NEW YORK CITY COUNCIL COMMITTEE ON FIRE & CRIMINAL JUSTICE SERVICES

Testimony of Daniel Shacknai First Deputy Commissioner New York City Fire Department

May 27, 2010

Introduction

Good afternoon Chairperson Crowley and Council Members. Thank you for the opportunity to speak with you today about Intro 209 which authorizes the New York City Fire Department (FDNY) to remove, deactivate or otherwise render unusable any FDNY alarm box at the Mayor's discretion. We support this bill.

Alarm Boxes

The Mayor's Fiscal 2011 Preliminary Budget called for the deactivation and eventual removal of the fire alarm box system across the City for a savings of \$6.2 million in Fiscal 2011. As you may know, the FDNY developed a plan to deactivate street alarm boxes in the mid-1990s. Pursuant to that plan, the Department commenced the deactivation of some alarm boxes. However, members of an organization representing deaf and hard-of-hearing persons opposed the plan. These parties claimed that the loss of the call boxes would deprive them of their ability to call in emergencies. After litigating the matter, the Court issued an injunction in 1996 prohibiting the Department from deactivating additional boxes, but did not require the Department to reactivate the boxes that were already deactivated.

With the passage of nearly 15 years and the introduction of changes in communications technology, we are confident that additional call boxes can be deactivated without jeopardizing public safety. Our statistics show that these call boxes

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are no longer the important fire safety tool they once may have been. Back in 1993, 15,380 calls received from call boxes provided the only alarm for a fire or other emergency. By contrast, in 2009, there were only 140 calls from call boxes reporting structural fires, out of a total of 26,666 structural fires reported. That means that fully 99.55 percent of calls (26,526 out of 26,666) reporting structural fires came from sources other than alarm boxes, and that less than one-half of one percent of structural fire calls came from the alarm boxes. In addition, of that small fraction of one percent of alarm box calls reporting structural fires, 56 percent of these incidents were also reported from another source – typically a phone call, that often preceded the alarm box source.

Of even greater concern is that 10,997 calls originating from call boxes in 2009 – that's 85 percent of the 12,931 calls from alarm boxes – were false alarms. Virtually every one of those calls represents a case in which FDNY initiated an emergency response where it was not needed. While difficult to cost out in dollars, false alarms are a clear threat to public and firefighter safety: they divert our first responders and make them unavailable for real emergencies, while needlessly putting our members in harm's way as they speed to non-existent emergencies. These unnecessary responses are a tremendous, and avoidable, waste of critical City resources.

Because of the federal court injunction, we have to make a motion to the court to seek to vacate or modify the prohibition on alarm box removal before we can take any steps to deactivate any existing alarm boxes. The Law Department is currently preparing that motion for filing in the near future.

However, City Council action is also needed to amend the previously enacted legislation. This bill would accomplish this latter step but its passage will not trigger any

deactivation or removal of the alarm boxes unless and until the federal court issues a new order permitting us to go forward with such deactivation or removal.

I want to make the Committee aware that because of these prerequisite measures, the fiscal impact of the alarm box deactivation cannot be achieved until these legal hurdles are cleared. In order to realize the benefit of these projected savings as soon as possible, we must pursue both Court and Council relief now. But, because of the procedural and implementation issues, the Executive Budget calls for the savings to begin in Fiscal 2012.

We feel strongly that this measure will save money without jeopardizing public safety. And, we do not we foresee that the deactivation of the call boxes will result in layoffs since the projected savings would be achieved through attrition, and reduction of contractual spending and overtime.

Thank you for conducting this hearing today to discuss this bill. I would be happy to take your questions at this time.

Department of Probation

Statement to the New York City Council
Committee on Fire and Criminal Justice Services
By Vincent N. Schiraldi
March 27, 2010

Good afternoon Chairperson Crowley and members of the Committee. My name is Cary Tamler, I am the Associate Commissioner for Compliance and Strategic Initiatives. On behalf of Commissioner Schiraldi, thank you for the opportunity to testify before you on the Department of Probation's Intro. 210, which would establish fees for certain probation services.

