

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE WITH

COMMITTEE ON PUBLIC SAFETY 1

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE WITH COMMITTEE ON
PUBLIC SAFETY

----- X

December 12, 2022
Start: 11:23 a.m.
Recess: 3:32 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Selvena Brooks-Powers, Chairperson
Kamillah Hanks, Chairperson

COUNCIL MEMBERS:

Joann Ariola
David M. Carr
Amanda Farias
Linda Lee
Farah N. Louis
Mercedes Narcisse
Lincoln Restler
Carlina Rivera
Althea V. Stevens
Nantasha M. Williams
Kalman Yeger
Erik D. Bottcher
Justin L. Brannan
Tiffany Caban
Carmen N. De La Rosa
Robert F. Holden
Rita C. Joseph
Darlene Mealy

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE WITH
COMMITTEE ON PUBLIC SAFETY 2

A P P E A R A N C E S

Richard Davey, President of New York City
Transit

Robert Diehl, Sr., Vice President for Safety and
Security at New York City Transit

Michael Kemper, Acting Chief of Transit at New
York Police Department

Thomas Ponella, Deputy Chief

Raymond Porteus, Inspector

Michael Clarke, Director of Legislative Affairs

Lisa Daglian, Executive Director of Permanent
Citizens Advisory Board to the MTA

Charlton D'Souza, President of Passengers United

Raul Rivera, TLC driver and Founder of NYC
Drivers Unite

Leo Ferguson, Director of Strategic Projects of
Jews for Racial and Economic Justice

Yung-Mi Lee, Legal Director of the Criminal
Defense Practice at Brooklyn Defender Services

Towaki Komatsu

1
2 SERGEANT-AT-ARMS: This is a soundcheck
3 for the joint Committee for Transportation and Public
4 Safety. Today's date is December 12, 2022. Being
5 recorded by Danny Huang (phonetic) in the Chambers.

6 SERGEANT HUANG: Good morning and welcome
7 to the New York City Council hearing of the
8 Committees on Transportation and Infrastructure
9 jointly with Public Safety.

10 At this time, can everyone please silence
11 your cell phones?

12 If you wish to testify today, please come
13 up to the Sergeant's desk and fill out a testimony
14 slip. Written testimony can be emailed to
15 testimony@council.nyc.gov. Again, that is
16 testimony@council.nyc.gov.

17 Thank you for your cooperation. Chairs,
18 we are ready to begin.

19 CHAIRPERSON BROOKS-POWERS: [GAVEL] Good
20 morning and welcome to this hearing on the Committee
21 on Transportation and Infrastructure. I am Selvena
22 Brooks-Powers, the Chair of this Committee. Today,
23 the Committee convenes jointly with the Committee on
24 Public Safety to conduct an oversight hearing on
25 public safety in the subway system.

1
2 In New York, public transit is an
3 essential public service. Millions of New Yorkers and
4 visitors rely on our subways and busses every day to
5 commute to work, go to school, attend medical
6 appointments, and enjoy all of the entertainment our
7 city has to offer. Our transit system isn't just a
8 transportation option. The City simply could not
9 function without it. This is why we must have a
10 system that is efficient, reliable, and safe. The
11 COVID-19 pandemic changed many things about our city
12 including subway ridership. Even as the worse days of
13 the pandemic now seem to be behind us, ridership
14 remains at just over 60 percent of pre-pandemic
15 levels. Some of this decline is undoubtedly
16 attributable to changes in ways that people work with
17 flexible working arrangements, eliminating the need
18 for many commuting trips, but it is also clear from
19 the MTA's own surveys and feedback from our
20 constituents that many subway riders take fewer trips
21 in part due to a concern for their safety, a concern
22 that has been reinforced by a spat of high-profile
23 criminal incidents in the subway system including
24 riders being pushed onto the tracks from platforms,
25 stabbings, shootings, and muggings. Concerns about

1 safety in our public transit system creates
2 significant issues for a city as reliant on subways
3 and busses as ours. The inability to attract riders
4 back to the subway has a significant impact on MTA's
5 farebox revenue and has contributed to an operating
6 budget crisis that could threaten riders with higher
7 fares and service cuts. The idea that public
8 transportation is unsafe discourages visitors who
9 spend money at our local businesses and boost our
10 economy. Reduced transit ridership pushes our
11 critical climate and environmental justice goals
12 further out of reach. Finally, and most importantly,
13 there is nothing more important to the Council than
14 ensuring riders and transit workers are safe and free
15 from fear of harm in our transit system.

17 The focus of today's hearing is about
18 ensuring that the MTA and NYPD are prioritizing the
19 safety of public transit riders and the transit
20 workers that make our system run. We look forward to
21 hearing about the deployment of additional police
22 officers in the subway system and other initiatives
23 designed to deter criminal and antisocial behavior.
24 We know that in recent weeks the MTA has emphasized
25 the fact that crime is beginning to decrease in the

1
2 system and that the numbers are trending in the right
3 direction, but when it comes to subway safety,
4 perception is reality, and we want to know how the
5 MTA and NYPD will not only continue to battle the
6 very real crime wave but will change the narrative
7 about our transit system as well.

