

**Testimony of Michael Best  
Counselor to the Mayor**

**Committee on Public Safety  
New York City Council  
March 11, 2013**

Good morning, Chairman Vallone and members of the Council. My name is Michael Best, and I am the Counselor to Mayor Bloomberg. Thank you for allowing me to testify on the bill before you today, which will create a new Administrative Code Section 10-171 entitled “Prohibited acts during a local state of emergency.” The bill is a welcome and worthwhile initiative aimed at addressing and preventing the kinds of opportunistic crimes that may occur when our normal lives and routines are disrupted by a serious emergency.

Most recently, the City’s experience during Hurricane Sandy brought into sharp relief the need to tackle head-on the fear that many home- and business-owners feel when directed to evacuate their premises – the fear that criminals will exploit the situation. Fortunately, in most cases the basis for this fear has not materialized, since the vast majority of New Yorkers in fact have always demonstrated remarkable courage and camaraderie during some of the most difficult crises that have confronted the City. Indeed it is noteworthy that the number of major crimes committed during the week beginning October 29<sup>th</sup>—the day Hurricane Sandy hit the City—was 25% lower than the number committed during the same week the previous year. Although there were some local spikes in burglaries committed in areas directly affected by the storm, the more widespread and significant danger came from the *fear* of burglary, which may have discouraged people from evacuating when they should have.

The bill addresses this fear by enacting new civil and criminal penalties specifically targeting those who commit despicable criminal acts when their victims are at their most vulnerable. The crimes articulated in the bill are those which would most likely be associated with a state of emergency, and the two-tier system of penalties reserves the most serious punishment for those who commit these acts in a mandatory evacuation area during a mandatory evacuation period.

We commend the Council for its effort to provide New Yorkers with greater assurance that they will not face the additional burden of crime when they are already facing life-changing events necessitating a proclamation of a local state of emergency. I am pleased to express the Administration's support for the bill, which is the product of a constructive collaboration between the Council and the Administration in working out the details of this legislation. We look forward to your approval of the bill as quickly as possible.

If the Committee has questions, I would be happy to answer them.

**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor     in opposition

Date: \_\_\_\_\_

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Name: Yasmin Annmirato

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I represent: Midland Beach Civic Association

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