As part of the Department's January Fiscal Year 2011 Financial Plan, we proposed a Program to Eliminate the Gap or PEG of \$1.019 million based on projected revenues generated from new probation fees. The bill you have before you, Intro. 210, would establish a local law and introduce for the first time in New York City limited fees for certain probation services.

The proposed fees are already authorized by State statute. Executive Law § 257-c permits a \$30.00 monthly adminstrative fee for any crime in Article 31 of the Vehicle and Traffic Law which includes operating a motor vehicle while under the influence of alcohol or drugs. The Family Court Act § 252-a permits assessing an investigative fee in an amount between \$50 and \$500 for court ordered investigations in custody and visitation petitions. Other counties throughout New York State already have local laws authorizing these fees as allowed under the statute. For example, Clinton, Dutchess, Essex, Livingston, Putnam, Schenectady, Warren, as well as Westchester, Suffolk, and Nassau, to name a few.

The local law established by Intro. 210 would authorize the collection by the Department of an administrative fee of \$30 dollars per month from individuals sentenced to probation in New York City after having been convicted of a crime defined in Article 31 such as driving under the influence (DUI) or driving while intoxicated (DWI). Specific language in the bill precludes the fee from being considered or imposed as a condition of probation. Failure to pay will therefore not result in a violation of probation. Furthermore, because paying a fee may pose difficulties to some of our clients, the bill authorizes the department to waive all or part of the fee where payment would work an unreasonable hardship on the person convicted or any person financially dependent on the person convicted.

The Department currently has about 2,600 probationers on probation for a DUI or DWI. We expect that approximately 80% of this population will have the resources to pay the fee of \$30.00 per month. The anticipated annual revenue is thus \$748,800.

The local law would also authorize the Department to receive an investigation fee of not less than \$50 and not more than \$500 for court ordered investigations (COI) of visitation and custody matters. The court would determine the amount of the investigation fee based on the parties' ability to pay. The court may waive the investigation fee where persons lack sufficient means to pay the fee.

The court orders these COIs to gather necessary information about both parties to assist in its final decision. The COI is an extensive document: at least two separate office interviews, two separate home visits, background checks on the adults, interviews with

the child(ren) and the collection of supporting information that can encompass school, employment and/or treatment provider reports.

The Department projects conducting around 900 court ordered investigations for visitation and custody matters during fiscal year 2011. We have assumed an average charge of around \$300 per investigation or revenue of about \$270,000 per year.

Thank you for the opportunity to testify. I am joined by Leona Braithwaite, Associate Commissioner for Financial Operations. We would be happy to address any questions that you may have.

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Jarm Dispatches

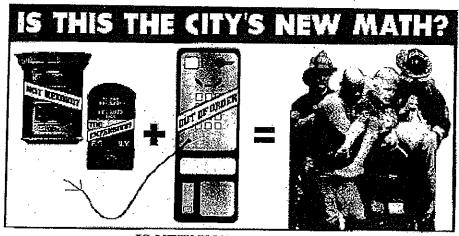
Jenevolent Association

THIS IS THE SAME OLD MATH

HISTORY REPEATS ITS SELF

HOW MUCH IS A LIFE WORTH

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IS NEW YORK HEADING FOR ANOTHER BURNOUT? By Keith Ericsson