8 Of course, our transit system is also
9 affected by many of the other major challenges we
10 face citywide including issues of mental health and
11 homelessness, and I do not believe that law
12 enforcement is the only solution to these issues. It
13 is crucial that we ensure that those experiencing
14 mental health issues in our transit system are
15 connected with appropriate services. In the last few
16 days, we've seen new announcements from the
17 administration on mental health issues, and the
18 Council looks forward to hearing more about these
19 plans, especially in conversation with the Department
20 of Health in the near future as well as the
21 Department of Social Services which we did invite to
22 participate in today's hearing and, while they're not
23 able to participate today, we look forward to
24 speaking with them more on this matter as well.

1
2 I also want to make very clear the fact
3 that a person is seeking shelter in our transit
4 system does not make them a public safety threat. Our
5 response to the most vulnerable New Yorkers that
6 interact with our transit system must be guided by
7 compassion and respect. I'm excited to have this
8 opportunity to hear from the MTA and later today the
9 NYPD about their plans to continue keeping transit
10 riders safe.

11 I also want to thank the advocates and
12 members of the public here today with us for their
13 contribution to this important conversation.

14 Before we hear from MTA, I will next turn
15 the hearing over to my co-Chair, Council Member
16 Hanks, for her opening remarks.

17 Right before that, I just want to
18 acknowledge the Members that we are joined by. We are
19 joined by Council Members Carr, Ariola, Rivera,
20 Brannan, Bottcher, Stevens, Farias, Aviles, Williams,
21 Joseph, Holden, De La Rosa, and Yeger. Thank you.

22 CHAIRPERSON HANKS: Thank you, Chair
23 Brooks-Powers. Good morning. I am Council Member
24 Kamillah Hanks, and I am the Chair on the Committee
25 of Public Safety. I also want to thank the

1
2 aforementioned Committee Members and Colleagues who
3 have joined us here today. I'd also like to thank
4 Chair Brooks-Powers and the Committee on
5 Transportation and Infrastructure for holding this
6 important joint hearing on public safety in the New
7 York City transit system.

8 Subway ridership has slowly increased as
9 New Yorkers have returned to in-person work following
10 a significant drop in ridership during the pandemic.
11 At the same time, there's been a steady increase in
12 crimes within the transit system and some high-
13 profile violent incidents that have traumatized many
14 New Yorkers and resulted in public perceptions that
15 the system is no longer safe. Our Mayor's Management
16 Report for Fiscal Year 2022 provides some insight
17 into the extent to which crime in the transit system
18 has increased in recent years, largely driven by
19 incidents in the subway system. Major felony crimes
20 in the system are up 50 percent in the past year with
21 overall crime rates reaching comparable levels to
22 that experienced pre-pandemic despite the continued
23 decrease in ridership relative to pre-pandemic
24 levels. In recent years, the City and State have
25 partnered to increase law enforcement presence in the

1 subway system in hopes to address the quality-of-life
2 issues and restoring public confidence in the safety
3 of the transit system.

4
5 I am interested in examining the impact
6 to the increase of deployments and learning more
7 where these officers will be placed, what roles they
8 have served, and how the NYPD, MTA PD evaluate the
9 success of these efforts.

10 I am also interested in hearing more from
11 the administration about their plan to provide care
12 and support needed by some of the most vulnerable New
13 Yorkers who seek shelter in our subways. An approach
14 must be grounded in prevention and compassion.

15 Finally, this hearing will provide the
16 Council with an opportunity to continue the much-
17 needed discussion with our partners in the
18 administration, the MTA, the members of the public
19 about how to improve safety in the transit system and
20 return public confidence in that our subways and
21 busses are safe for all New Yorkers.

22 Thank you so much.

23 CHAIRPERSON BROOKS-POWERS: Thank you.

24 I'd' also like to add we have been joined by Council
25 Members Caban and Lee.

Next, I will turn it over to Committee Counsel for the swearing in.

COMMITTEE COUNSEL LYNN: Thank you. I'm Elliott Lynn, Counsel to the Transportation and Infrastructure Committee at the New York City Council.

Our first witnesses will be from MTA New York City Transit, Richard Davey, President New York City Transit, and Robert Diehl, Senior Vice President for Safety and Security New York City Transit. I will now administer the oath. Please raise your right hands.

Do you affirm to tell the truth, the whole truth, and nothing but the truth before these Committees and to respond honestly to Council Member questions?

ADMINISTRATION: (INAUDIBLE)

COMMITTEE COUNSEL LYNN: Thank you. You may begin when ready.

PRESIDENT DAVEY: Great. Thank you. Well, good morning and thank you for having us here today, especially Chair Brooks-Powers and Chair Hanks, to

1
2 give an update on public safety in the transit
3 system.

4 As mentioned, I'm Richard Davey,
5 President of MTA's New York City Transit, and I'm
6 here with Robert Diehl, our Senior VP for Safety and
7 Security and also a 24-year veteran of NYPD.

