
7 crime. I mean, even when you read, most
8 respectfully, what the subject of this hearing was
9 since it was around public safety, you named the
10 Police Department and you named the District
11 Attorney's Offices and you didn't name public
12 defender offices. You know, and I think that that's
13 what the popular opinion is, right? When most people
14 think about public safety they think about police.
15 We have to have more police. We have to have more
16 prosecution. We have to have more jails. We have to
17 have more prisons, right? And that's going to do the
18 trick. And even as I sat and heard the prosecutors
19 sitting here, they even told you that's not true.
20 That is not the definition of public safety. You
21 need the other members of the system, including
22 public defender offices and including community
23 programming. That is what is going to give the
24 preventative solution that all of your prosecutors
25 talked about in order to change public safety in this

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2 system. We have to talk about preventative work, and
3 that doesn't happen with the Police Department, and
4 it doesn't happen with prosecution offices. And I
5 will say that I'm going to ask that you-- I would say
6 Council, but there's-- I guess as we can see, the
7 interest of public defenders office's testifying is a
8 little less than we would have hoped. But I would
9 invite you, Chairman, to consider a different
10 perspective and not looking at the public defender
11 offices as part of the problem. As I think another
12 Council Member said, is public defender offices and
13 programs are enabling the offenders instead of doing
14 anything that's substantive or around public safety.
15 And I would like for you to sort of recognize that
16 public defender offices have a huge commitment to
17 public safety, and our roles go far beyond the court
18 room. It's not just, you know, we're the lawyers
19 coming to defend constitutional rights, which I hate
20 to even say just that we do that. But we do plenty
21 of other things in the communities. In fact, the
22 District Attorney from Brooklyn talked about the
23 program that--

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25

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2 CHAIRPERSON SALAAM: [interposing] I'm
3 sorry to interrupt, but we passed the two minutes.
4 Can you just please describe your needs?

5 LORI ZENO: sure, let me just get to
6 that. The District Attorney from Brooklyn came in
7 and talked about the Project Restore program that he
8 said that they're working with Columbia University,
9 and I think he asked for \$3 million just to support
10 that one program in his office. And I will say that
11 we also at queen Defender, we partner with that same
12 organization, Columbia University Project Restore,
13 and we partner with them as well as the court. In
14 our youth part where we have a nine to 15-month
15 program for these kids who are charged with felonies,
16 usually violent felonies, and they're focused on
17 different workshops around changing mindsets and it's
18 focused on different healing circles like he said,
19 and paid internships and apprenticeship programs and
20 so on.

21 CHAIRPERSON SALAAM: And so the needs
22 that you need for the program that you're asking for?

23 LORI ZENO: Right. Well, what I kind of
24 wanted to say was that we do that same program and I
25 was really surprised to hear the District Attorney's

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2 Office ask for \$3 million. We get zero. We don't
3 get \$3. Forget about \$3 million. And I was hesitant
4 to say this as well, because he was asking-- when--
5 except when Lisa brought up-- Ms. Schreibersdorf
6 brought up on how it seems that the trend is now
7 giving-- give the money to prosecution and police to
8 do this programming for people that need the
9 services. And you know, what happens in court is the
10 prosecutor comes into the courtroom and they say we
11 offer this, if the defendant does this program,
12 right? And then what happens is the defendant then
13 come to us, or the client comes to us. We go to the
14 program. We either do the program or we give them
15 somebody--

16 CHAIRPERSON SALAAM: [interposing] We're
17 well beyond the two-minute mark.

18 LORI ZENO: I understand that you are,
19 but I think this is really important.

20 CHAIRPERSON SALAAM: Are you able to
21 submit the rest of your testimony?

22 LORI ZENO: I'll be-- I will--

23 CHAIRPERSON SALAAM: [interposing] Because
24 we have about 100 people that are going to be
25 testifying that are signed up to testify as well.

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LORI ZENO: I understand.

CHAIRPERSON SALAAM: And each of them have two minutes.

LORI ZENO: I understand and I do appreciate that. I just want to tell you that, you know, it's very, very dangerous for City Council to give monies in the millions to prosecution offices and Police Departments and expect that people in the community are going to go to them and become part of their programs in the prosecution's office or police. Not everybody wants to be prosecuted, right? So, we're the ones doing the work. We are the ones that are in the communities. We're the ones who get the jobs and training and do all these programs for our clients and we don't get any of the funding. And I know you want to stop me--

CHAIRPERSON SALAAM: [interposing] Thank you for your testimony, because we--

LORI ZENO: [interposing] Let me just say one more thing. Let me just say one more thing. In the court room--

CHAIRPERSON SALAAM: [interposing] I think we've been maybe five or six minutes now.

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LORI ZENO: Okay, I get it. One more thing. Only that it's in the courtroom, right? The court is now--

CHAIRPERSON SALAAM: [interposing] If you can submit the testimony, that'll really, really help us out tremendously.

LORI ZENO: I am. I will. I really will, but I just want to say this one other thing, because we need funding for and raising our salaries that we're asking for in our social work teams because the court is now--

CHAIRPERSON SALAAM: [interposing] We're going to have to ask you to stop speaking at his particular point in time. Sorry.

LORI ZENO: Okay, I'll submit it. That's a shame, but I can submit. Maybe you'll have questions that I'll be able to--

CHAIRPERSON SALAAM: [interposing] No questions at this time. Thank you.

LORI ZENO: Thank you.

COMMITTEE COUNSEL: Thank you everyone.
For the next panel we will hear form Aaliyah Guillory-Nickens, Sebastain Solomon [sp?], Jullian Harris-Calvin, William Juhn, Hailey Nolasco, and Obi

1 Afriyie. Apologize if I mispronounce any names.

2 Please come up to the front and-- yeah, exactly.

3 Thanks.

4
5 OBI AFRIYIE: Good evening. Thank you so
6 much, Council Member Salaam for hosting us. Honor to
7 be in this place with you. Thank you for staying, by
8 the way, as well. It's a shame that the other elected
9 didn't. You know, everyone else-- what there's one
10 elected in this room. Where are the other 50? We've
11 heard so much rhetoric today about the voice of the
12 community, the will of the community. I don't know
13 how that can be represented or heard if people aren't
14 listening to the community, if people aren't here for
15 the community. So I just hope that, like, your
16 colleagues are held to that standard. I'm here to
17 testify. My name is Obi Afriyie. I'm here to testify
18 on behalf of the Legal Defense Fund. We urge the
19 City Council to end the years of budget
20 exceptionalism shown to the NYPD. we urge the city
21 council divest from harmful policing entities that
22 disproportionately target our Black communities, and
23 invest-- invest in increased funding towards the
24 housing and healthcare of communities that have been
25 the most negatively impacted by police practices in

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2 New York. Since the Mayor took office and
3 established the Neighborhood Safety Teams, the NYPD
4 is making more arrests, mostly from non-violent
5 offenses. The Independent Monitor found that 97
6 percent of people stopped by Neighborhood Safety
7 Teams were Black and Brown, Black and Latinx. Thank
8 you. They also found that Neighborhood Safety Team
9 officers failed to show reasonable suspicion for
10 conducting one out of every four of their stops. The
11 Strategic Response Groups engage in similarly
12 discriminatory practices that have also resulted in
13 police violence against black people. NYCLU's
14 investigation into this unit found that 66 percent of
15 people who filed CCRB complaints against SRGs between
16 2015 and 2021 were Black and 21 percent were Latinx.
17 That's 87 percent were Black and Latinx. The city
18 should also end its investments in co-responder
19 models, the NYPD Mental Health Co-response Teams that
20 consists of two officers and one behavioral health
21 professional. The plan is emotionally backwards,
22 and in 2021 at least 104 people were killed after
23 police responded to mental health encounters or
24 crisis interventions. The NYPD is not capable and

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2 they're not equipped to handle these kinds of
3 encounters.

4 CHAIRPERSON SALAAM: Thank you.

5 JULLIAN HARRIS-CALVIN: Oh, I'll go.
6 Hello, good afternoon everyone. My name is Jullian
7 Harris-Calvin and I work at the Vera Institute of
8 Justice. Very grateful for the time today. I know
9 you guys are ready for another break. So despite
10 violent crime such as murder, shootings, robbery, and
11 burglary decreasing, many New Yorkers still don't
12 feel safe. And how have our most prominent elected
13 leaders responded? They've done so by doubling-down
14 on failed polices of the past. We spend more than
15 \$14 billion on police and jails in New York City
16 every year. Our Mayor and Governor have flooded our
17 transit system with thousands of additional police
18 and military personnel. Yet, that did not stop the
19 shooting on the A Train near the Hoyt-Schermerhorn
20 Station last week where there is and has been for
21 many years a police substation embedded there. And
22 even before that incident occurred, a 4,000 percent
23 increase in NYPD overtime to patrol the transit
24 system was followed by a mere two percent drop in
25 major crimes, assuming there's a causation there.

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2 But when asked in a November Vera Action poll about
3 what they believe truly delivers safety, New Yorkers
4 said that they want trained specialists, not more
5 police. They are looking for the kinds of
6 interventions that fix the issues that they think are
7 driving crime, and they believe mental health and
8 addiction issues, poverty and homelessness are
9 driving crime. And what they want is for our leaders
10 to prevent crime, not merely react after the fact.
11 Yet today, we sit here reviewing a Fiscal Year 2025
12 budget that maintains astronomical funding for the
13 NYPD and proposes major cuts across departments that
14 care for people experiencing mental illness,
15 substance use disorder and homelessness.
16 Department's whose personnel should be flooding our
17 streets and subway system with Community Navigators,
18 treatment drop-in centers, and housing supports among
19 other existing programs that are going to be cut by
20 this budget. Where NYPD's-- just briefly-- where
21 NYPD's \$11.5 billion budget is set to increase by
22 merely four percent, the Department of Youth and
23 Community Development will lose 25.4 percent,
24 Department of Health and Mental Hygiene, 20.4
25 percent, and the Department of Social Services will

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2 lose almost 15 percent. if this City were to reign
3 in our NYPD overtime budget, we can cover all of the
4 investment necessary to address what New Yorkers know
5 will deliver public safety, and if you do so, you and
6 your colleagues do so, you will prove to New Yorkers
7 that you are serious about safety and you know what
8 is going to make them feel safe and actually be safe.
9 And we've listed those investments and the numbers
10 that correlate with them in our written testimony
11 that's been submitted. So thank you so much for your
12 time.

13 CHAIRPERSON SALAAM: thank you.

14 AALIYAH GUILLORY-NICKENS: I'll go next.
15 Good afternoon. My name is Aaliyah Guillory-Nickens.
16 I currently work as the Campaign Organizer at Youth
17 Represent which is a nonprofit organization that
18 provides free legal services and mental health
19 support to young people under the age of 26.
20 Additionally, we work on policy and legislation that
21 will help youth and the legal systems while also
22 supporting young people who have or haven't been
23 system-impacted to become civically engaged and
24 training them to become advocates in the community.
25 I'm here today to echo the demands of my comrades at

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2 Communities United for Police Reform which is to cut
3 the NYPD's budget and reallocate that money into the
4 community. In addition, I'm also here to express my
5 frustration as a young person living in the City and
6 seeing no efforts to improve public safety for people
7 that look like me, but only the continuous use of
8 politricks [sic] and people playing with our lives as
9 if we're in a video game. I first want to address the
10 narrative that was mentioned earlier which is that
11 young people in New York is what's driving crime or
12 anything that alludes to the fact that Raise the Age
13 is one of the reasons for the increase in crime. I
14 want to debunk that narrative and ask that the
15 Council do everything in their power to provide jobs,
16 housing, and other resources for young New Yorkers
17 that come from neighborhoods like Harlem, East
18 Flatbush, Brownsville, East New York, the South Bronx
19 and other underserved communities. Something I'm
20 going to mention later which is what's driving crime
21 is not people, especially young people. We need to
22 stop scapegoating them. It's the lack of adequate
23 resources needed to survive. Nobody wakes up with
24 the intentions to commit a crime, but unfortunately
25 we are living in a time right now where it's survival

1 of the fittest and people are being forced to do
2 anything to survive, and instead of giving assistance
3 to them, they are being penalized and thrown in
4 headlines as the problem. They are not the problem.
5 The City has not taken enough steps to provide youth
6 in New York with what they need to thrive. So all
7 the comments about youth driving crime needs to be
8 kept to a minimum until New York City and the Mayor
9 prioritize its youth. In the fiscal year of 2023 the
10 NYPD overspent their budget by more than \$1 billion.
11 In 2023, there were 93,879 homeless people in New
12 York including 33,000-- I'm going to get to my point--
13 - 33,399 homeless children. That's the first example
14 of our priorities not being in the right place.
15 Fiscal year of 2025, the NYPD's Preliminary Budget is
16 \$300 million more of what the Adams Administration
17 proposed last year. This is all while there's cuts
18 to libraries, education, ATI programs, prevention
19 programs and other services. Second example of
20 priorities not being in the right place. We're
21 asking that for the fiscal year of 2025 that ends and
22 the first step that the council and the Mayor can
23 take to create a safer and livable New York to
24 prioritize care not criminalization and invest, not
25

1
2 arrest. That would mean to block any budgeted
3 increase of NYPD uniformed headcount and move those
4 funds to real safety infrastructure including
5 housing, schools, libraries, and non-police anti-
6 violence programs. It would also mean removing NYPD
7 from youth engagement and city youth programing
8 services and redirect those funds to youth
9 organizations and community groups that engage in
10 youth organizing. Thank you all for listening and I
11 hope that sooner rather than later our demands are
12 met so we as a city can meet true public safety.

13 CHAIRPERSON SALAAM: Thank you.

14 HAILEY NOLASCO: Good afternoon Chair
15 salaam and esteemed members of the Committee of
16 Public Safety. My name is Hailey Nolasco and I'm the
17 Director of Government Affairs at the Center for
18 Justice Innovation. We thank the Council for its
19 sustained and steadfast support for community-based
20 programs that make a positive impact on the lives of
21 people most impacted by the criminal legal system,
22 and we urge the council to continue to support the
23 progress already made in the effort to make our
24 criminal legal system more fair, humane, and
25 effective while keeping our community safer.

1 Tradition legal responses to crime like over-
2 incarceration often fail to produce meaningful
3 improvements to public safety while presenting an
4 enormous cost for the City to bear. Unnecessary and
5 over-inclusive contact with the criminal legal system
6 entails consequences for the City and for those
7 involved that are both expensive and traumatic. This
8 cannot be the main path to a safer New York City.
9 the center's programs across the city span the entire
10 justice continuum, working to enhance public safety
11 beyond enforcement by increasing civic engagement and
12 place keeping within NYCHA developments or
13 neighborhood safety initiatives by supporting at-risk
14 and systems-involved youth with services needed to
15 help them live healthier, safer, and more
16 economically sustained lives through our crisis
17 management system partner, SOS Save Our Streets, and
18 also by responding to and bringing attention towards
19 the intersection of gun violence and domestic
20 violence through our Rise project, also a part of
21 CMS. And also by supportive intervention through our
22 court reform programming. And also, as we look
23 towards the closure of Rikers Island, our programs
24 are going to be relied on more than ever and the
25

1 efficacy of these programs are reliant on meaningful
2 investments. And in closing, I'll say that well
3 funding community-based programing helps to keep
4 communities safe. It's important, produces real
5 outcomes, and grants opportunities for
6 transformation, and I know this firsthand, because I
7 was once a young person. I still consider myself
8 young, but I was once a young person recruited to a
9 community program that helped keep me safe and put me
10 onto a different path that has led me to have the
11 honor to speak before you all today. So thank you so
12 much for your time, and our budget request are
13 include in our written testimony. Thank you.