It was an almost comical display of political viewpoints in the City Council on January 10 as members of the council's Public Safety Committee questioned Fire Commissioner Howard Safir about Mayor Rudolph Giuliani's administration's intentions regarding the deactivation of all 16,300 fire alarm boxes in New York City. Commissioner Safir talked tough to the lawmakers about the administration's position, calling the current call box system "93 per cent ineffective". When Public Safety Chairman Sheldon Leffler questioned Safir about removing the boxes within days of that hearing, Safir shot back that recent articles in New York Newsday were "totally inaccurate" in their reporting of the story. Interrupting Leffler, Safir added that "obviously the Long Island newspaper does not understand Brooklyn firefighting". In published reports throughout most of early January, it had been rumored that the Mayor and Fire Commissioner had intended to jump the gun on the council. Mayor Giuliani has stated flatly that the fire alarm boxes are costly and that false alarms were running out of control. Citing numbers ranging well over 200,000 false calls, the Mayor says that the City would save two million dollars the first year and, well over five million dollars annually once he call boxes are removed. In spite of figures offered by community groups, the mayor's office and, the council's own studies, the debate that day ended in a stalemate. Neither the council or the mayor's office were set to budge. However he committee voted 9 to 0 for keeping the boxes operable for three months pending adequate review. The current battle over the city budget has been fought on many fronts over the last few months, as both the City Council and the Giuliani idministration attempt to advance their respective views over the future of New York for the rest of the decade. While he city's growing budget deficit threatens to rival the mid-1970's brush with bankruptcy, the re-play of yet another risis may be on the horizon: urban burnout. That was the fear of about a dozen community activists who had held a news conference on the steps of City Hall moments before the Fire Commissioner was set to argue his case. The Fire nd Sanitation Coalition of Greater New York, a self-described "regional organization committed to preventing a ecurrance of urban burnout in NYC", rendezvoused in front of newscameras with President Dave Rosenszweig and nembers of the Fire Dispathchers Benevolent Association and electricians from Local 3 on the steps of City Hall. Dr. coderick Wallace of the Coalition cited double-disaster statistics on housing overcrowding--"70,000 more than in 970" and a "mayor who has not done his job for a year". The Fire and Sanitation Coalition was alone the following veek in calling for Safir's resignation. Eric Rassi cited a Fire Commissioner who "has misled the Mayor and most of ne press".

lorough Presidents all (except Bronx's Ferrer) voiced disapproval, as well as 90% of the city council. President Tom 'on Essen of the Uniformed Firefighters Association balked at an order using firefighters (who were otherwise busy ith building inspections) to flyer neighborhoods with Anti-Call Box propaganda. "A misuse of city funds to further the commissioner's personel agenda," said Robert Ungar, counsel to the fire dispatchers union. Comptroller Alan levesi refused to rubber-stamp a concocted "emergency". The NYC Fire Chief's Association, 700 strong with active and retired chiefs, went on record to differ with Safir's claiming their full support. More recently, the Vulcan Society, a organization of African-American firefighters, came out against the plan. "My personal argument is that time is of the essence," said Delbert Coward.

he battle over the city's fire alarm box system is more than a fight between lawmakers and community activists. Some

say the dispute is only the latest skirmish over a long running and controversial city policy known as "Planned Shrinkage". The policy was sketched out before New York City's mid-70's financial crisis by former City Housing Commissioner Roger Starr, now on the editorial board of the New York Times. "Planned Shrinkage" was a sort of urban "triage", aimed at withdrawing essential city services--police patrols, garbage removal, street repairs, and fire services--from neighborhoods suffering from deep population losses, decay and deemed to be "unsalvageable".

In short, like a Latin American country squeezed by its bankers, the City tried to cope with the fiscal squeeze and keep-up its debt ratings by writing off so-called marginal neighborhoods. It was a plan to concentrate services on "salvageable" neighborhoods that might otherwise sink into the spiral decay that was already engulfing Brownsville, Brooklyn and the South Bronx. By no coincidence, those neighborhoods chosen for "shrinkage" (abandonment) were overwhelmingly black, poor or Hispanic.

Among the activists who held the news conference before Safir's City Council appearance was Dr. Roderick Wallace. Wallace is the technical director of the Public Interest Scientific Consulting Service and a fellow of the New York Academy of Medicine. Little known outside of scientific and medical circles, Doctors Roderick and Deborah Wallace have written numerous papers on the long running policy of "Planned Shrinkage". They point to the 1978 findings of the New York State Assembly Minority Task Force on Urban Fire Protection. The Task Force, led by then Republican gubernatorial candidate Perry Duryea, found that the City's Fire Department had falsified records of fire statistics in the 1970's. It also said that "during the City's fiscal crisis, the Fire Department failed to publish its annual report," resulting in "the suppression of information vital to public understanding."