14 CHAIRPERSON SALAAM: Thank you.

15 WILLIAM JUHN: Good evening. My name is
16 William Juhn. I'm a Senior Staff Attorney at New
17 York Lawyers for the Public Interest. Thank you for
18 the opportunity to present testimony today. I want to
19 talk about two things today, the Mayor's involuntary
20 removal policy and the BHEARD program. First, the
21 Mayor's involuntary removal program launched in
22 November 2022, allows untrained police officer who
23 have no expertise in dealing with individuals mental
24 disabilities to detain them by force and remove them
25

1 to psychiatric hospital against their will solely
2 because the officer believes the individual has a
3 mental disability. This policy is both illegal and
4 immoral. The city must rescind the policy to ensure
5 that no New Yorkers are subjected to unlawful
6 detention and involuntary hospitalization just for
7 exuding behavior perceived by police officer to be
8 unusual. Next, the city launched the BHEARD program
9 in 2021, but the program authorizes extensive police
10 involvement and is likely to continue the violent
11 responses by the NYPD. For example, in the Fiscal
12 Year 2023, close to 80 percent of all mental health
13 calls in the BHEARD pilot areas were still directed
14 to the NYPD. Instead, the City must join other
15 cities across the country to remove police entirely
16 from the equation and ensure that healthcare workers
17 and peers, those with lived experiences, respond to
18 healthcare crisis. Closer to home, Correct Crisis
19 Intervention, Today NYC, or CCITNYC in short, is a
20 coalition of over 80 New York City organizations and
21 it has already developed such proposal in which teams
22 of trained peers and EMTs were independent of a city
23 government would respond to mental health crisis. We
24 therefore urge the Council to mandate changes to the
25

1
2 BHEARD program to align it with the truly non-police
3 peer-led CCITNYC model. Thank you for your time.

4 CHAIRPERSON SALAAM: Thank you.

5 COMMITTEE COUNSEL: Thank you all so much
6 for your testimony.

7 OBI AFRIYIE: Chairs, I'm so sorry. If
8 there's not a question, may I just add one more
9 response, something that the Bronx DA said that was a
10 bid of misinformation?

11 CHAIRPERSON SALAAM: No, it's going to
12 have to be submitted with written testimony.

13 OBI AFRIYIE: Yeah, LDF is going to be
14 submitting written testimony as well. It was just to
15 my colleague's point right there. The Bronx DA just
16 testified that the NYPD should be involved with
17 involuntary seizures. It's the NYPD's own metric
18 that 47 percent of those involuntary seizure happen
19 to black citizens, and given the Mayor's new
20 Governor's plan, the subway response plan, the influx
21 of [inaudible] response teams as well, you're going
22 to see more of those racial disparities. Law
23 enforcement, as everyone here has testified, is not
24 equipped to hand these kinds of encounters, and our
25

1
2 Black communities are going to be the ones that
3 suffer.

4 CHAIRPERSON SALAAM: Thank you.

5 COMMITTEE COUNSEL: Thank you everyone.
6 Next we will be hearing from Joshua J. Shaw [sp?],
7 Dee Sams [sp?], Isabelle Leyva, Alfredo Gill [sp?],
8 Klea Hazizaj, Alexa Blair Wilkinson. You all may
9 begin.

10 CHAIRPERSON SALAAM: Your microphone.

11 ISABELLE LEYVA: Good evening. My name
12 is Isabelle Leyva. For the past four years I have
13 led the NYCLU Protest Monitoring through which we've
14 documented police conduct at hundreds of protests
15 across our city. I have testified to this council
16 many times about why the SRG must be disbanded, as
17 have hundreds of New Yorkers who have taken days off
18 of work to be in this room and to relive trauma
19 inflicted on them by this unit. For two years this
20 hearing room has been packed with community members
21 begging City Council to take action on this issue.
22 What I want to emphasize today is that no matter how
23 many oversight hearings we hold about this unit, how
24 many lawsuits the SRG is involved in, how much
25 scrutiny the SRG is under, and how much the NYPD

1
2 actively lies to this council, this unit continues to
3 brutalize New Yorkers with impunity. As long as this
4 unit exists, it will continue to brutalize New
5 Yorkers with impunity. That's because you cannot
6 reform a unit that was created to crush dissent. You
7 cannot reform a unit that is trained to target racial
8 justice protestors. You cannot reform a unit that is
9 designed to treat our community members like enemy
10 combatants. Over the last few months the SRG has led
11 a violent crackdown on protests across our city,
12 disproportionately targeting pro-Palestine protests.
13 Only two weeks ago, the SRG trapped and brutalized
14 dozens of non-violent protestors, arresting more than
15 30. They then attacked people at Jail Support who
16 were waiting for the release of arrestees at One
17 Police Plaza. The slammed someone so hard into the
18 pavement that they began to have a seizure in the
19 middle of the road. Earlier that day, the SRG
20 knocked a protestor unconscious while making mass
21 arrests. Footage shows the NYPD handcuffing the
22 person as they lay unconscious on the sidewalk face
23 down. Multiple people were hospitalized that day for
24 injuries. Just last night an army of SRG officers
25 were deployed to repress a protest right outside of

1 this building. This is what the SRG is. This is
2 what the unit was designed to do. The only way to
3 put an end to this unit's abuse is to put an end to
4 the unit itself. The people have spoken. Disband
5 the SRG and reinvest funds into our communities.
6 Anything short of that is a failure to protect the
7 safety and the first amendment rights of New Yorkers.
8 Thank you.

9
10 CHAIRPERSON SALAAM: Thank you.

11 JOSHUA J. SHAW: Good evening. My name
12 is Joshua J. Shaw and I'm here to talk about the SRG.
13 The NYPD Strategic Response Group is a direct threat
14 to the safety and security of our city and stands as
15 a very real, very critical threat to our democracy.
16 The SRG operates as a band of paramilitary
17 aggressors, seemingly answering to no one, while
18 utilizing excess resources and funds to endanger,
19 berate, and oppress the very citizens they've been
20 sworn to serve and protect. This is why it's
21 imperative for the future prosperity of our
22 communities and liberties that the SRG be defunded
23 and disbanded immediately. As an active duty veteran
24 and as a public servant myself, I understand the
25 enormous responsibility that is entrusted to those

1 who serve the public. It requires that we in this
2 line of work hold ourselves to a higher standard, to
3 guarantee that the power that we have been given
4 freely of the people is forever and dutifully
5 utilized for the people. Unfortunately, it is
6 obvious that the weight and magnitude of this honor
7 has been lost on the NYPD and the SRG, a fact that
8 has been made evident by their flagrant lack of
9 transparency, their violent and systemic
10 discrimination toward minority groups as well as
11 their general inability to serve their communities.
12 As an NYCLU protest monitor I've borne witness to
13 these atrocities firsthand. I've seen the SRG
14 routinely meet peace with unbridled violence. I've
15 seen them destroy private property in the name of de-
16 escalation, and I've seen them arrest members of the
17 press simply for asking questions. These actions
18 carried out by the SRG prove that they are nothing
19 more than a group of bullies who believe that they
20 can trample on our civil rights because they wield
21 total and unregulated power. Thus, in order to build
22 a more equitable and prosperous New York, we must
23 stand up to those who seek to stand in the way of
24 democracy. We must let the NYPD know that just
25

1 because they utilize excessive, that people will not
2 be forced into silence. In closing, to protect our
3 city, to secure our democratic rights and to ensure a
4 better tomorrow, funds must be divested from the SRG.
5 The entire unit must be disbanded, and those in the
6 NYPD and SRG must be held accountable for their
7 willful disrespect of the constitutional rights and
8 general wellbeing of all New Yorkers. Thank you.

9
10 CHAIRPERSON SALAAM: Thank you.

11 DEE SAMS: Good evening. My name is Dee
12 Sams [sp?]. I am a New York City resident and I'm
13 here to urge the Council to hold the NYPD's Strategic
14 Response Group accountable for its abuse and disband
15 the unit. Last year alone, the City paid out nearly
16 \$115 million dollars due to reported misconduct.
17 According to NBCNY, the City of New York agreed to
18 pay \$21,500 per protestor who was a victim of the
19 illegal tactic of kettling in the Bronx. In that
20 same reporting, it was said that that was the largest
21 settlement in history at roughly \$10 million. Now, I
22 did some math and that's roughly \$869 every two weeks
23 over the course of the year, and some people make
24 \$21,000 a year in salary. It's my hope that the City
25 Council will disband the SRG and disperse those funds

1
2 to vital city programs such as parks, our libraries,
3 composting programs and more. While I have been
4 fortunate enough to not have had a harrowing
5 experience with the SRG, knowing that far too many of
6 my fellow New Yorkers who exercise their right to
7 peacefully protest have is enough to bring me here
8 today. Defund and disband the SRG and help bring us
9 all a little closer to the quality of life becoming
10 of citizens of the greatest city in the world. Thank
11 you.

12 ALFREDO: Hello, my name is Alfredo and
13 I'm a proud Queens resident. When discussing violent
14 crime, we do not acknowledge that more police does
15 not equal more safety. If more funding to police
16 resulted in safer communities, NYC would be the
17 safest city in the world, yet we consistently talk
18 about how we're unsafe. Clearly, what we're doing is
19 not working. What went largely unsaid in the latest
20 media frenzy of the subway shooting was that the
21 subway station itself was also a police station with
22 multiple officers standing a few feet away from the
23 incident. This happened a year after adding 1,000
24 NYPD officers to the subway and shortly after adding
25 both the National Guard and State Police, and still

1
2 nothing changes. Insanity is defined by doing the
3 same thing over and over again expecting different
4 results. Of course we will see violence if we
5 underfund social services and over fund police like
6 our budget does. Police rule by violence. \$114
7 million last year-- this just came out two days ago
8 from the Legal Aid Society. \$114 million was paid
9 out in lawsuits from police misconduct by the NYPD of
10 our City. By underfunding social services like
11 schools, libraries, and healthcare, we create the
12 opportunity for crime and then look towards police to
13 lock up the most vulnerable people that would benefit
14 from said social services. It's sick, self-fulfilling
15 system of corruption, and New Yorkers are
16 increasingly aware of this. Just look at Eric Adams'
17 historically low approval ratings. This is the issue
18 he ran on, and people are finally broadly seeing that
19 this simply does not work. Instead of providing
20 affordable housing, the SRG sweeps up homeless people
21 out of view as if they are disposable and calls it
22 quality of life. Instead of welcoming migrants to
23 the city of opportunity, the SRG surveils, terrorize
24 and harasses new migrants. Is this what you call
25 public safety? Let me be clear about what this is.

1
2 This is fascism. This is New York City and fascism
3 given to us by Eric Adams. Putting the National
4 Guard in the subway to "make people feel safe" is the
5 mask-off moment for our police state. The SRG is an
6 emblem of everything that is wrong with militarizing
7 our police, and Eric Adams is an emblem of everything
8 that is wrong with how democrats approach crime. And
9 where has he been? Is that who you're standing with?
10 So it's no longer about electeds just having a
11 conscience. I'm done asking where your conscience
12 is. Your job is on the line, and if you're not with
13 us, we'll organize to vote you out.

14 CHAIRPERSON SALAAM: Thank you.

15 COMMITTEE COUNSEL: Thank you for your
16 testimony everyone. We'll hear from another panel
17 coming up in person. Can I please welcome Darren
18 Mack, Lamya Agarwala, Nerdeen Kiswani, Lori Daniel
19 Favors [sp?], Doctor Victoria Phillips, and Corrine
20 Worthington [sp?]. Corrine Worthington, Doctor
21 Victoria Phillips, Lori Daniel Favors, Nerdeen
22 Kiswani, Lamya Agarwala, and Darren Mack.

23 LAMYA AGARWALA: Good evening. My name
24 is Lamya Agarwala, and I'm an attorney with the New
25 York Chapter of the Council on American Islamic

1 Relations, known as CAIR New York. CAIR is a Muslim
2 civil rights organizations that works on a range on
3 legal advocacy and education related to
4 discrimination targeting Muslim Americans. Today, I
5 urge you to hold the NYPD's Strategic Response Group
6 accountable for its abuse, disband the unit, and
7 invest in community programs that actually keep us
8 safe. Within the last few months alone, the SRG had
9 demonstrated its force at countless peaceful
10 protests. In November, it was reported that the SRG
11 handcuffed, knocked unconscious, and carried out a
12 protestor to a barricaded space and was not provided
13 medical attention for over 30 minutes. On Christmas
14 Day, the NYPD was filmed beating people until they
15 bled, separating fathers from their children, pepper
16 spraying, and putting women hijabs into headlocks.
17 And earlier this month, as you've already heard, an
18 individual was left convulsing on the ground after
19 being brutalized by the NYPD. The police refused
20 pleas by credentialed healthcare professionals to
21 provide treatment. New York City youth are not
22 spared from this violence. In February, the SRG
23 grabbed, punched, slammed, and dog piled multiple
24 youth including one minor as they protested on the
25

1 sidewalk. In January, organizers were preparing to
2 pray when the police attacked, violently throwing a
3 minor to the ground and arresting him for sitting on
4 a mailbox. This violence is not a coincidence. It
5 is not lost on us that SRG officers are trained to
6 treat racial justice protestors as enemy combatants.
7 It is not lost on us that protestors calling for a
8 cease fire and peace in Palestine have been labeled
9 terrorists and brutalized by the NYPD because they
10 are holding our government accountable for its role
11 in ongoing war crimes. The SRG clearly does not keep
12 us safe. I call on you to instead invest in our
13 communities and help us provide services that
14 prioritize the true safety and well-being of New
15 Yorkers. Thank you.

17 NERDEEN KISWANI: As-Salaam Alaikum,
18 Chairman Salam. My name is Nerdeen Kiswani. I'm a
19 Palestinian, a lifelong New Yorker, and the Chair and
20 Founder of Within Our Lifetime, a Palestinian
21 organization revitalizing the revolutionary spirit of
22 our community in New York City since 2015. Ramadan
23 kareem, this is supposed to be a holy and peaceful
24 month, yet it's once again another time where
25 Israel's butchering Palestinians, this time at an

1
2 intensity never witnessed in modern history. Over
3 40,000 Palestinians have been killed, at least 12,000
4 children, and we're used to seeing Israel attack
5 Muslims.

6 CHAIRPERSON SALAAM: Salaam alaikum
7 [inaudible]. We have to stay on topic.

8 NERDEEN KISWANI: This is on topic. As
9 you've heard from CAIR and NYCLU, all the--

10 CHAIRPERSON SALAAM: [interposing] But
11 we're talking about--

12 NERDEEN KISWANI: incidents of the SRG
13 where they've attacked protestors--

14 CHAIRPERSON SALAAM: [interposing] Oh,
15 you're talking about the SRG.

16 NERDEEN KISWANI: have been about our
17 protests. These incidents of violence, of people
18 having concussed, have happened at our protests. So,
19 this is exactly what I'm talking about, because it
20 all flows from what we're protesting about. These
21 attacks are now more horrifying than ever. Four out
22 five of the hungriest human beings on earth Gaza
23 right now. Over 1.1 million are actively being
24 starved by Israel, and when Palestinians try to
25 receive aid they're bombed or shot or even killed by

1
2 US Aid, and instead of Eric Adams decrying these
3 atrocities, he hosted a PR [inaudible] yesterday to
4 distract from the genocide. Of course, vast majority
5 of Muslim community members boycotted and protested
6 this, but NYPD were hell-bent on suppressing our
7 rally at Zuccotti Park, trying to prevent us from
8 using sound and marching towards the [inaudible].
9 They arrested several Muslim youth leaders while they
10 were fasting, and they didn't even allow them to
11 break their fast at [inaudible] time while they were
12 in police custody. As those of us who were
13 continuing to protest were verbally threatened,
14 harassed, and physically assaulted by NYPD, and in
15 particular the SRG. This is just one of the examples
16 of the brutality that they've treated us with over
17 the past five months. The rest you've already from
18 CAIR and NYCLU of incidents that happened at WOL
19 protests. As a Muslim and human it's my duty to
20 speak out against these atrocities, especially when
21 it's our tax dollars that carry them out. Our
22 political leaders don't represent us. The City
23 Council fails to represent us. Major media outlets
24 like New York Times manufacture consent for genocide.
25 The only avenue we have to express our dissent to

1
2 genocide and our government's funding of it is
3 through the protest and that is being taken away
4 right now by the NYPD with their crackdown on
5 Palestine protests, what is detailed in our 80+ page
6 report on WOLPalestine.com/resistreprression. For
7 almost 10 years we've held marches for Palestine with
8 the full support of the Muslim community with
9 hundreds of thousands of people.