Wallace and Wallace believe that the falsification of records by the Fire Department was intended to dispel the then and still common belief that most of the fire damage to New York City's housing stock was a result of arson, and to promote the belief that any individual apartment fire may be as random as a heart attack. Roderick Wallace says the fire patterns over densely packed neighborhoods is as predictable as an insurance company's actuarial tables.

Way back in 1969, the City commissioned the New York City Rand Institute (an offshoot of the Rand Corporation, a think tank that provides military models for the Pentagon) to develop computer models of the city, much like those used in defense planning, to improve the efficiency of fire services. The Rand Institute's models were later criticized by both the Duryea panel and the Wallace's subsequent studies as being overly simplistic and generally inadequate. According to those close to City policy making, the Giuliani administration has been accused of using the same Rand Institute models in determining fire safety and policy for the 1990's. While the administration continues to have close ties with both the Police and Fire Departments, ironically, the mayor has suggested the closing of an undetermined number of fire houses in the coming year. This is what the results were following the release of the Rand Institute's models in the early 1970's. According to city records, more than 50 Fire houses were closed throughout the mayoral administrations of John Lindsey, Abraham Beame and Ed Koch. One year following the Rand findings, in 1970, then Deputy Fire Chief Charles Kirby warned City officials of a coming fire epidemic in the Bronx.

Deputy Chief Kirby said that nearly all of the Bronx firehouses should remain open in order to hold the line against the coming firestorm. His warnings were ignored and fire house closings began in the South Bronx, Harlem, Crown Heights, East New York, and the Lower East Side. Incidents of fire increased dramatically in these neighborhoods. The esults of the "Planned Shrinkage" policy was devastating and changed the fabric of life in New York. The city experienced an out-migration of roughly 1.1 million middle class non-hispanic whites to the less-populated and lower-axed regions of the sunbelt. Yet, within the city, residents from these burnt out neighborhoods were moving to similar communities not yet hit with the firestorm. From the South Bronx to Brownsville, East New York to Harlem, the consequences from the burnout were as devastating as they were inevitable--a slow motion urban firestorm that reduced once vibrant areas as surely as B-17's burned Dresden or Hamburg, Germany during World War Two.

While these neighborhoods burned, the misinterpretation of choice, at the time for most commentators, was arson. Memories of the inner city uprisings of the '60's were still fresh in the minds of politicians, journalists, and the public at arge. In truth, New York city never experienced the large scale devastating riots that gutted communities in Detroit, Watts, Los Angeles, Washington, D.C. and St. Louis in the 1960's. Yet, the social consequences of New York's burnout of the 1970's is felt today in the 1990's with higher rent for apartments and ever growing numbers of homeless people. During the 1989 Mayoral election, candidate Rudolph Giuliani was the only person contesting the office who received the endorsement of the firefighters union. It was during that campaign that the then candidate was asked about the findings of the 1978 Duryea fire task force. As he toured the Neimeyer Houses in the East New York section of Brooklyn he was asked if he would restore cuts in fire service made by previous administrations if he were elected mayor. Giuliani said that one family he had visited complained of reduced fire service in the last 15 years and that he was "committed to making police, fire and, health services major priorities and that they would not be tampered with, or reduced. He added that "if the city needs additional fire service to communities like East New York, under my administration I would see to it that the service would be provided." Yet, Mayor Giuliani has remained steadfast in his position to remove thousands of fire call boxes from city streets. Dr. Roderick Wallace believes New York's burnout has had more of an effect on city life than higher rents and homelessness. He points to the destruction of social networks, elements that make up a community, as having an equally dramatic effect on the city's quality of life among poor people.