10 CHAIRPERSON SALAAM: Pardon me, sister.
11 We're at two minutes.

12 NERDEEN KISWANI: I understand, but the
13 disruption earlier--

14 CHAIRPERSON SALAAM: [interposing] We have
15 to just wrap.

16 NERDEEN KISWANI: kind of shortened my
17 time. Okay, so in conclusion, we've seen that the
18 NYPD showed up to our protest with batons and riot
19 gear while they beat children until their bleeding
20 and attacked Muslim women. We've seen them rip
21 Palestinian flags out of protestors hand and
22 keffiyahs off of their necks, like the one that I'm
23 wearing today. We have observed that it's their
24 purpose to physically assault and intimidate
25 protestors from continuing to march and trying to

1
2 limit the visible public support for Palestine fueled
3 by racists comments of multiple City Council Members,
4 including Council Member Holden who was hear earlier
5 today that literally called us terrorists. Using
6 racist slurs that have been weaponized against our
7 community for years, it's no wonder he thinks this
8 sort of rhetoric justifies attacks against us. We
9 know that we're on the right side--

10 CHAIRPERSON SALAAM: [interposing] Please
11 submit the remainder of your testimony so that we can
12 have it on record.

13 NERDEEN KISWANI: Yes, we'll submit it to
14 you.

15 CHAIRPERSON SALAAM: We're at two
16 minutes.

17 NERDEEN KISWANI: Yes, we'll submit it to
18 you in writing.

19 CHAIRPERSON SALAAM: because we have to
20 allow for the rest of the-- it's about 100 people
21 that are going to be testifying tonight. If everybody
22 goes over time--

23 NERDEEN KISWANI: I understand. Earlier
24 they were making jokes about basketball and that's
25 what she said jokes. Prosecutors went on to ramble

1
2 and have jokes with each other, but then when the
3 public--

4 CHAIRPERSON SALAAM: [interposing] So
5 we're going to have to have--

6 NERDEEN KISWANI: defenders actually
7 wanted to put this evidence, you wanted to silence
8 us.

9 CHAIRPERSON SALAAM: Please. Order in
10 the chambers.

11 NERDEEN KISWANI: On Ramadan you're
12 silencing Muslim women again. On Ramadan you're
13 silencing Palestinian women again, and if this City
14 Council does not hold NYPD accountable and Israel
15 accountable, Allah will.

16 CHAIRPERSON SALAAM: We have to maintain
17 order in the Chamber.

18 [applause]

19 SERGEANT AT ARMS: No clapping.

20 DARREN MACK: Thank you, Chair Salaam for
21 the opportunity to testify today. My name's Darren
22 Mack, Co-Director at Freedom Agenda. We are led by
23 our members who are survivors of Rikers like myself
24 and impacted family members. We're one of the
25 organization leading the campaign to Close Rikers,

1
2 and I'm glad to testify here today. New York City
3 has committed to closing Rikers Island because mass
4 incarceration undermines public safety by
5 destabilizing communities and draining resources we
6 need for housing, healthcare, work opportunities, and
7 more. We have moved past debating if Rikers should
8 close or can close. Rikers is legally required to
9 close by 2027 and our City budget must put all the
10 necessary resources in place to give people the
11 support they need, close the pipelines that feed
12 incarceration, and shift to a smaller borough-based
13 jail system. Unfortunately, Mayor Adams is planning
14 to do the opposite. Through a budget proposal that
15 was slashed and starve essential services while
16 continue to funnel billions to Department of
17 Correction and NYPD. The Mayor's proposal to slash
18 \$28 million for alternatives to incarceration,
19 supervised release and re-entry services should be a
20 big concern for this committee. New York City has an
21 incredible network of alternatives to incarceration
22 providers who are far more successful in preventing
23 rearrests in Rikers. Some providers have success
24 rates of over 90 percent in preventing felony re-
25 arrests for their clients within two years. ATIs cost

1
2 between \$8,000 and \$22,000 per person per year, while
3 exposing someone to the brutality at Rikers costs
4 \$556,539 per year. There's no question that ATIs
5 save money, and at a moment when Rikers is more
6 dangerous than ever, ATIs also save lives. Rather
7 than cutting their funding, the Mayor should be
8 directing the Office of Criminal Justice to actively
9 encourage judges and prosecutors to utilize ATIs,
10 including for people facing more serious charges and
11 with serious behavioral health needs. The decision
12 about approving someone for ATI programs should be
13 based on whether that person is likely to be more
14 effective in preventing future harm than a stint at
15 Rikers. And I conclude by saying that the City
16 Council knows that Rikers must close, and you know
17 that the safest communities are the ones with the
18 most resources, not the most incarceration. In the
19 full written testimony that we submitted, you'll see
20 a full budget analysis from the Campaign to Close
21 Rikers that calls on City Council to make the
22 following amendments to the Fiscal Year 25 budget.
23 Thank you.

24 CHAIRPERSON SALAAM: Thank you.
25

1
2 COMMITTEE COUNSEL: thank you for your
3 testimony, everyone. We're going to take a 10-minute
4 break at this time. We'll resume shortly.

5 [break]

6 CHAIRPERSON SALAAM: Alright, we're
7 ready.

8 COMMITTEE COUNSEL: Okay. I'd like to
9 call up the next panel. Abir Eldock [sp?], Forest
10 Hailey [sp?], Cyra Havernick [sp?], Avni Pravin,
11 Griffin Jones [sp?], and Todd Maisel. We can start in
12 whichever order you'd like.

13 AVNI PRAVIN: Hello my name is Avni
14 Pravin6. I'm a resident from Queens, New York. I'm
15 here to urge the City Council to hold the NYPD
16 Strategic Response Group accountable for its abuse
17 and to disband the unit. The Strategic Response
18 Group was founded in 2015 as a 350 officer unit with
19 a budget of \$13 million, but this has since ballooned
20 to an estimated \$133,000 million. The SRG is now a
21 constant presence at protests across New York City
22 and they frequently escalate peaceful protests and
23 terrorize people exercising their right to free
24 speech and assembly. This is because their training
25 focuses on the use of force, and members of the units

1
2 are trained to treat racial justice protestors as
3 enemy combatants. One of the many examples is the
4 June 2020 Mott Haven incident when SRG trapped, beat,
5 zip tie and arrested 263 protestors, medics, and
6 legal observers in which 61 people were injured and
7 drew condemnation from the Human Rights Watch. SRG
8 is not equipped to handle the problems that New York
9 is facing. New Yorkers will tell you that they want
10 cleaner streets, mental health and hygiene programs,
11 public toilets, and public transportation
12 improvements. When did we decide that public safety
13 amounts to dangerous and aggressive thugs deputized
14 to terrorize peaceful protestors? I'll end by saying
15 that one of my family's proudest legacies is my
16 grandmother's activism as a freedom fighter in India.
17 She organized her fellow classmates and peers as a
18 young girl to resist British colonialism, and she was
19 often beat by the cops, and on one occasion she was
20 even kidnapped by the British police. Despite this
21 brutality, India gained its freedom thanks to the
22 protest's international attention, and stark images
23 of police brutality. So I hope the Council takes a
24 lesson from history that the SRG will never success
25 in suppressing our right to speak, our right to

1
2 public assembly, but what it will do is ensure a
3 complete breakdown of trust in the City's leadership.
4 The Mayor's Preliminary Budget continues to fund the
5 SRG's abuses, despite the fact-- I'm wrapping up--
6 despite the fact that the NYPD refuses transparency
7 around their misconduct. So, the City Council must
8 end the SRG's abuse by disbanding the unit, removing
9 its funds from the hands of the NYPD and reinvesting
10 those funds back into our communities. Thank you.

11 CHAIRPERSON SALAAM: Thank you.

12 UNIDENTIFIED: Test. Oh, yeah, okay.
13 Three years ago I was here at City Hall on Martin
14 Luther King, Jr. Day at the close of a preschool
15 march with my fellow BLM protestors when the SRG
16 descended on us. What I saw was so horrible that I
17 remain traumatized to this day. I saw children
18 brutally thrown to the ground. I saw a black trans
19 woman shoved into the pavement, her wig torn from her
20 scalp, and she cried out saying that as a woman she
21 needed her wig, she was laughed at. All New York's
22 finest had to say as they dragged her across the
23 asphalt were transphobic insults and slurs. We were
24 a peaceful protest assembled in a public park and on
25 the sidewalk. We were violating no laws, but the SRG

1 did not care. In order to justify their brutality,
2 they tore us from the sidewalk into the street and
3 then charged us with obstructing traffic. They
4 wanted us gone and so they manufactured crimes to
5 charge us with. We did not even know why we were
6 being targeted. It wouldn't be until the next day
7 that we'd hear their justification on the news.
8 Someone had supposedly tagged a wall on the Brooklyn
9 Bridge. For this alone were we made victims of such
10 extraordinary cruelty? Two people were hospitalized
11 by the brutality of the NYPD that night. The damage
12 to my soul has been permanent. For months I was
13 numb. The specter of that day hung over my
14 graduation from Columbia summa cum laude on what
15 should have been the happiest and proudest day of my
16 life. Every time I see an officer of the NYPD I
17 flashback to the bodies in the street and my blood
18 runs cold. As I walk through City Hall Park here
19 today I suffered a panic attack. City Hall, which
20 should represent Civic justice and a love for my home
21 now only represents horror. When at a BLM protest I
22 had a taser pressed against my head at a distance
23 that would have easily killed me had my attacker
24 pulled the trigger. The NYPD stood by and watched.
25

1
2 When they instead to beat me with the pommel, the
3 NYPD stood by and attached. I saw my life flash
4 before my eyes and was seconds from death, and the
5 NYPD stood by and watched because they did not care
6 if I lived or died. The SRG and its brutality has
7 stolen so much from me. The SRG stole the last
8 semester of my college life lost to trauma. The SRG
9 stole the joy of my graduation day. The SRG has
10 stolen my ability to use the subway in peace because
11 in every car at every stop I see dozens of those who
12 damaged me. The SRG stole how every many thousands I
13 will have to pay in therapy fees to fix what they
14 broke inside of me, and yet despite this, I do not
15 cry for vengeance, only for justice. Disband the SRG
16 and ensure the trauma ends here and now. Thank you.

17 CHAIRPERSON SALAAM: Thank you.

18 TODD MAISEL: I'm Todd Maisel, founder of
19 the New York Media Consortium, Contributing Editor at
20 AM New York, and 40 years a journalist, but I speak
21 for myself. On November 20th, Council held public
22 hearing with chief Beltran, NYPD Technology Bureau
23 testify about the radio encryption. While required
24 modernization is also designed to lock out the
25 public, and more specifically the press. You need to

1 ask what is the real cost and whether Chief Beltran
2 was making a glaring omission on a \$380 million
3 budget, 40,000 radios serviced by private
4 contractors, thousands of new repeaters connected to
5 hard line telephone lines paid monthly, thousands of
6 charging stations, extra batteries, scores of new
7 hires, and vastly expanded Communications Division.
8 New Year's Eve, cops were told not to use their
9 radios because of excessive battery drain. Computers
10 included on those radios are useless because they use
11 excessive power. Why the radios have computers? Who
12 knows? They have internet on their phones that we
13 pay for. The NYPD will hold the narrative. They get
14 to put out notifications of all the crime in email.
15 They choose what they want to tell you. Some crimes
16 not reported for hours, days or even not at all.
17 Examine the capital spending request for \$81 million
18 for this year. Last year, the budget for NYPD
19 Communications Division with capital programs came to
20 \$178 million. So not against encryption or radio
21 program. Always supported law enforcement, but a
22 failure to question this budget while the NYPD drags
23 its feet on transparency, makes this council for
24

1
2 responsible for allowing the NYPD to become the
3 secret police.

4 CHAIRPERSON SALAAM: Thank you.

5 COMMITTEE COUNSEL: Thank you to this
6 panel. I'll call next Brittany Ramos [sp?], Tashoy
7 Miller [sp?], Ayana Mendez Penate [sp?], Natalia
8 Aristizabal, and Daniel Sion [sp?].

9 NATALIA ARISTIZABAL: Good afternoon. My
10 name is Natalia Aristizabal and I am the Deputy
11 Director of Make the Road New York. Thank you so
12 much for the opportunity to testify. Specifically
13 here to express the-- and to speak against the
14 increased budget of the NYPD. Specifically, I'm
15 going to talk about immigrant communities like
16 myself. I want to remind the New York City Council
17 that as a city of immigrants, it is them and us who
18 strengthen the city, and it is who are as core New
19 Yorkers. We want to also be clear that in spite of
20 anti-immigrant messaging, there is no evidence of
21 migrant crime wave. Despite this reality, the NYPD
22 press communication teams has issued misleading press
23 statements while stoke fear in immigrants and lead to
24 anti-immigrant bias. Specifically, I want to recall
25 a Times Square brawl [sic] which the NYPD claimed it

1 was immigrants attacking officers, but once we were
2 able to see the footage on the cameras, we were able
3 to see that it was an NYPD officer who grabbed him by
4 the collar and rammed him against a wall.
5 Unfortunately, by the time that this body cam footage
6 was released, the NYPD original narrative had already
7 taken hold, and people were talking unjustly about
8 immigrants. One of the areas of NYPD budget we urge
9 the Council to cut is the Press Communication Office
10 which is responsible for misinformation which helps
11 fuel anti-immigrant sentiment that we cannot have in
12 the City right now, and to cut that part of the
13 budget at least by 50 percent. We also urge the
14 Council to reduce the budget overall. For example,
15 last week an NYPD officer beat a man with a stun gun
16 who was-- a father who was holding a one-year-old
17 baby at a shelter for recently-arrived immigrants.
18 Everyone should be disgusted by this. No matter how
19 long someone has been called New York home, we
20 deserve to be treated with compassion, care, and no
21 stun guns, and no separation, and no risk to no
22 child. We also want to express our alarm at the
23 moment when violent crime rates on the subways are at
24 a historic low, the Mayor and the Governor want to
25

1
2 continue to have really old policies, very similar to
3 stop and frisk to check the bags and make people and
4 immigrants in New York really scared. And my last
5 point is going to be specific to the SRG. It is
6 widely known that is one of the most violent
7 divisions of the NYPD when it comes to responding to
8 protests. They harass us, assault us, arrest us, and
9 they are basically going against mass protests in the
10 most uncivilized way. the final point is that
11 earlier this week one of our youth testified
12 specifically to school policing, and we want to make
13 sure that the \$400 million that is going to school
14 policing goes toward restorative justice, mental
15 health support, counselors, social workers, and
16 community schools. Chicago and Oakland did it, why
17 can't New York do it? Thank you.

18 CHAIRPERSON SALAAM: Thank you.

19 ILEANA MENDEZ-PENATE: Hi may name is
20 Ileana Mendez-Penate and I'm here representing
21 Communities United for Police Reform and our New York
22 City Budget Justice Campaign. Thank you so much,
23 Chair Salaam for having us. At today's hearing the
24 NYPD testified that their budget was \$5.7 billion
25 dollars, and I just wanted to clarify that this

1
2 number does not include city spending on police
3 fringe and pension costs, which actually bring the
4 NYPD proposed budget for Fiscal Year 25 up to \$11.8
5 billion. So what this means is that the Adams
6 Administration is actually proposing an almost \$300
7 million increase to the NYPD from last year. The
8 NYPD has demonstrated-- has a demonstrated record of
9 violence, obstruction, misinformation, overspending,
10 and the refusal to fire officers who unjustly kill,
11 brutalize and violate the rights of New Yorkers.
12 This makes us all less safe, and the budget process
13 shouldn't reward these bad actions with an increase
14 in funds for the upcoming year. While New Yorkers
15 are struggling with housing, food, education, abuse
16 of units like the SRG have continued to grow.
17 Schools continue to get more cops instead of
18 counselors, and [people in mental health crisis still
19 get police as first responders instead of qualified
20 mental health workers and peers. We are calling on
21 the Council and the Mayor to stop rewarding the NYPD
22 violence, misinformation, and refusal to fire abusive
23 officers in the budget process. So here are the five
24 things that we're calling for. one is we want to
25 freeze-- a hiring freeze on school police and to cut

1 funding for vacant school positions, and move this
2 money into restorative justice programs, counselors,
3 and other mental health professionals. The second
4 is that we want to disband the notoriously violent
5 and abusive Strategic Response Group and reinvest
6 those funds to serve, not harm New Yorkers. The
7 third is that we need to disband NYPD Mental Health
8 Teams and instead invest in non-police teams that
9 include peers and mental health professionals.
10 Lastly, we are calling for a cut to the NYPD's DCPI
11 budget which allows them to spread misinformation
12 through an absurd \$3.5 billion public-- million,
13 sorry, \$3.5 million public relations budget. Thank
14 you so much.