Wallace is hardly alone in trying to raise the issue. The Uniformed Firefighters Association saw the effect of cutbacks in service and the delaying response time. To them this meant the increased loss of buildings and lives in neighborhoods the City had in effect declared "free fire" zones. Wallace also contends that the motive behind the City's "Planned Shrinkage" policy was to disrupt voting blocks in minority neighborhoods. If the mayor has his way, say critics of his current proposal, all of New York City could become a "free fire" zone. Fran Luck, an East Village based community activist says, "Giuliani's plan to replace thousands of these call boxes with just under 2,000 cellular telephones sounds like a plan out of Neptune". Reading from the Fire Commissioner's December 27th memo on the plan, he is calling for "hundreds" of cellular telephones to be placed on bridges and around communities with an additional 800 police cellular telephones throughout the city. Brooklyn City Councilman Lloyd Henry, a quiet critic of the mayor, said that such a plan would be inadequate for a district such as his own. The 45th councilmanic district has few working public telephones on the street and, many of his constituents are poor. Many residents in his district are without private telephones and often depend on neighbors who do have telephones to call for police and fire service.

Regarding cellular phones, a FDNY report of July 14, 1994 concluded unequivocally, "...a cellular call box system is not applicable to a streetbox fire alarm system because of its contribution to increased fire company response time. A najor secondary cause for rejection is cost. It is recommended that the Department continue its efforts towards the mprovement of an already proven, reliable and superior emergency reporting system...consideration of use of cellular call boxes as fire alarm boxes should be rejected at this time."

or now, the administration's plan to deactivate the fire call box system is on hold. The Fire Commissioner's midnight lemolition, set to begin Jan 15th, four days before the city council could even vote on it, was ultimately prevented by n injunction issued Jan. 14th in the appellate division of State Supreme Court in Brooklyn by Justice Thomas Sullivan. The Jan 15th NY Newsday ran the story with a photo of Safir, looking like a deer caught in the headlights, next to Corp. Counsel Paul Crotty (who SHADOW Readers might remember from the Koch attack on the 8th St. squats and vho is also the legal counsel vs. the East 13th St. Homesteaders). Judge Snuffs Box Removal, read the headline, with crotty quote in sidebar: "We're not going to remove any on these boxes." The case was filed by Staten Island Borough 'res. Guy Molinari in his capacity as independent citizen. Borough of Man. President Ruth Messinger followed suit, iling her case with the Fire Alarm Dispatchers Union and electricians from Local 3, technicians contracted to maintain ne alarm boxes who would lose their jobs should the city lose the boxes. The case has since gone on to State Supreme Court where Justice Walter Schackman (having pronounced a self-described "warm and fuzzy" Howard Safir obnoxious" Jan. 27th) will be hearing the arguments not only by the two borough presidents, but of Eric Rassi from ne Fire and Sanitation Coalition. He and Jackie Bukowski (currently the lawyer representing The East 13th St. lomesteaders Assn.) are busy preparing testimony as "friends of the court" to be filed Feb. 8th, dealing with the xtreme and disparate results of past fire service depletion, the violation of Charter mandate involved in planning the revocable destruction of 60% of municipal alarm sounding capacity, and the general malfeasence of duty implied by a ire Commission who with his staff, misinforms public officials and citizens alike in attempting a "preposterous ction."

What they're doing in this city is some kind of panic." remarked Ms. Bukowski. "Giuliani and these guys are really onna endanger public safety. It makes a very good environmental case..." It is not clear how hard the City Council will ght the administration to maintain the current call box system. Yet, elected officials from Staten Island borough

Rudy to NYC: Burn Baby Burn

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President Guy Molinari to Manhattan's Ruth Messinger are opposed. Messinger told reporters at a City Hall news conference that Fire Commissioner Safir's statistics to the effect that 93 per cent of all calls from the fire alarm boxes are false "are misleading and inaccurate". Professor Wallace's view is more ominous and alarming: "the day the city removes the first fire box will mark the formal beginning of the second wave of burnout in the City of New York."