15
16 CHAIRPERSON SALAAM: Thank you.

17 DANIEL CIONE: Good evening and Ramadan
18 kareem, Chairman Salaam. My name is Daniel and I'm
19 an attorney and I'm here as a member of Within Our
20 Lifetime United for Palestine. I'm here because I
21 would like to address a number of things the
22 Department, the New York Police Department said
23 during today's testimony regarding the protest for
24 Palestine. But everyone as an initial matter, you
25 know, I want everyone to understand that the

1
2 fundamental context of these protests is the fact
3 that over 40,000 Palestinians, including 13,000
4 children have been murdered by the genocidal Israeli
5 state since October 7th. But in terms of the actual
6 hearing today, you know, I think the biggest lie we
7 heard today was the Chief of Department Jeffrey
8 Maddrey. He claimed under oath that when responding
9 to protests, the Department uses the lightest touch
10 possible, and I think everyone here knows nobody
11 actually believes that. you know, the NYPD, in
12 particular the SRG, are sending protestors to the
13 hospital week after week, and Maddrey claims under
14 oath again that their policing tactics are using the
15 lightest possible touch, and I won't repeat what
16 others have said about particular violence of the
17 SRG. But the NYPD had engaged in extensive
18 surveillance, and this is related to the budget,
19 extensive surveillance of the Muslim and Arab and
20 Palestinian community in the past four months. Two
21 weeks ago prior to the start of Ramadan, we had a
22 dinner in Staten Island. when we got to the
23 restaurant, an advertised public dinner for the
24 Muslim community, when we got to the restaurant, the
25 NYPD's drone car with the license plate LCV6779 was

1
2 around the corner trying to surveil a dinner for the
3 Muslim community, not a protest, a dinner. How is
4 that the lightest possible touch? How is that not a
5 violation of the Handschu Agreement that the NYPD
6 agreed to? And how will this committee hold the
7 Department accountable for that. Another lie that
8 they said is that SRG is not present at most protests
9 in New York City. The SRG has been present at every
10 single protest since October 7th, and they were even
11 mobilized with riot helmets and batons at a Gaza 5K
12 fundraiser for children in Gaza, and I even saw the
13 SRG truck outside this very building. And you know,
14 I'll skip because I know I'm running low on time.
15 But we want to talk about budgets? The City is
16 talking from one side of their mouth that they don't
17 have money to treat migrants with dignity, they don't
18 have money for CityFEPS and other housing vouchers,
19 but we have \$145 million to pay for overtime at these
20 protests? We have-- we're talking about budgets, I
21 want to know how much the NYPD's International
22 Liaison program that has an office in occupied
23 Palestine, how much does that cost? You know, in
24 closing, who-- I want to know who's going to reign
25 the NYPD in? Is it going to be this committee when

1
2 one of your Committee Members Kalman Yeger has
3 claimed that Palestine does not exist? How can this
4 committee protect Palestinians when this committee
5 says they don't even exist? How can we trust you
6 when your colleagues like Vickie Paladino call for us
7 to be charged with RICO and conspiracy crimes for
8 engaging in protests, or Inna Vernikov who brought a
9 gun to Brooklyn College for a protest to intimidate
10 teenagers who were speaking up for their people and
11 go away scot-free? The Department wants to talk
12 about lawlessness all the time. That's lawlessness.
13 How did she get away with that?

14 CHAIRPERSON SALAAM: We're at time.

15 DANIEL CIONE: I understand you. And just
16 in closing, you know, I hope this committee gross a
17 spine to be frank with you, and holds the Mayor's
18 Office and the NYPD accountable, otherwise this so-
19 called settlement that we've been talking about and
20 this so-called hearing is not worth the paper it's
21 printed on. So in closing, I would encourage the
22 council to have the courage to take up the call to
23 abolish the Strategic Response Group, and I would
24 recommend that the Council and the public read the
25 extensive report we put out about NYPD violence

1
2 against Palestinians, Arabs, and Muslims since
3 October 7th, at WOLPalestine/resistrepression. Thank
4 you.

5 CHAIRPERSON SALAAM: Thank you.

6 COMMITTEE COUNSEL: Thank you to this
7 panel. The next panel I'll call a Walter Masterson,
8 Waimary Waiyokay [sp?], Margaret Barat [sp?], Walter
9 Ditman [sp?], and Nicole L.

10 WALTER MASTERSON: we need more cops. We
11 need more police officers. Everyone says that more
12 police officers equals lower crime rates. The only
13 people who disagree are people that actually research
14 crime and all they want to talk about is, you know,
15 access to mental healthcare, access to housing, food.
16 Forget those people, alright. The only way to reduce
17 crime in this city is to put a police officer on
18 every corner, every subway car, inside every
19 classroom. Right now we only have, what, 30,000
20 police officers patrolling the streets? We need to
21 get those numbers up. It's simple math, alright.
22 There are currently 6,400 subway cars in our transit
23 system. There's 1,800 schools in NYC, that's 20,000
24 classrooms, 120,000 city blocks. We need almost
25 150,000 officers on patrol at all times. Otherwise,

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2 who will be there to play candy crush on their phones
3 as civilians disarm violent offenders. Last week, we
4 had a horrible shooting on the A Train at the Hoyt
5 Schermerhorn stop. Now think about this, the Hoyt
6 Schermerhorn stop already has a police station, but
7 that didn't stop the shooting, but what if the subway
8 car had a police officer in it? I mean, yeah, he
9 probably would have ducked the rest of-- you know,
10 what, what if everyone on that subway car was a
11 police officer, right? Think about it. If everyone
12 on that-- you know, what if everyone on that subway
13 car had a-- you know, was a cop and they had a gun,
14 you know, it'd be great. What if the shooter on the
15 subway was also a cop? That would have been amazing.
16 There would have been no, like, crime report or
17 anything. We could have just handled it internally.
18 You know, we could end crime today. All we need to
19 do is make everyone in New York City join the NYPD.
20 Then assaults, murders, sexual assaults would just be
21 handled internally. Someone steals a car, give them
22 paid leave. Problem solved. Alright, you might be
23 thinking how are we going to pay for this. Right
24 now, the NYPD budget is \$11 billion. That's only but
25 five percent of the City budget, alright. It should

1
2 be 100 percent of the City budget, alright. It'd be
3 the only way to curb a--

4 CHAIRPERSON SALAAM: [interposing] We're
5 at time.

6 WALTER MASTERSON: crime rate that's
7 already almost historically low. No parks--

8 CHAIRPERSON SALAAM: [interposing] We're
9 at time.

10 WALTER MASTERSON: libraries, schools,
11 homeless services--

12 CHAIRPERSON SALAAM: [interposing] Sir?
13 Sir?

14 WALTER MASTERSON: mental health offices,
15 transit, arts, or happiness.

16 CHAIRPERSON SALAAM: Sir.

17 WALTER MASTERSON: Why would we need
18 those things when we have the NYPD? Thank you.

19 UNIDENTIFIED: I'm here today to demand
20 City Council fully disband the NYPD Strategic
21 Response Group and reallocate its funds to services
22 that actually serve us instead of brutalizing us.
23 over the past four years I've personally seen SRG
24 officers beat, punch, hit, shove, drag, pepper spray,
25 tase, and kettle New Yorkers including medics, legal

1
2 observers, and children. Under Eric Adams'
3 increasingly violent police state, the SRG has
4 participated in the City's cruel encampment sweeps,
5 arrested clinic defenders, and intimidated abortion
6 patients, brutalized pro-Palestinian protestors and
7 much more. In 2021, I was myself arrested by SRG
8 officers. Four of them violently slammed me to the
9 ground. Despite being compliant and yelling that I
10 wasn't resisting, four officers insisted on carrying
11 me by each of limbs with my legs spread apart in the
12 air. I left the precinct with broken blood vessels
13 and bruises on my arms that persisted for weeks.
14 NYPD leadership has repeatedly lied under oath about
15 its use of the SRG in this very room. They refuse to
16 respond to questions about the SRG honestly, because
17 they know the unit is indefensibly racist, queer-
18 phobic, biased, brutal, and that its officers get off
19 on each other's sadistic behavior. Hundreds of New
20 Yorkers have taken time out of their lives to tell
21 you about our firsthand experiences being traumatized
22 and repressed by this specific unit. Continuing to
23 fund the Strategic Response Group would be the
24 antithesis of safety. We don't want more training
25 for the SRG. In fact, it's already one of the NYPD's

1 highly trained units. Its training only makes it
2 more dangerous. No, the SRG cannot be reformed, it
3 must be dismantled fully forever. City Council must
4 fully disband the SRG and prevent it from ever being
5 recreated in any form. I want to see the \$133
6 million reinvested into budget items that actually
7 make New Yorkers safer like libraries, education, and
8 mental health services. Thank you.

10 NICOLE: Good evening. My name is
11 Nicole, and I'm here as a New York City resident to
12 not only call on the City Council to hold the SRG
13 more accountable, but to disband this unit entirely.
14 Over these past few months, the SRG have led brutal
15 crackdowns on New Yorkers exercising their first
16 amendment rights, arresting and injuring hundreds of
17 protestors. On March 8th, they knocked a protestor
18 unconscious, because they slammed them to the ground,
19 and rather than calling for medical attention, when
20 the protestor came to, they hand-cuffed them and took
21 them away. Just last night right outside this
22 building, SRG Officer Luis Machado [sp?] jumped the
23 barricade and charged at a crowd protesting,
24 exemplifying the culture of danger and violence
25 within the SRG. When they arrive on the scene, they

1
2 escalate situations that injure New Yorkers who
3 again, are just exercising their first amendment
4 rights. The SRG receives a disproportionate number
5 of police misconduct complaints, 91 percent of which
6 between the years of 2015 and 2020 came from people
7 of color, further costing the City hundreds of
8 thousands in lawsuit settlements. This unruly arm of
9 the NYPD cost the City \$133 million every year, while
10 unhoused people fill the streets and social services
11 are being cut in nearly every department. This
12 militarized unit not only attacks protestors, but is
13 instrumental in terrorizing unhoused people by
14 sleeping encampments and violently conducting
15 arrests. Rather than using the funding to help these
16 people in need, the City would rather just lock them
17 up. The City continues to fund the SRG despite their
18 lack of transparency and mountains of evidence of
19 brutality. These funds belong in our communities, and
20 the Council must disband this unit. Thank you.

21 WALTER DITMAN: Hello my name is Walter
22 Ditman. I'm a New York City resident. I urge the
23 City Council to hold the Strategic Response Group
24 accountable for tis abuses against non-violent
25 protestors. I have witnessed SRG members brutally

1
2 assault and arrest a number of individuals who were
3 simply trying to assist female patients about to
4 enter a Planned Parenthood clinic on Bleecker Street.
5 At the same time, the SRG actually escorted a group
6 of religious anti-abortion advocates right up to the
7 clinic entrance. Why does the SRG help Catholic
8 Church members try to prevent patients from obtaining
9 reproductive health services? Why does the SRG
10 target nonviolent protestors? The City Council must
11 hold the SRG accountable and defund the unit. On
12 Saturday morning, December 3rd, 2022, I joined a
13 peaceful protest at old St. Patrick's Church against
14 church members who try to prevent abortion access.
15 This is two blocks away from the Planned Parenthood
16 clinic. As about 15 or 20 of us were picketing in
17 front of the church, about 50 SRG officers were
18 standing guard. Soon, about five monks dressed in
19 grey togas exited the church heading toward the
20 clinic. As the monks walked towards the clinic,
21 protestors followed. Suddenly, at least 10 SRG cops
22 roughly shoved protestors aside and formed a
23 protective cordon around the monks. The cops
24 actually began escorting the monks to the clinic. As
25 some protestors moved ahead, the police grabbed five

1 of them, threw them to the ground, slapped handcuffs
2 on them, and hauled them away to a police van.
3
4 Meanwhile, the police permitted the monks to proceed
5 to the clinic entrance where they tried to discourage
6 women from entering. A short while later, the police
7 aggressively arrested and hauled away a few more
8 protestors that were simply voicing their outrage at
9 the police treatment of their fellow protestors. I
10 saw similar incidents like this on two other
11 occasions, on October 1, 2022 and January 7, 2023.

12 At no time did protestors use violence against the
13 religious figures. When nonviolent protestors are--

14 CHAIRPERSON SALAAM: [interposing] We're
15 at time.

16 WALTER DITMAN: repeatedly--

17 CHAIRPERSON SALAAM: [interposing] You can
18 submit your written testimony.

19 WALTER DITMAN: abused by SRG police.
20 It's time to disband this unit and redirect city
21 funding to programs that serve our communities and do
22 not abuse fellow workers.

23 CHAIRPERSON SALAAM: Thank you.

24 COMMITTEE COUNSEL: Thank you. For the
25 next panel I'll call Nikki Blah [sp?], Gloria Hong

1 [sp?], Christine Hurbeck [sp?], Kayt Tiskus, Nicole,
2 and Raul Rivera.
3

4 KAYT TISKUS: Council Member Salaam,
5 Chair Salaam, thank you so much for staying late this
6 evening to hear from all of us. My name is Kayt
7 Tiskus. I work with Collective Public Affairs and I'm
8 here to talk a little bit about some of the specifics
9 with community partnerships and how they extend and
10 increase the capacity of the City's ability to
11 provide for the safety of citizens. So, first I
12 wanted to talk about the initiative to combat sexual
13 assault. That provides a lot of resources for
14 victims of crimes and also training for folks in
15 hospitals how to properly take rape kits, how to
16 properly store them and preserve the chain of
17 evidence. It's really important for making sure that
18 sexual assault victims have fair and proper
19 treatment. They have been frozen in funding for
20 several years, even though the incidents of violence
21 have gone up. So, the specifics of my ask will be in
22 the submitted written testimony. I also don't need to
23 tell you that trans New Yorkers are experiencing more
24 threats against their safety simply for existing and
25 walking around. The Trans Equity Initiative tries to

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2 devote-- or tries to help people with resources with
3 legal protections that the City is not able to
4 provide all on its own. Similarly, support for
5 persons in the sex trades provides community-based
6 support for folks who shouldn't be criminalized. And
7 finally, I would like to say that we really hope that
8 you'll support the LGBT Caucuses Marsha and Silvia
9 Plans [sic] ambitious goals, but most specifically
10 their hope to defund the Vice Squad which has an
11 embarrassing anachronistic name even, and redirect
12 that funding toward the proven community-based help
13 with housing, help with services that all those
14 initiatives provide. Thank you very much.

15 CHAIRPERSON SALAAM: Thank you.

16 RAUL RIVERA: Good evening. My name is
17 Raul Rivera. I'm a TLC driver and a TLC driver
18 advocate. I'm a native New Yorker. I'm 54 years
19 old. I lived through the crack epidemic, abandoned
20 buildings-- we need cops in the City, no doubt about
21 it. I don't know what's going on in this city, but
22 there's chaos going on. We need cops in this city.
23 If you're a Council Member and you say defund the
24 cops, you're no leader. You are no leader if you say
25 defund the cops. You're doing more harm than good.

1
2 Cops can go to jail, too. You know, not everybody
3 trusts them. I don't trust them completely, but we
4 definitely need cops in this city. You can't be
5 saying defund the cops, because you send the wrong
6 message, and that's what you're doing. You're a
7 Council Member, people listen to you guys. They
8 listen to you, and when you say defund the cops, it's
9 a freefall. Now, I have a-- I drafted a complaint. I
10 can't-- I was going to read it, but it's too long.
11 January 23rd of this year, you was at a press
12 conference. We're not going to put your name in that
13 complaint, but I'm personally filing a complaint
14 against Speaker Adams, Council Member Avilés, and the
15 Public Advocate Jumaane Williams, because they held a
16 press conference there in response to the Mayor's
17 veto of 586, and we say repeal 586. But the press
18 conference that they had there was a BS press
19 conference. It was a propaganda piece. The family
20 that was invited, the individual that lost their
21 life, they never talked about Brian Mulkeen, a New
22 York cop who was killed, 33 years old. He's a kid.
23 He was killed that night, and nobody mentioned his
24 name, and I was there. Speaker Adams had that-- I'm
25 going to say it, a BS press conference. So we're

1 filing a complaint against her, Jumaane Williams and
2 Avilés, just so you know. We didn't include your
3 name. We'll give you the benefit of the doubt that
4 you didn't know that propaganda press conference was
5 taking place.

6
7 COMMITTEE COUNSEL: Thank you to this
8 panel. I'll call up the next panel which will
9 include Hennessy, Devin Krishnaswami, Braden Holiday
10 [sp?], Maximillian Clark [sp?], Brianna Lipp [sp?],
11 and Darius Rafieyan.

12 DARIUS RAFIEYAN: Hello. My name's
13 Darius Rafieyan. I'm a New York City resident. I'm
14 also a journalist. I've written for Business
15 Insider, Bloomberg, NPR. I've come here today to just
16 tell about my personal experience with the Strategic
17 Response Group, and actually I don't even participate
18 in protestors, because journalist ethics require that
19 I remain impartial, but I do volunteer as a protestor
20 monitor, which means I show up to protestors wearing
21 very clearly labeled protestor monitor vest. I just
22 observe and document hopefully to help makes sure
23 that people can exercise their first amendment
24 rights, something very important to me as someone who
25 has committed his life to the first amendment. And

1
2 what I want to say is that if-- years ago I reported
3 undercover in Iran, a repressive dictatorship. I
4 covered protestors there in Tehran. I covered
5 protestors here in New York. I've been arrested in
6 Iran. I've been arrested in protests in New York.
7 What I experienced at the hands of the Gasht-e
8 Ershad, Iran's infamous morality police, is nothing
9 compared to what I witnessed from the SRG on a
10 regular basis. I've been punched, kicked, choked,
11 verbally berated, threatened with arrest, and this is
12 when I'm wearing my protest monitor vest, when I'm a
13 person who's supposed to have some sort of protected
14 status at these protests, and this is when members of
15 NYPD Legal are literally yelling at SRG officers
16 "stop that, he's supposed to be here." And what they
17 do to protestors is beyond that even. I've seen
18 people get beaten to a bloody pulp for taking the
19 wrong tone with an SRG officer or waving a
20 Palestinian flag. I've seen a fellow journalist
21 specifically targeted and violently attacked for
22 trying to document this. These SRG officers, they
23 arrive at these protests ready to fight. They are
24 disdainful of people exercising their first amendment
25 rights, and every single protest I have been to as a

1
2 monitor, the moment that the SRG arrives, things
3 escalate. The violence increases, and it's always
4 coming from them. So I don't have an opinion about
5 city policy, but I thought that I would just share my
6 experience with this really scary and horrible group.
7 Thank you.

8 DEVIN KRISHNASWAMI: Hello. My name is
9 Devin Krishnaswami. For everyone who's here today,
10 there's so much that should be discussed about the
11 SRG, but I think we need to discuss if-- for the fact
12 that if they didn't show up to our protests or harass
13 us in the streets, or harass us in general-- this is
14 not just about the SRG, but the NYPD as a whole who
15 have taken an aggressive stance to many of the recent
16 protests, many on Palestine, that have been happening
17 in the City using unlawful or sometime aggressive
18 tactics to achieve what they see as law and order,
19 when actuality it is a different form of anarchy and
20 oppression that has not been seen since 2020. It is
21 a clear violation at the NYPD to use these tactics as
22 proved by previous settlements which I know that they
23 know about, even though they have decided to not care
24 whatsoever about them. They know that they're
25 breaking rules. They know that they are deliberately

1 using tactics that they were told not to use anymore.
2 And for what reason? I do not now while I'll never
3 say that we have truly gotten rid of police brutality
4 in the activist scene. I will say that these
5 settlements, when they were used in the past led to
6 what I can only describe-- while not a perfect--
7 while not perfect, there was definitely a rebirth in
8 the world of activism in the City. People could use
9 their voices and respectfully challenge the
10 government. But now, we are returning back to a
11 period where such simple things as using a megaphone
12 or taken to streets which is a common thing done for
13 groups of 500 people or more. The NYPD claims they
14 have the authority to shut these protests down for
15 simple acts, when in actuality they do not. There
16 are clear settlements that have clearly specified
17 these changes. So now it's much bigger that why we
18 haven't disbanded the SRG. This is a problem that
19 should amount to the question many of us including
20 myself are asking on why the City Council or the
21 higher-ups including the Mayor taken action to assure
22 that these settlements and the changes that we have
23 already enforced stay enforced. And why is it so
24 easily that the NYPD is allowed to reuse old tactics
25

1
2 so easily, going as far to bring back riot helmets
3 and batons in a setting where they're faced in a
4 protest scene, who have not experienced --

5 CHAIRPERSON SALAAM: [interposing] So
6 we're at time.

7 DEVIN KRISHNASWAMI: this type of force
8 and are now being exposed to a totally new side of
9 the NYPD they have not seen before--

10 CHAIRPERSON SALAAM: [interposing] Sir,
11 you have to wrap up. We're at time.

12 DEVIN KRISHNASWAMI: and aren't prepared
13 to face brutality that the NYPD will bring to them.
14 Continuing these tactics from 2015 and before, and
15 why I agree that--

16 CHAIRPERSON SALAAM: [interposing] Sir,
17 we're at time.

18 DEVIN KRISHNASWAMI: disbanding the SRG
19 budget and the group as whole is important, I must
20 also stress the importance of holding the NYPD
21 accountable and making sure that these tactics are
22 not used ever again, and that we may get--

23 CHAIRPERSON SALAAM: [interposing] Please
24 wrap up or we're going to have to cut your mic off.

1
2 DEVIN KRISHNASWAMI: that feel of protest
3 world that we all dream of. And I also want to bring
4 attention. There is somebody who should be--

5 CHAIRPERSON SALAAM: [interposing] Please
6 cut his mic off.

7 UNIDENTIFIED: Hello? Okay. Instead of
8 resting after a really long day fighting for critical
9 climate legislation in New York State and Albany
10 today, I felt very obligated to testify to this body
11 today, a body of Council Members in which I genuinely
12 do not have faith in. I would love to echo the
13 concerns of my peers today who are quite exhausted
14 and severely traumatized. We testified in May of
15 2023, and here we go again about the same issue of
16 NYPD Strategic Response Group. You're probably tired
17 of us, but the feeling is mutual because we are tired
18 of you not listening. As hundreds and even thousands
19 of New Yorkers have been exercising their first
20 amendment rights almost every week to protest a
21 genocide Israel is committing against Palestinians in
22 which more than 30K are dead, many which are
23 children. Pro-Palestinian protestors have been met
24 with extreme repression, especially by the NYPD's
25 Strategic Response Group. The SRG has intimidated,

1 arrested, brutalized, and even threaten psychiatric
2 hospitalization towards pro-Palestinian protestors.
3 The SRG has concussed and traumatized youth. This is
4 not an exaggeration. There's footage and endless
5 evidence of NYPD's violent tactics on social media
6 and even in the news. These awful tactics have also
7 been applied to the protests which notably includes
8 the BLM protest and even at clinic defense. Whether
9 we are protesting in solidarity for Palestinian
10 liberation, for our reproductive rights, for racial,
11 economic, climate, and social justice, the NYPD finds
12 a way to harass, intimidate and suppress us. The
13 NYPD tells us to get a permit to protest, a permit to
14 use megaphones, etcetera. Truly, screw your freaking
15 permit. We do not need your permission to protest,
16 nor do we need your permission to exercise our first
17 amendment right. Literally, the point of protesting
18 is to disrupt and make our voices heard. If you gave
19 a damn about your constituents, you would disband and
20 divest from the NYPD's Strategic Response Group. Our
21 tax dollars should be funding libraries, schools,
22 even compost. Our tax dollars should be funding
23 lower-income and predominantly Black and Brown
24

1
2 communities like the Bronx, communities in which I'm
3 from.

4 BRENNNA: Oh, hi, my name is Brenna [sp?],
5 and I'm here to argue for the disbandment of the SRG.
6 I'm going to talk about my personal experience with
7 the SRG, the NYPD's use of informants and
8 undercovers, and physical and sexual abuse of the
9 Strategic Response Group I've experienced as well as
10 witnessed. The first time I saw bikes being used as
11 weapons was in May of 2020. It was the first week of
12 the uprising as there were huge crowds came out in
13 justified rage, lit the city after the murder of
14 George Floyd. The SRG responded with kettling,
15 punching, mass arrests, and during those first weeks,
16 the attacks were seen by masses and were under a
17 microscope which resulted in the Mott Haven
18 settlements, but those attacks were only a tiny
19 fraction of the illegal infiltration and attacks of
20 the NYPD. We should never forget that during the
21 height of COVID, healthcare workers were in hospital
22 bags and SRG were dressed in their like ninja turtle
23 suits that were \$2,000 each, ready to brutalize New
24 Yorkers protesting their first amendment rights. As
25 the crowds died down but the protestors continued,

1
2 the SRG accelerated their violence, seemingly
3 attempting some sort of revenge for the uprising of
4 2020 being arrested in kettles, SRG arresting minors,
5 ripping protestors from the sidewalk onto the
6 streets, SRG not knowing how to use their bikes, and
7 giving felonies to anyone when they fell around them.
8 I have a scar from a bike scope from four years ago
9 that I still have today which is honestly nothing
10 compared to the things that I've witnessed. The SRG
11 has shown time and time again that they escalate
12 demonstrations, not de-escalate them, kettling, sonic
13 weapons, etcetera. I thought I would never come to a
14 hearing until what I witnesses with the Jordan Neely
15 protest attacks, and the attacks of the SRG from the
16 WOL Palestine protests. Oh, I need to keep going.
17 On May 1st, an unarmed houseless Black man-- well, I
18 guess-- I don't know because I don't have any time to
19 finish this, but I guess the main things that I
20 wanted to talk about, just have on the record, is
21 when the NYPD put my image on Crime Stoppers--

22 CHAIRPERSON SALAAM: [interposing] You can
23 always submit the--

24 BRENNNA: [interposing] No, this needs to
25 be said.

1
2 CHAIRPERSON SALAAM: No, I'm saying you
3 can submit what you have on your phone so that it can
4 be fully a part of the testimony.

5 BRENNNA: Okay, but I just want to say
6 like a couple more things really fast. Was earlier
7 today an NYPD officer said that they don't--

8 CHAIRPERSON SALAAM: [interposing] You're
9 at time, too.

10 BRENNNA: What?

11 CHAIRPERSON SALAAM: You're at the time.

12 BRENNNA: No, I just want to--

13 CHAIRPERSON SALAAM: [interposing] That's
14 what the-- that's what the audible sound was. Every
15 person was given two minutes. Every person has gone
16 over two minutes. We're trying to adhere to the
17 timeframe.

18 BRENNNA: Can I just say this one thing?

19 CHAIRPERSON SALAAM: So that everybody
20 can be--

21 BRENNNA: I just want to say this one
22 thing on the record which is the NYPD when they took
23 an image for my Crime Stopper image, they went-- they
24 didn't use it for my public social media. They went
25 to Onlyfans, and they went through a pay wall to put

1 that on-- to put that on. So these are the people
2 that you're dealing with, and I didn't get to talk
3 about like majority of the things that I wanted to
4 and I wanted to say that. As well as, when I was in
5 a car, and there's no recording of this, they brought
6 up personal information that I have never talked
7 about on social media, only amongst people. So there
8 really should be a greater concern about their
9 tactics that are being used behind closed doors, and
10 I really just wanted to put that on the record.

11 Thank you for letting me say that.

12
13 COMMITTEE COUNSEL: Thank you. The next
14 panel will include Sunny Mun [sp?], Ferris Der, CG,
15 Tiffany Sloan [sp?], Richard Torres [sp?], and Micha
16 Gale [sp?].

17 UNIDENTIFIED: Yes, you may.

18 SUNNY MUN: So my name is Sunny Mun and I
19 just live a few blocks from here. I'm also 55, as
20 the gentleman said. So I moved here in the 1990s,
21 and this is what I want to say. I am a PTA mom. I
22 live very close to here. I have a son in middle
23 school. I'm one of those people who used to think
24 it's just a few bad apples. My viewpoint has changed
25 because every interaction I've had with the police in

1
2 New York City has been negative and violent and
3 scary. The first time that I had an interaction that
4 really scared me was during the BLM protests. I was
5 just outside by Union Square. I was standing on the
6 sidewalk, and later I learned it was the SRG, they
7 lined up and without a warning-- they didn't even
8 tell anybody that they were going to do anything. I
9 was on the sidewalk. I was legally on the sidewalk.
10 They turned around and started beating us, and I was
11 hit with a baton so hard that I had a bruise for a
12 week for standing on the sidewalk. Nobody gave me a
13 warning. I pay taxes for that. The other thing that
14 I witnessed was I was also at a vigil for Jordan--
15 I'm sorry, I'm blanking his last name. There was a
16 young man-- Neely, Neely. There was a young man that
17 I was worried about who the police had done something
18 to him, that he was bleeding from his head, and I
19 thought he had a concussion, and how do I know that?
20 I'm actually a medical doctor. I'm an M.D. And I
21 said to the policeman he probably has a concussion.
22 Please get him medical care. They ignored me. This
23 was a vigil. It was peaceful until the police got
24 there. I saw them tackle a reporter. I also saw them
25 taking down an elderly man who was using a cane.

1
2 They ignored my pleas for medical assistance for a
3 young man who's bleeding from his head who looked
4 like he had a concussion to me, because he wasn't
5 focusing and he looked confused. The other thing
6 that I want to talk about is the Planned Parenthood
7 protest. I'm so disgusted. As I mentioned, I have a
8 medical background. These are patients going for
9 medical care, and you know those protestors, some of
10 them actually show up dressed as clinic providers.
11 Do you know that? There's somebody who shows up there
12 dressed up like a Planned Parenthood volunteer, and
13 one time there was somebody wearing scrubs there so
14 that people would think that they were a nurse. That
15 could be illegal because they're impersonating people
16 to defraud people to-- so that people who are going
17 to Planned Parenthood think that they're members of
18 the staff, when they're really trying to talk them
19 out. But the police act like--

20 CHAIRPERSON SALAAM: [interposing] Sorry,
21 we're at time. If you can wrap.

22 SUNNY MUN: No, I just want to say one
23 thing. The police cars say courtesy, protection and
24 respect. None of that is happening. We've talked
25 about how much money you're wasting, but what you're

1
2 also losing which you'll never get back is the
3 average citizen like me in New York City saying the
4 police are not doing their job. They make it more
5 dangerous. And another thing, I reported an assault-
6 -

7 CHAIRPERSON SALAAM: [interposing] We're
8 at time right now.

9 SUNNY MUN: and they told me because the
10 person pushed me down and didn't hit me, he said it
11 was harassment. And this was during the height of
12 the Asian-- anti-Asian hatred, and I was targeted but
13 the police refused to take my report and said it was
14 harassment and not assault even though I was pushed
15 down to the ground to the point where I had a bruise.
16 So, there is something very wrong. It's not a few
17 bad apples. It's the whole system and we don't trust
18 you, and this is the second time I've come back.
19 Last time I was here until 10:30 testifying while my
20 son was waiting for dinner. This is not okay.