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CITY COUNCIL PRESENTATION MAY, 27th 2010

BY: DAVID ROSENZWEIG, ADMINISTRATOR

UNIFORMED FIRE ALARM DISPATCHERS BENEVOLENT ASSOCIATION

PUBLIC SAFETY COALITION FOR A SAFER NEW YORK

OPPOSITION TO INT 209 REMOVAL OR DEACTIVATION OF NYC FIRE

ALARM (PUBLIC SAFETY) BOXES

Good afternoon Chairperson Elizabeth Crowley, Council members at today's hearing, I am David Rosenzweig Administrator of the Uniformed Fire alarm Dispatchers Benevolent Association.

I recently retired after completing 41 years of service with the FDNY as a Emergency Communication Professional working as a Fire Alarm Dispatcher (FAD), Supervising Fire Alarm Dispatcher (SFAD), Chief Fire Alarm Dispatcher (CFAD). I have worked at every FDNY Communication office in a Supervisory Position in all 5 Boro's, FDNY Headquarters (9 Metrotech Center), PSAC1 (Public Safety Answering Center) at (11 Metrotech Center) & 1 Police Plaza (PD Communication Center). First let me start by saying that I have first hand knowledge of the multi million dollar technology, infrastructure upgrade, which brought our present Fire alarm Public safety box system into the 21st century. I was responsible as the FDNY representative to conduct acceptance testing, assuring that this system is working properly and met FDNY specifications. This upgrade is still a work in progress waiting for the completion at the Brooklyn Communication Center. While work is in progress to complete the Fire Alarm Box System Citywide, now that upgrade is near completion there is now an attempt to remove and deactivate this life saving system before completion. If you now feel confused you are not alone, why would anybody attempt removal of a important life saving system which is now the state of the art in Emergency Communication from the streets of this Great City??

The Fire Alarm Box System has always been there for our citizens to communicate a need for assistance from the streets of New York.

Fire Box activations are processed immediately and answered within 10 Seconds allowing emergency assistance to arrive in minutes.

FIRE BOXES STILL THE FASTEST WAY TO GET HELP

Presently the 911 system is continuously overburdened and too often a recorded message telling you "to hold on" WHEN YOUR HOUSE IS ON FIRE YOU DON'T WANT TO HOLD ON, EVERY ALARM BOX ACTIVATION IS ANSWERED AND PROCESSED WITHIN 10 SECONDS, IF A VOICE BOX IS NOT ANSWERED WITHIN 10 SECONDS A FIRE DEPARTMENT UNIT WILL BE DISPATCHED TO THE BOX LOCATION IMMEDIATELY.

Every Voice Alarm Box is tested daily, and defective boxes are serviced immediately. Now compare that to finding a pay phone that works if you can find one at all.

The Fire Departments own Report on dependability of Cellular Technology determined it was not as good as the voice alarm boxes for reporting emergencies due to areas with poor coverage and dropped calls.

Remember the Second Avenue Telephone Company Fire more than a 100,000 phones lost service and that community was dependent on Fire Boxes for reporting emergencies.

This not a contest to see which system is better for reporting Emergencies, Telephone verses Public Safety Alarm Boxes, New York City Needs Both Telephone and Alarm Boxes. A city this size to be dependent on a single system for reporting Emergencies is dangerous and leaves the city vulnerable to catastrophic failure and loss.

EVERY DAY FIRE ALARM PUBLIC SAFETY BOXES ARE USED TO REPORT LIFE THREATNING EMERGENCIES.

HEARING IMPAIRED - OK

FOREIGN LANGUAGE – OK

DISABLED - OK

USE THE FIRE ALARM BOX WE KNOW YOUR LOCATION
HELP IS ON THE WAY WE WILL BE THERE SHORTLY

THE COUNCIL THE CITY OF NEW YORK

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