21 CHAIRPERSON SALAAM: Thank you for your
22 testimony.

23 UNIDENTIFIED: Good evening, Mr. Salaam,
24 how are you? I always wanted to meet you. I've been
25 testifying here since 2016. Mr. Mark Levine who used

1
2 to be a Council Member, I spoke to him before I came
3 in today. He asked me if I needed any help regarding
4 my personal situation. The reason why I came to
5 testify today, and to talk about public safety is to
6 talk about my own personal issue, and also what I
7 think is a broader, wider issue that's affecting many
8 New Yorkers, which many people have spoken here
9 today. I'll try to make it brief. I'd like to
10 address the issues of what is being defined as public
11 safety regarding current legislation in the City and
12 State of New York. First, the defunding of the NYPD
13 which has resulted in the massive rises in crime over
14 the past few years. Crimes such as murder, rape,
15 assault, robbery, sexual misconduct and drug-related
16 crimes, cannabis, smoking, opioid taking, cigarettes
17 and alcohol consumption has only exasperated itself
18 by the legal and illegal use that's prohibited by the
19 City and State of New York, that which has resulted
20 in what I believe to be a psychosocial and economic
21 crime or crimes that are being committed by some
22 individuals who are mentally-ill, some individuals
23 who are criminally insane, some who are often
24 homeless, unemployed, migrants, or people living in a
25 shelter or a facility. These repeat recidivist

1
2 offenders who are not prosecuted or put in jail with
3 or without bail are part of the reasons why public
4 safety is in jeopardy. In the United States, the
5 criminal justice system is in dire need of reform,
6 whether or you're a conservative or whether you're a
7 democrat. I myself I've been a homeless person for
8 eight years here in New York City, five years living
9 on the street, two years living at the BRC shelter.
10 Do you know-- are you aware of the shelters, sir?

11 CHAIRPERSON SALAAM: You may have to
12 submit the rest of your testimony.

13 UNIDENTIFIED: Yes.

14 CHAIRPERSON SALAAM: Because-- I'm not
15 sure if you're halfway through or fully through, but
16 if you can wrap up that'd be--

17 UNIDENTIFIED: What I wanted to be made
18 known about the BRC shelter is I contacted Governor
19 Hochul's office over two years ago, and she sent some
20 state detectives there to do an investigation of
21 whether they were actually harassing the clients who
22 live there. I was a victim of harassment there, and
23 the detectives did an investigation, called me back
24 about two weeks later and told me that they didn't
25 find any evidence on surveillance video that

1 harassment had happened there, and this was very
2
3 dismaying to me, because harassment actually is an
4 ongoing thing. I've sent emails to Mayor Adams.
5 Several people have called me back to no avail. So
6 the reason why I'm making an issue of that is because
7 I think it is an issue of public safety. A lot of
8 these individuals have been in jail, and they-- I
9 think they have-- some of them have a pretty bad
10 history, and not enough--

11 CHAIRPERSON SALAAM: [interposing] You're
12 going to have to wrap, sir.

13 UNIDENTIFIED: Yes, sir. Not enough I
14 think is being done about it, and of course, this
15 kind of crimes can then go on and effect also the
16 regular population of people, not just people living
17 in shelter, or people living in facilities.

18 CHAIRPERSON SALAAM: Thank you for your
19 testimony.

20 UNIDENTIFIED: Yes, sir. I'd like to
21 submit this rest to you so you can read it.

22 CHAIRPERSON SALAAM: Yes, sir, thank you.
23 We will take it.

24 UNIDENTIFIED: Thank you.
25

1
2 COMMITTEE COUNSEL: I'm going to call
3 the-- what I have is the final list of in-person
4 panelists, if you do not hear your name and you are
5 here and wish to testify, please make sure the
6 Sergeants at Arms have your witness slip and we'll
7 make sure to get to you. But the names I have
8 remaining are Sabine Black, Gordon Lee, Towaki
9 Komatsu, Alvin Dan, Phoebe Francis [sp?], and
10 [inaudible] Mar [sp?].

11 PHOEBE FRANCIS: Hi, my name is Phoebe.
12 Earlier I was not able to attend, so I was watching
13 the live stream, and I heard I believe it was the
14 Police Commissioner say a bold-face lie that I think
15 I want to focus on, because a lot of what I would say
16 has been mentioned by other people. He said that we
17 respect our first amendment rights, the rights of
18 protestors, and that we let them march in the
19 streets. That is demonstratively false, as everyone
20 here can tell you. I'm curious, have any of you been
21 to or seen videos or images from protests recently or
22 the SRG's response to them? Because I have been
23 there, and I have personally witnessed cops beating
24 people, pushing them to the ground, pushing people
25 with bikes, and arresting them for doing absolutely

1
2 nothing. When someone in the police says a complete
3 like that, is there any-- are there any consequences
4 of that? I ask that rhetorically, because of course
5 there are no consequences for anything the police do.
6 But I think that as people who are supposed to
7 represent your constituents, you should speak about
8 our right to protest which is completely being
9 infringed upon. Everyone's been saying that the
10 solution is not more police, not more prisons. We're
11 saying that the solution is healthcare, schools,
12 education, and yet, every single year the police
13 budget increases. Abolish the SRG. Abolish the
14 police and prisons. Free Palestine.

15 : Alright. I preface my comments on SRG
16 with it was ridiculous that a member of this
17 community waiting to speak on the same topic was
18 ejected out of this chamber despite having already
19 passed security and another community member kicked
20 out for simply filming that incident, nothing more.
21 We know that the NYPD hates transparency and this is
22 simply the newest entry to that record. I'm here as
23 a NYC resident to demand that the SRG's immediately
24 disbanded and held accountable for the significant
25 levels of abuses committed. The SRG is a staggering

1 waste of money. Approximately \$133 million of our
2 dollars have been spent on officers who do nothing
3 but commit a massive amount of level of misconduct,
4 disproportionately against people of color. I've
5 witnessed a lot of this brutality at protests, large
6 and small, because an inordinate amount of SRG are
7 deployed at all of them, and the SRG's MO is
8 immediate escalation. What I mean by that is, they
9 make every single situation at every protest no
10 matter what type it is, unnecessarily violent. This
11 starts with physically shoving people, for instance
12 with bikes often completely over. Groups of SRG
13 sometimes up to five or six of them grabbing people
14 off streets, off sidewalks with no warning or no
15 reason, sometimes tackling them to the ground,
16 pinning them on the ground, pinning them against
17 walls, and other forms of violence, not to mention
18 the sheer disdain for protestors they have such as
19 mocking us, goading us to touch them or hit them to
20 provoke us so they can arrest us. And this is
21 [inaudible] case of severe injuries as well. I have
22 friends who have gotten concussions. I've seen cases
23 of fractures, broken bones requiring hospitalizations.
24 At one time I've seen someone literally got knocked
25

1 over backwards by the SRG, hit their head on the
2 pavement, got knocked out cold, and when we demanded
3 that the cops call the medic, we were berated by SRG
4 officers. All of this in response to protestors just
5 marching down a street. And this is really only
6 scratching the surface of the harm that SRG does.
7 This is not even close to the worst of it. This
8 level of force is unjustifiable. It's unnecessary
9 and it's frankly infuriating. The SRG are
10 undoubtedly the number one danger at protests. They
11 are setting up situations where protestors will be
12 seriously injured or killed. Let me say that again.
13 They are setting situations where protestors will be
14 seriously injured or killed. Disband them
15 immediately. Thank you.

17 UNIDENTIFIED: For my whole life I wanted
18 to believe the institutions of this country existed
19 to protect me and everyone I cared about. On March
20 8th, I witnessed an SRG officer jump a barricade and
21 a fence to brutally beat down somebody who was
22 literally just standing behind a barricade. That was
23 the biggest shock to my perception of what the police
24 are supposed to be that I've ever experienced in my
25 entire life, and it became very clear to me that most

1 of the institutions of this country are just hijacked
2 by people who want to suppress messages that they
3 don't agree with. I often ask myself, can I really
4 care about the people I love without carrying about
5 the people who could be just like them? Do I care
6 about my daughter if there are children are just like
7 her being bombed halfway across the world, and my
8 country is funding it? Can we love our families if
9 we don't stand up for the families that are being
10 ended? Wounded child, no surviving family shouldn't
11 be a term that exists, and it does. So, I don't know
12 how anyone could say that they love or care about
13 another person without considering that other people
14 love and care about people just like you do. And I
15 can't believe that the SRG's response to us
16 demonstrating this commitment our fellow human
17 beings, I can't believe their response is to beat the
18 heck out of us. It makes no sense. And why are we
19 spending \$133 million a year on that, on people who
20 beat the living daylight out of us for standing
21 behind a barricade, protesting the loss of life that
22 this country is inflicting on innocent people, that--
23 why are we funding that instead of healthcare,
24 instead of having the library open on Sundays? That
25

1
2 makes no sense to me at all, and I wanted to bring
3 that to your attention.

4 COMMITTEE COUNSEL: Thank you to this
5 panel.

6 CHAIRPERSON SALAAM: Thank you.

7 COMMITTEE COUNSEL: Okay, we're going to
8 move to virtual testimony. For virtual panelists,
9 we'll be calling individuals on a one-by-one basis to
10 testify. Once your name is called a member of our
11 staff will unmute you and the Sergeant at arms will
12 set a timer and give you the go-ahead to begin.
13 Please wait for the Sergeant to announce that you may
14 begin before delivering your testimony. And the--
15 I'll just-- we'll go in this order for those on Zoom.
16 We'll start with Eileen Maher, and then we'll turn
17 next to Emily Reichert, and Sergio Urzurin. Start
18 with Eileen Maher.

19 SERGEANT AT ARMS: You may begin.

20 EILEEN MAHER: Good evening. My name is
21 Eileen Maher. I'm a Civil Rights Union Leader from
22 Vocal New York and I'm also here on behalf of the New
23 York, NYSCLU, and I'm a social worker with 25 years
24 plus experience and a survivor of domestic violence
25 which I was eventually criminalized and incarcerated

1 for in both New York State and New York City
2 facilities which included 427 days on the Island.
3 I'm here to urge the City Council to not buy into the
4 antiquated racist class and gender-biased fear
5 mongering techniques the NYPD and the Mayor are
6 abusing in order to secure an unnecessary and ungodly
7 amount of funds to perpetuate what are at the end of
8 the day false statistics that are as Council Member
9 Restler so rightly proclaimed as gas lighting.
10 During my traumatic experiences with domestic
11 violence, I was severely gas-lit, so I concur that
12 this is exactly what our NYPD and our Mayor and a
13 tiny minority of City Council Members are guilty of
14 in this very session. New York City does not need an
15 environment of a militaristic police state that
16 resembles Nazi Germany. We do not need an NYPD SRG
17 Strategic Response Group that incites violence and
18 racism and homophobia when progressives exercise our
19 constitutional right to peaceful protest. However,
20 when documented known terrorist groups gather to
21 promote violence and eventual murder like the Proud
22 Boys do, the NYPD and especially their higher goon
23 squad, the SRG, roll out the red carpet for them and
24 even provide them free transportation. When I was
25

1
2 experiencing domestic violence that led to my
3 incarceration and criminalization, the NYPD was
4 contacted on several occasions, not only by myself
5 begging for aid which only drew laughter from the
6 NYPD, but by good Samaritans in my building, and an
7 NYPD officer told me in my own home that they would
8 not be helping me, because the abuse was--

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

11 EILEEN MAHER: because I chose to be in
12 an interracial relationship, and he didn't say it
13 that nicely.

14 CHAIRPERSON SALAAM: Thank you, your
15 time is expired.

16 EILEEN MAHER: I just have a couple more
17 things to say. This officer is now a lieutenant.

18 CHAIRPERSON SALAAM: Sorry, the time is
19 up.

20 EILEEN MAHER: He was also one of the--

21 CHAIRPERSON SALAAM: [interposing] Please
22 make your final point.

23 EILEEN MAHER: Okay. What-- he's now a
24 lieutenant with the SRG or captain, some higher-up,
25 and he was also there kettling me and others during

1
2 the George Floyd protests. New York City needs to do
3 curb perceived crime and violence are alternatives to
4 incarceration, education, youth-based ATIs and
5 diversion programs, violence interrupters, mental
6 health services, substance abuse treatment, and--

7 CHAIRPERSON SALAAM: [interposing] I'm
8 sorry, your time is up.

9 EILEEN MAHER: and housing solutions and
10 closing Rikers Island.

11 CHAIRPERSON SALAAM: Thank You.

12 COMMITTEE COUNSEL: Next we'll hear from
13 Emily Reichert.

14 SERGEANT AT ARMS: You may begin.

15 EMILY REICHERT: Hi. Sorry had some
16 technical-- good evening now, Chair Salaam and
17 honorable committee members. My name is Emily
18 Reichert. I am a psychiatric nurse practitioner at
19 CASES which is one of the leading providers of
20 alternatives to incarceration in the City, and we are
21 honored to be here today. CASES specializes in
22 working with people with serious mental illness and
23 criminal legal system involvement. Every year we
24 provide hope and healing to almost 10,000 New
25 Yorkers, most of them low-income Black and Brown

1
2 people in over-policed and under-resourced
3 communities. I work on our Mobile Outreach and
4 Crisis program. It's a voluntary support service for
5 individuals experiencing serious emotional
6 disturbance, serious mental illness, criminal legal
7 system involvement and substance use disorders. We
8 work to reduce unnecessary hospitalizations, navigate
9 re-entry into community and reduce future crises.
10 I'd like to share a quick story of a client we'll
11 call Ben, a young resident of Harlem that came to us
12 while struggling with a serious mental illness.
13 During his time he was sleeping on the subway cars
14 and cycling between arrest and hospitalizations.
15 Once connected with our program, he pushed away help
16 and instead tested our boundaries by avoiding
17 appointments and dodging outreach. However, later he
18 stated, "I can't believe you stuck around. I can't
19 believe you still wanted to help me." Before our
20 program he was routinely discharged from prior
21 psychiatric holds without assistance in navigating
22 follow-up appointments, and he did not expect us or
23 anyone else to care. We worked with him for about
24 six months, but it took consistent outreach from our
25 peer specialists to earn his trust. Once built, he

1
2 led the way to his own recovery. He finally felt
3 empowered to ask for help for exactly what he needed
4 for the next stage of his life. Our case managers
5 took him to his appointments at Nathaniel Clinic and
6 helped him stay consistent. Today, he is properly
7 medicated for his bipolar disorder and is holding
8 down employment rather than cycling through emergency
9 rooms. His story is no different than so many of the
10 thousands of New Yorkers currently held on Rikers
11 Island.

12 SERGEANT AT ARMS: You're time has
13 expired. Thank you.

14 EMILY REICHERT: Thank you.

15 COMMITTEE COUNSEL: Thank you. Next we'll
16 hear from Sergio Uzurin.

17 SERGIO UZURIN: It's me. It's me.

18 SERGEANT AT ARMS: You may begin.

19 SERGIO UZURIN: Hi good evening. This is
20 Sergio Uzurin from New York City ICE Watch. I'm
21 coming to you from the temporary dwelling of one of
22 our migrant friends from Ottatania [sic]. There is no
23 reason that the NYPD should be flying drones at every
24 single community event when the price of that drone
25 could buy a housing voucher for CityFEPS and get

1
2 people off of the street. There is no reason that
3 the NYPD should be protecting Zionist real estate
4 sales that are selling stolen Palestinian land in
5 violation of the Housing Act of 1968 when we heard
6 earlier that CCRB investigators make \$44,000 a year.
7 There is no reason that the NYPD should be getting
8 paid overtime for protests when migrants in shelters
9 do not get the basic services including not even a
10 stable mailing address, which in many instances keep
11 migrant men from reuniting with their children who
12 are held in ICE detentions in other states. This is
13 a true fact. And I want to secede the rest of my time
14 if Umar [sic] wants to say anything.

15 UMAR: [speaking non-English]

16 SERGEANT AT ARMS: Your time is expired.

17 CHAIRPERSON SALAAM: Thank you. Your
18 time is up.

19 SERGIO UZURIN: And I'm not a French
20 translator, but he was telling me earlier that he was
21 moved from the congregate shelter in Brooklyn all the
22 way to a shelter in Queens and that he needs a lawyer
23 who speaks French and that he had no services for
24 translation to help him with his asylum case to help
25 the start the 180 days that it takes for migrants to

1
2 get their working papers, which is the most common
3 complaint. The money going to the SRG which should
4 be abolished should be going to getting these
5 migrants working papers and getting them settled with
6 permanent addresses--

7 CHAIRPERSON SALAAM: [interposing] Thank
8 you. You can submit written testimony.

9 SERGIO UZURIN: [inaudible] for all
10 working-class New Yorkers. Stop Cop City.

11 CHAIRPERSON SALAAM: Thank you.

12 COMMITTEE COUNSEL: Thank you. Next
13 we'll turn to Tanesha Grant.

14 CHAIRPERSON SALAAM: You may begin.

15 TANESHA GRANT: Oh, hey, good evening,
16 Chair Salaam and Public Safety Committee. Thank you
17 for holding this important committee hearing on the
18 NYPD budget. My name is Tanesha Grant and I am the
19 Executive Director of Parents Supporting Parents in
20 New York and Moms United for Black Lives New York
21 City. We are based in Harlem and Washington Heights,
22 but serve the whole New York City and State. The
23 most resourced communities are the safest
24 communities. We have heard testimony from NYPD, the
25 DA of all five boroughs and the CCRB testify to this

1 fact today. Yet, the only answer to poverty, mental
2 health issues, lack of resources, and homelessness
3 has been to criminalize instead of providing real
4 support. We find it funny to hear the DA from the
5 Bronx, the same lady who contributed to Kalief
6 Browder being held unlawfully on Rikers Island, which
7 contributed to Mr. Browder's mental health
8 deterioration which led to his suicide, talk about
9 this. This is just one example of what has happened
10 to many Black people caught up in the criminal
11 system. We must move away from a system of policing
12 to a system of real care. There is too much money
13 going to the SRG to the NYPD Police Department, and
14 too little money going to support communities. We
15 talk about the uptick in youth crime. Well,
16 Councilman, you know, community-based organizations
17 like mine work every day to fill into the gaps and
18 the community and the youth not having positive
19 things to do, not being given the opportunity to grow
20 into their best self. At Parents supporting Parents
21 New York and Moms United for Black Lives New York
22 City, we look forward to working with--

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

1
2 TANESHA GRANT: the Public Safety
3 Committee and the Chair to make sure that the
4 resources are in the hands of the community and not
5 in the hands of the police to criminalize us. Thank
6 you for--

7 CHAIRPERSON SALAAM: [interposing] Thank
8 you. Your time is up.

9 TANESHA GRANT: listening to my testimony
10 tonight.

11 CHAIRPERSON SALAAM: Thank you.

12 COMMITTEE COUNSEL: Thank you. Next
13 we'll turn to Alex Baldwin.

14 SERGEANT AT ARMS: You may begin.

15 ALEX BALDWIN: Hello, Council Members.
16 My name is Alex Baldwin. I'm a Mutual Aid Organizer
17 and a resident of District 36 in Bed-Stuy. I'm here
18 to urge the City Council to disband the NYPD
19 Strategic Response Group and to reinvest in our
20 communities. I also wanted to know my disappointment
21 with the Council's ejections of several affected
22 community members who have a right to share their
23 personal experiences with the SRG. In December 2014,
24 tens of thousands of New Yorkers, myself included,
25 took to the streets for the Millions March to protest

1 the non-indictment of Eric Garner's killer. The
2 Strategic Response Group was announced just one month
3 later. Ever since there has been a constant and
4 violent presence at Racial Justice Protests, from the
5 largest marches to groups as small as 15 people. As
6 a protestor, the SRG's arrival is synonymous with
7 escalation and violence. They're well-known for
8 unprovoked uses of force and for disrupting non-
9 violent protestors with tactics such as kettling
10 where a protestors are encircled, then ordered to
11 disperse and then arrested when they are unable to
12 leave. I've personally witnesses SRG officers hit my
13 fellow protestors with bikes, push, shove and trap
14 protestors using bikes and shields and grab
15 individuals out of a crowd inward to body slam them
16 to the pavement. While a march I was part of in 2019
17 was crossing a crosswalk towards Barclay Center, I
18 was shoved by multiple SRG officers as they suddenly
19 targeted the person next to me for arrest. This is
20 just a sample of what I've seen in person. Legal
21 observers and journalists have documented far worse.
22 Almost all of those incidents at racial justice and
23 pro-Palestine protests. They clearly have a pattern
24 of creating violent situations out of peaceful ones.
25

1
2 When deployed outside of protestors, the SRG has
3 shown the same tendencies during homeless encampment
4 sweeps and when murdering Saheed Vassell in Crown
5 Heights in 2018. They're unquestionably a threat to
6 the safety of New Yorkers. If you look at the stark
7 contrast in the policing of racial justice and pro-
8 Palestine protests compared to the far right and
9 white supremacists groups by the SRG and in the
10 racial demographics of SRG's misconduct--

11 SERGEANT AT ARMS: [interposing] Your time
12 is expired.

13 ALEX BALDWIN: [inaudible]

14 CHAIRPERSON SALAAM: Thank you. Your time
15 is up.

16 ALEX BALDWIN: Abolish the SRG,
17 reallocate that funding to our communities. Thank
18 you.

19 CHAIRPERSON SALAAM: Thank you.

20 COMMITTEE COUNSEL: Thank you. The next
21 group of panelists we'll hear from includes David
22 Jenkins, Gabriel Elsheakh, Jonathan Lam, and then
23 Claire Park [sp?], and we'll start with David
24 Jenkins.

25 SERGEANT AT ARMS: You may begin.

1
2 DAVID JENKINS: Hi, so many of us have
3 been here so many times, and nothing seems to change.
4 I have testified in previous years about the facts
5 around the SRG. I've testified about my trauma and
6 the outrage we all feel, and yet every hearing we
7 have to sit through lie after lie after pathetic,
8 obvious lie. And the last time we were here for this
9 hearing, within two weeks, the PBA secured a
10 retroactive raise that cost the City \$5.5 billion, on
11 top of the overtime that we've spent all day
12 establishing that they abuse, on top of the half
13 billion dollars paid out in settlements in the last
14 five years. They couldn't answer any of your
15 questions, but they get a raise, new cadet classes,
16 drones, Roberts. Meanwhile, I've been tabling almost
17 every Sunday for months outside a closed library
18 talking to my neighbors about the budget cuts, the
19 housing crisis, fighting a genocide that so many of
20 the cowards we call our representatives can't be
21 bothered to speak against. I ask you seriously,
22 where is Deputy Mayor Phillip Banks? Whatever
23 happened to the public safety briefings and his big
24 talk about the public safety ecosystem? Or was that
25 just some interagency smoke screen by some of the

1
2 most corrupt people we've ever had in office trying
3 to coopt our common sense demand for real public
4 safety through housing, education, healthcare,
5 basically every agency that wasn't invited today. I'm
6 grateful that Public Advocate Williams brought up the
7 polls that show that the public has caught up to this
8 new paradigm of public safety. Housing is the most
9 important thing to safety. But so long as this
10 committee caters to law enforcement, it will be part
11 of the political theater of fascism, and we'll keep
12 playing our part in the streets and in the chamber,
13 and you can count on it. Have a good night.

14 COMMITTEE COUNSEL: Thank you. Next
15 we'll turn to Gabriel Elsheakh.

16 GABRIEL ELSHEAKH: Hello, my name is
17 Gabriel Elsheakh. I'm here to talk about the
18 Strategic Response Group. I'm just going to speak on
19 my own experiences. I'll start by saying I was at a
20 Within Our Lifetime protest at Columbia University on
21 February 2nd. I was there because a few weeks prior,
22 some Columbia students sprayed pro-Palestine
23 protestors with skunk, a chemical weapon. Some of
24 these pro-Palestine protestors were hospitalized
25 because of this chemical attack. Columbia nor the

1
2 NYPD acknowledged the attack, so I went to Columbia
3 to protest that and hold these institutions
4 accountable. I was aggressively arrested by the SRG
5 during this protest. I was simply on the street
6 waving a flag, exercising my right to protest and
7 free speech. Dozens of armed men ran up on me,
8 shoved me against the wall, through me to the ground,
9 and brutalized bystanders on the sidewalk, and during
10 this I was arresting. I literally had my hands behind
11 my back and they were just shoving me around because
12 these guys have anger issues, and several of these
13 people arrested on the sidewalk needed medical
14 attention. I was issued no warning or even told I
15 was under arrest, I was just rushed at and attacked
16 by a group of armed thugs, and that's exactly what
17 the SRG is, thugs. That's the whole NYPD, but SRG are
18 the worst of the worst. My charge was for standing
19 on the street, but when I went to show up to court,
20 the charges were dismissed. I didn't even have to
21 enter the courtroom, as is the case with many people.
22 So I committed no crime. Why was I jumped by dozens
23 of armed thugs? What is their strategy in the SRG
24 besides intimidation? Why are we funding these
25 criminals to brutalize innocent men, women and

1 children? \$45 million already this year is
2 ridiculous for these people to commit crimes, and
3 these learn these tactics from the genocidal IDF, and
4 that should tell you enough about what they are. The
5 police budget is just skyrocketing while every other
6 public service barely scrapes along. We need to
7 disband the SRG. We are in a crisis and need to
8 dismantle this racist gang of mother-fucking pigs.
9 Fuck the pigs and fuck the rapist, Eric Adams. Good
10 night.
11

12 COMMITTEE COUNSEL: Next we'll hear from
13 Jonathan Lam.

14 SERGEANT AT ARMS: You may begin.

15 JONATHAN LAM: Hello, my name is Jonathan
16 Lam and I am from queens, and I'm currently a college
17 student who has been organizing with the New York
18 civil Liberties Union as a student organizer ever
19 since I was in high school. I'm here to urge the
20 City Council to hold NYPD Strategic Response Group
21 accountable for its abuse. Disband the unit and
22 reallocate funds in support of our youth in our K to
23 12 education system. Over the past few months, the
24 SRG had led brutal crackdowns on protests across New
25 York City, arresting and injuring dozens of

1
2 protestors who are exercising their first amendment
3 rights, including youth student activists. Instead of
4 heavily investing into the SRG and the abuse of the
5 NYPD, we could be reallocating funding into our
6 schools. Why the SRG funding is three-- is \$133
7 million per year, NYC schools might potentially lose
8 another \$100 million in addition to the \$550 million
9 that they have lost in the previous year. As an
10 alumni of the New York City K to 12 education system,
11 I've witnessed firsthand the lack of support and
12 mental health resources in our public schools. I've
13 seen how violent the NYPD School Safety agents have
14 bene in our schools. As an alumni of a high school
15 with over 4,000 students, there were only two
16 counselors per grade, and we had a very short stop
17 [sic] mental health program. Every morning going to
18 school I was met with metal detectors and dozens of
19 NYPD cars and vans outside of my school. I saw how
20 the NYPD targeted my peers and made many of them
21 uncomfortable and feel unsafe. This is unacceptable
22 and no way effective in uplifting our students. This
23 City Council has made several cuts into-- from our
24 public education system, and it's significantly
25 impacting our students. More than ever we need to

1
2 prioritize our schools and reallocate dollars to
3 supporting our K to 12 public education system.
4 Funding that could go into our schools, into our
5 restorative justice programs, and to our students'
6 extracurricular activities. We need-- we have the
7 funding and we have the time that we could spending
8 as education and other much-needed areas such as
9 housing, mental health services, and supporting newly
10 arrived migrants in the City. The SRG and NYPD does
11 not--

12 SERGEANT AT ARMS: [interposing] Thank
13 you. Time has expired.

14 JONATHAN LAM: need any additional
15 funding than what they have already received, and if
16 we actually want our city--

17 CHAIRPERSON SALAAM: [interposing] thank
18 you. Your time is up.

19 JONATHAN LAM: and our schools to be
20 safe, we must invest in our education system. Thank
21 you.

22 COMMITTEE COUNSEL: Thank you. Next
23 Claire Park.

24 SERGEANT AT ARMS: You may begin.

25

1
2 : Hi, my name's Claire. I'm a New York
3 City resident. I'm echoing the voices of many here to
4 urge the City Council to disband the Strategic
5 Response Group and also hold it accountable for its
6 abuse of New Yorkers. I think it's been very clear
7 throughout the day that there's been a lot of money
8 spent on this group, especially during a year of
9 supposed budget cuts, with many other agencies and
10 public services severely understaffed. Have I
11 personally suffered from this round of budget cuts,
12 as I'm in month seven of waiting for a job to start
13 with the City due to short staffing? Though it seems
14 clear that when it comes to the budget it's boundless
15 for beating New Yorkers up. New Yorkers deserve
16 better, especially New Yorkers who belong to
17 communities of color and those under-resourced who
18 have suffered particularly at the hands of SRG
19 officers. The City Council must absolutely end the
20 SRG's abuse by disbanding the unit promptly and
21 removing all this funds from the hands of the NYPD
22 and reinvesting them into our communities. Thank you.

23 CHAIRPERSON SALAAM: Thank you.

24 COMMITTEE COUNSEL: Thank you. Next we'll
25 hear from Toph Bindfurg [sp?] and following Toph,

1
2 we'll go to Waimary Waiyokah [sp?], then Daniele
3 Gerard, Messiah Ramkissoon, Alvin Dan [sp?], and
4 finally Alex Stein. Go to Toph now.

5 SERGEANT AT ARMS: You may begin.

6 UNIDENTIFIED: Hi. I've been listening
7 for hours and hearing that meeting-- not with this
8 group. First, I want to say thank you to my amazing
9 comrades who have been there all day long and on
10 Zoom. You're amazing. Similar to what Tanesha was
11 saying, hearing for hours about needing more cops,
12 that crime is higher, that there's more kids with
13 guns, more drugs, they need to be punished-- folks,
14 this is not rocket science. People for the most part
15 do not do crime, don't steal, don't harm others just
16 for shits and giggles. As you, as the City funneled
17 more and more money into the carceral abusive system
18 rather than provide services for people who are
19 denied basic needs and services, crime-- and I put
20 that in quotes-- becomes adaptive human behavior for
21 survival, desperation for housing, basic shelter,
22 food, clothing, medicine. All that has happened
23 under Eric Adams is cut to care and violent
24 brutality. This is a massive systemic problem that
25 I'm not hearing from anyone from the City Council

1
2 addressing. Something stood out to me when someone
3 talked about recurrent retail theft. That's because
4 people need hygiene products. They need food. They
5 need warmth. So let's start putting money into
6 consistent and permanent housing and stop judging
7 these people. Stop putting money into policing,
8 enough. You're all judging folks for using drugs--
9 and this is for the people who were speaking earlier.
10 You're judging people for using drugs while all of
11 your houses, your cars, sanitary products, hygiene
12 products for yourselves and you family. This is
13 systemic. When we move money into caring for people,
14 creating communities, and stop criminalizing poverty
15 and looking for problems like driving under the
16 influence of mushrooms-- what the F was that? You're
17 really missing the boat. Stop criminalizing poverty,
18 mental health, being poor--

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

21 UNIDENTIFIED: Take the \$133 million just
22 from the NYPD SRG whose only purpose is to brutalize--
23 -

24 CHAIRPERSON SALAAM: [interposing] Thank
25 you. You're at time.

1
2 UNIDENTIFIED: Just give me one second.
3 Last year I was here to midnight. Just give me one
4 second to finish.

5 CHAIRPERSON SALAAM: Thank you. Please
6 just wrap.

7 UNIDENTIFIED: Take \$133 million from the
8 NYPD SRG whose only purpose is to brutalize
9 nonviolent protestors.

10 CHAIRPERSON SALAAM: Thank you.

11 COMMITTEE COUNSEL: Thank you. Next
12 we'll go to Waimary Waiyokah. You may begin.

13 WAIMARY WAIYOKAH: Good evening. My name
14 is Waimary Waiyokah [sp?]. I'm a high school student
15 and a youth organizer with the NYCLU, and I'm here
16 like many others to urge the City Council to hold the
17 NYPD's Strategic Response Group accountable for its
18 abuse and disband the unit. Over the past few
19 months, the SRG has led brutal crackdowns on
20 protests, specifically pro-Palestine protests across
21 New York City, arresting and injuring dozens of
22 protestors who are exercising their first amendment
23 rights. I myself have been regularly attending these
24 protests in my own time and I've witnessed firsthand
25 the SRG's escalation of violence. When I tell you I

1
2 fear for my safety, it has never been because of
3 other protestors. It has always been because of
4 police. Tell me that the lines of officers holding
5 batons violently screaming and pushing protestors to
6 the floor do so with the intention of protecting us?
7 However, as we all know, the SRG was never made with
8 intention of public safety, and their violence is far
9 from a coincidence. The unit's training
10 overwhelmingly focuses on the use of force. The
11 conflation of terrorism in protests is more than
12 dangerous and has only led to the provocation and
13 escalation of violence in our streets. The SRG's
14 current budget is \$133 million per year, \$133 million
15 that should instead be going to housing, public
16 education, mental healthcare, employment support,
17 evidence-based public services that would actually
18 support the prosperity of our communities and keep us
19 safe. I'm a 16-year-old exercising my first
20 amendment rights to free speech and peaceful
21 assembly. I alone with every other New Yorker should
22 be able to do without being brutalized and terrorized
23 by the SRG. The Mayor's Preliminary Budget continues
24 to fund the SRG's abuse, despite the NYPD's lack of
25 accountability and transparency regarding the unit.

1
2 We the people refuse to allow our tax payer dollars
3 to fund systems that uphold our own oppression. The
4 City Council must put an end to the SRG's abuse by
5 disbanding the unit and removing its funds from the
6 hands of NYPD and reinvesting those funds into our
7 communities. Thank you.

8 COMMITTEE COUNSEL: Thank you. Next,
9 we'll turn to Daniele Gerard.

10 SERGEANT AT ARMS: You may begin.

11 DANIELE GERARD: Chair Salaam and
12 Committee Members, my name is Daniele Gerard and I am
13 a Senior Staff Attorney at Children's Rights. Chair
14 Salaam, I am honored to have you as my Council
15 Member. Since 1995, Children's Rights has been a
16 national advocate for youth in state systems. We're
17 also a member of the New York City Jails Action
18 Coalition, and advocate on behalf of young adults on
19 Rikers. If actual public safety is the question,
20 then decarceration is the issue. In order to close
21 Rikers by August 2027 in accordance with the law, yet
22 Mayor Adams proposed budget will reduce the chances
23 of this happening by cutting funding for alternatives
24 to incarceration, the supervised release program, and
25 re-entry services to the tune of \$27.8 million and

1
2 failing to adequately fund community resources, all
3 of which would reduce the population on the island
4 and hasten its closure. We urge your committee and
5 the council to restore these cuts and more as
6 detailed in my written testimony. The cuts that the
7 Administration is proposing will uniquely affect
8 young adults incarcerated on Rikers. Incarceration
9 reduces youth success in education and employment,
10 and also leads to lasting damage to their health and
11 wellbeing. On the other hand, ATIs lead to better
12 outcomes for young adults and adolescents, all while
13 costing far less than incarceration. Reducing
14 funding for alternatives to confinement and re-entry
15 services makes no sense morally, ethically, or
16 fiscally. Instead of allocating \$2.6 billion to the
17 Department of Correction, the Council should reduce
18 the department's uniformed headcount, eliminate
19 vacancies and hold staff accountable for chronic
20 absenteeism. Surely both incarcerated persons and
21 New York City tax payers deserve better and better
22 for their money. Surely the New York City Council
23 can see its way clear to reducing the cruelty and
24 degradation that define our criminal legal system.
25 We look to you and Speaker Adams to negotiate a fair,

1
2 just, and reasonable budget that serves all New
3 Yorkers, including young adults and adults on Rikers
4 and expedites closure of the island. That includes
5 decarceration now. Thank you for the opportunity to
6 testify today.

7 CHAIRPERSON SALAAM: Thank you for your
8 time.

9 COMMITTEE COUNSEL: Next, Messiah?

10 SERGEANT AT ARMS: You may begin.

11 MESSIAH RAMKISSOON: [inaudible] Messiah
12 Ramkissoon and I'm the Associate Executive Director
13 at Youth Justice Network. Previously known as
14 Friends of Island Academy, Youth Justice Network was
15 born out of cycles of injustice experienced by youth
16 of color held on Rikers in the 1980s. We build
17 proactive public safety solutions focused on
18 community investment and credible messenger
19 interventions, not incarceration and punishment. We
20 are one of many organizations that will be directly
21 impacted by the \$27.8 million decrease to the Office
22 of Criminal Justice's budget. This past year, our
23 staff reported a significant uptick in young people
24 and families in crisis. Our youth are facing a
25 critical need for concrete pathways to financial

1 security and emotional healing as they return home to
2 neighborhoods with the highest rates of jail
3 admissions, poverty, and unemployment in the City.
4 The proposed cuts to alternative to incarceration,
5 supervised release, and re-entry programs fail to
6 reflect the City's commitment to closing Rikers.
7 These programs provide essential services and make an
8 impact with resources that pail in set [sic] in
9 comparison to the \$2.6 billion budget being proposed
10 for the Department of Corrections. As key decision-
11 makers, I urge the committee to prioritize the
12 wellbeing of our youth and invest in public safety
13 for solutions offering tangible resources and
14 opportunities. Our mobile advocacy and career
15 center, Shifting Gears, drives job resources, mental
16 health support, legal advocacy, and a network of
17 credible messengers directly into a young person's
18 neighborhood. Shifting Gears offers a real solution
19 to promote public safety in communities most harmed
20 by structural poverty, racism and the violence these
21 conditions breed. Yet, our organization is among the
22 \$8 million in cut to re-entry services. We call on
23 the committee to support our boots-on-the-ground work
24
25

1
2 at a moment where there's a legal and moral
3 obligation to close Rikers, improve public safety--

4 SERGEANT AT ARMS: [interposing] Thank
5 you. Your time is expired.

6 MESSIAH RAMKISSOON: [inaudible] over-
7 reliance on incarceration. Just to say in the last
8 sentence or two-- I'd like to say that our advocacy
9 teams are lifelines for young people at Rikers in
10 juvenile custody and in neighborhoods citywide,
11 building a network of care that begins with
12 connections in jail and continues long after a young
13 person returns home. Thank you for the opportunity
14 to address this committee.

15 CHAIRPERSON SALAAM: Thank you as well.

16 COMMITTEE COUNSEL: Next, Alvin Dan
17 [sp?].

18 SERGEANT AT ARMS: You may begin.

19 ALVIN DAN: Hi you doing. My name's
20 Alvin Dan. I was born and raised in this city. I'm
21 also one of the people that y'all kicked out earlier
22 today, so I'm glad to be here to actually testify for
23 now less than two minutes. But I just wanted to say
24 that I've been arrested and beaten by the Strategic
25 Response Group now eight times, three more times

1 since the Palestine protests that have been happening
2 since the-- in response to Israel's genocide of
3 Palestinians. Ever since the Israeli Mayor Eric
4 Adams Administration got into power we have seen a
5 rise in police, and our education system, our
6 libraries, our parks, our social services, housing
7 services gutted by the millions. And today, earlier
8 this morning, they had the audacity to come to y'all
9 to beg for more money to beat more people. How-- my
10 only question for this council is how many-- how much
11 are too many times for y'all? Like, how-- when does
12 the buck stop for y'all? You know what I mean?
13 Because the direction that this city is taking its
14 people into is to hell in a hand basket. You are
15 squeezing people to a point of desperation that it
16 doesn't matter how many cops you bring onto the
17 streets. There's going to be more people coming out
18 in response. Asking to disband the Strategic
19 Response Group is a chip, is a chip to the whole
20 puzzle. You know what I mean? It's a chip to
21 dismantling the whole root cause of the things that
22 people have been saying all day. I could bring up
23 facts, but I'd only be repeating-- it'd only be
24 redundant. You know the facts. Everyone knows.
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2 Everyone knows the facts. I'm hoping that y'all have
3 seen the videos. I mean, a few weeks ago we've seen
4 people getting seizure at the-- getting the shit
5 kicked out of them. Fems [sic] getting knocked down
6 to the-- getting hit in the backs of their heads.
7 What we're going to be seeing is more limp bodies
8 with handcuffs. That's what we're asking for if we
9 continue to pander to every single time that the--

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

12 ALVIN DAN: [inaudible] military in the
13 world asks for another million dollars. Disband the
14 SRG.

15 CHAIRPERSON SALAAM: Thank you for your
16 testimony.

17 ALVIN DAN: All I got to say.

18 COMMITTEE COUNSEL: Thank you. Next,
19 we'll go to Alex Stein.

20 SERGEANT AT ARMS: You may begin.

21 ALEX STEIN: Can you hear me? Alright,
22 guys, it's me, Prime Time 99, Alex Stein. Thank you
23 for having me. Gosh, you've been here all day, and
24 you guys are talking about the Strategic Response
25 Group. We need that. I go to these protests, and

1 these Palestinian protestors are insane. They're all
2 on antidepressants. They're all, you know, on edge,
3 and they actually want to create chaos. So to be
4 honest, I think we need more cops to stop some of
5 these protestors. I'm all about a peaceful protest,
6 but these guys aren't peaceful. I mean, they're out
7 there doing some disgusting stuff. But it doesn't
8 matter how many Strategic Response Groups you have,
9 because guys, once you arrest them, you let them out
10 of jail. There's four people in Long Island. Anna
11 Casberry [sp?], one of my favorite broadcasters,
12 talked about how there's a case where four people
13 mutilated two dead bodies and they were still able to
14 get out of jail. So it's bail reform. It doesn't
15 matter what happens. Guys, you guys arrest them.
16 You let them out of jail. And all of these people
17 that spoke today, they're all idiots. All they do is
18 care about the freaking immigrants that are coming
19 here. We need to help out Americans. We need to
20 help out young Black people, young Hispanic people
21 that are from America and not worry about the
22 Venezuelan immigrants that are cooking rats on the
23 street. I mean, that's all we have to do. So, it's
24 just very sad, though, that these people are so
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2 mentally unwell that they come here and they complain
3 about being arrested, but then they get to go to
4 court and they drop the charges. You guys are
5 insane. There are bunch of losers that have no
6 money, no jobs, so that's why they're relying on the
7 government for handouts. So it's just really sad and
8 pathetic. So, if you guys listen to these people,
9 that shows that you guys are just as mentally unwell
10 as all the idiots that are here today. So, really
11 and truly, like, I don't know how else to describe
12 it, but it's not the cops that are the problem. It's
13 the fact that you guys have bail reform and you guys
14 just let criminals out of jail for nothing. So you
15 guys need to fix that system. So if you mutilate a
16 body in Long Island, you shouldn't be able to get
17 bail. I mean, I'm as liberal as any of these idiots
18 on the screen, but let me just tell you something,
19 the sad reality is that if you arrest somebody and
20 you just let them go, they're going to continue to
21 commit crimes. So it's not even a budget issue, it's
22 the fact that you guys are too dumb to realize that
23 you need to keep the criminals in jail, and that you
24 need to put America first. Because all these people
25 that are talking and on this stream, they don't care

1
2 about America. That's the last thing they care
3 about. They want to destabilize America. They want
4 to end American greatness.

5 SERGEANT AT ARMS: Thank you. Your time
6 expired.

7 ALEX STEIN: So, it's pathetic. So don't
8 let this happen.

9 CHAIRPERSON SALAAM: Thank you. Your
10 time's up.

11 ALEX STEIN: Use your brain. Use your
12 brain, not like these sickos.

13 COMMITTEE COUNSEL: Thank you. We were
14 joined and will now got Klea Hazizaj.

15 SERGEANT AT ARMS: You may begin.

16 KLEA HAZIZAJ: Hi, I'm-- I was one of the
17 people that was kicked out of City Hall earlier today
18 when I was trying to testify. This council has
19 [inaudible]. Hello, can anyone hear me?

20 COMMITTEE COUNSEL: Yes, you-- please
21 continue.

22 KLEA HAZIZAJ: This council has rattled
23 on for hour about public safety, yet time and time
24 again-- I was here last year testifying about the
25 SRG. Last year, I almost died outside of City Hall

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2 when at a protest outside. I went outside for a few
3 minutes because my friends were there, and the SRG
4 tried to run me over with their motorbikes. I had to
5 use my body to physically blockade them from running
6 over little five-year-old children, and this Council
7 has given constant increases in the city budget to
8 SRG every single year. This council has told people
9 who went before me testifying today that Palestine
10 was unrelated to this. Yet, we see the brutality of
11 the SRG at every single Palestinian protest. I have
12 witnessed the SRG jumping over barricades at jail
13 support and slammed my friend into a fence and choked
14 her in front of her elderly mother, while another had
15 a seizure for almost 30 minutes and did not get
16 medical attention, and even handcuffed him after the
17 ambulance arrived and he stopped seizing. And you
18 all are literally sitting there and you don't give a
19 fucking shit about anything. You kick out people who
20 are trying to testify. You claim that this is not
21 related. How is it not related? You're all fucking
22 assholes. You're fucking assholes. This City
23 Council needs to actually have a fucking spine for
24 once and stop funding the God damn SRG and cutting
25 every single other institution and claiming in the

1
2 name of public safety. You care about crime. You
3 care about all this shit [inaudible]

4 SERGEANT AT ARMS: [interposing] Thank
5 you. Your time is expired.

6 KLEA HAZIZAJ: [inaudible] squad you
7 fucking assholes. You're pieces of shit.

8 COMMITTEE COUNSEL: Thank you.

9 CHAIRPERSON SALAAM: Thank you for your
10 testimony.

11 KLEA HAZIZAJ: Fuck all of you.

12 CHAIRPERSON SALAAM: Thank--

13 KLEA HAZIZAJ: Fuck you.

14 COMMITTEE COUNSEL: Next, we'll hear from
15 Peter Tarson [sp?]. You may begin.

16 PETER TARSON: Alright, hello folks.
17 Thank you for listening to us. I just wanted to
18 remind everyone that the safest communities are not
19 those that have the most police. They are those that
20 have the most developed social services. This has
21 been shown repeatedly through experiments in Chicago
22 surrounding offering 3K care to children for free
23 that were shown in the most depressed neighborhoods
24 to reduce gang involvement and reduce crime more
25 effectively than any other measures. And that's the

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2 empirical case, and I encourage you all to review
3 this, and you can see this in my written testimony.
4 But anyway, I just want to connect with everyone
5 here, human being to human being, and say do we want
6 to be a city that slams people into the ground while
7 they have seizures? Is this-- do we want to hide
8 behind the walls of deserving [sic] that shatter
9 human connection and decide who is worthy and who is
10 not worthy, and decide who belongs on the street and
11 who belongs eating food designed to be miserable in
12 prison? Is this who we are? Is this what we want to
13 be? Is this the-- New York City is at the forefront
14 of American urban design, cultural integration. We
15 symbolize the community that has integrated so many
16 people into America. We symbolize so much
17 innovation. Do we want to symbolize violence? I
18 understand that violence occurs civilian to civilian,
19 but do we want to-- but is our government a violent
20 government? Do we rest our institutions on force
21 against human beings, homeless people in the street
22 who have lacked resources, who have been denied them,
23 who are being dehumanized and forced off of property
24 just for looking irrespectable [sic], for defying the
25 arbitrary standards--

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2 SERGEANT AT ARMS: [interposing] Thank
3 you. Your time is expired.

4 CHAIRPERSON SALAAM: Thank you for your
5 testimony.

6 PETER TARSON: Thank you. Have a
7 wonderful day.

8 COMMITTEE COUNSEL: Thank you. I just
9 want to note for the record, those who signed up to
10 testify, Natasha Severin [sp?], Allison Hulihan
11 [sp?], Daria Menhas [sp?], Reid Floret [sp?], Susan
12 Hadley [sp?], Corey Ferrier [sp?], Cathy Kramer
13 [sp?], Brittany Ramos [sp?], Lori Daniel Favors
14 [sp?], Semma Sissay [sp?], Arisa Denny [sp?], Hanine
15 [sp?], Lupe Hernandez [sp?], Tah Sutton [sp?], Karen
16 Cortez [sp?], and Nicole Elle [sp?].

17 CHAIRPERSON SALAAM: Thank you. This
18 hearing is now adjourned.

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COMMITTEE ON PUBLIC SAFETY

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COMMITTEE ON PUBLIC SAFETY

C E R T I F I C A T E

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



Date March 30, 2024