8 This is my first appearance in front of
9 the Council since becoming President of Transit this
10 past May, so before we get into it I'd like to
11 introduce myself a little bit. I came to New York
12 City in May from Boston where I spent my career
13 working in all aspects of public transportation. I
14 served in Deval Patrick's Cabinet as Secretary of
15 Transportation for the Commonwealth of Massachusetts
16 and as General Manager of the MBTA in Boston and then
17 most recently in the private sector at Boston
18 Consulting Group where I worked with the transit
19 systems across the world including in Sydney, Hong
20 Kong, Singapore, and the U.K. I was a New Yorker from
21 1999 to 2002 including a Manhattanite on 9/11, and
22 now I'm a constituent of Council Member Bottcher in
23 Hell's Kitchen. As a result, he's promised to be
24 gentle in his questioning.

1
2 Faster, Cleaner, Safer. In every
3 professional role I've had, customer satisfaction has
4 been my north star, and it's driving force behind
5 Transit's new Faster, Cleaner, Safer Strategic Plan.
6 I know today's testimony is about the 3rd which we'll
7 get into, but actually all three are very much
8 interrelated.

9 I know your constituencies and my
10 customers care about having faster service and so do
11 I. I've directed Transit's Speed Team to find new
12 ways to further improve service and cut down on
13 subway customer journey times. We're also zeroing in
14 on improving weekend service as weekend service and
15 ridership is climbing actually faster than weekday.
16 We've hired Jose LaSalle as our Weekend Czar to come
17 up with new service plans that allow us to complete
18 important maintenance work while still getting riders
19 to where they want to go.

20 We're not forgetting about busses. We're
21 working with the City's Department of Transportation
22 and the State Legislature to expand our ABLE, our
23 automated bus camera enforcement, on busses. We're
24 expanding transit signal priority and pushing ahead
25 with our borough-by-borough bus network redesigns. We

1 rolled out the Bronx redesign to great success this
2 past June, are deep into developing the Queens bus
3 redesign, and just released last week our first draft
4 of the Brooklyn bus redesign as well. Of course, we
5 continue to aggressively hire and train new frontline
6 employees to fill the gaps in staffing that caused
7 these past delays, particularly during COVID.

8
9 Then there's cleanliness, which I think
10 has a lot to do with safety. Through the Station
11 ReNEWvation Program, we're making sure visible
12 problems at our stations, stuff like broken lights,
13 faulty P.A. systems, broken countdown clocks are
14 fixed. These are small things, but if no one else is
15 around makes our riders feel uncomfortable. So far,
16 we've completed deep cleaning at six of the nine
17 stations located in the Bronx B and D Concourse, and
18 we are committed to finishing three more this year
19 and will be announcing shortly a goal of tackling 50
20 stations in 2023. We're also hiring hundreds of new
21 station cleaners and train cleaners as we prepare to
22 reopen bathrooms at eight stations this January.

23 Work location is another priority for us
24 for our employees. Maintenance rooms where some of
25 our employees and their break rooms spend time need

1 some TLC as well. We brought some folks in to make
2 sure that these facilities are improved as well.

3
4 Take a focus on safety now. All these
5 efforts, however, really come back to safety and the
6 perception of safety as mentioned in the opening
7 testimony in the system, which we all know has an
8 impact on ridership. It's not the biggest factor
9 behind the lower levels we're seeing. That would be
10 the shift to work-from-home policies which, of
11 course, we can't do anything about, but it's not
12 insignificant either. Customers are telling us in our
13 surveys as we launched when I became President on a
14 monthly basis and our Transit Talks which were out at
15 stations approximately every other week that public
16 safety is a concern. That said, we did announce just
17 Thursday we hit a post-pandemic ridership high of
18 nearly 4 million customers in our subway system. It's
19 also important to note that New York is not also
20 having this challenge with ridership but every major
21 transit system in America in fact is struggling to
22 bring back 100 percent of its pre-COVID ridership.

23 Nonetheless, we have to solve this issue
24 and perception and try to beat back the crime we do
25 have in our system because subways need to be safe

1 and they need to feel safe, not just helping win new
2 riders but for the sake of those who've been riding
3 with us all along, essential workers and working-
4 class New Yorkers who can't afford a 50-dollar Uber
5 to get around. They deserve piece of mind and a safe
6 trip. Luckily, as MTA Chair Janno Lieber has said our
7 working relationship with the State and the City has
8 never been better. Government Hochul and Mayor Adams
9 have set in motion a comprehensive Subway Safety
10 Initiative that is starting to make a difference. We
11 closely monitor crime statistics, and the November
12 numbers show transit crime was down more than 13
13 percent from 2021. Year to date, there were 6.5
14 percent fewer crimes in the subway than in 2019, the
15 year before COVID. Today, we also have fewer riders
16 than before the pandemic so, of course, it's not an
17 apples-to-apples comparison, and it's way too early
18 to celebrate, but I believe there is real progress
19 that we can trace back to the actions by the Mayor
20 and the Governor with more work to go.

22 As part of their strategy, the NYPD, the
23 lead agency responsible for maintaining public safety
24 in the underground, is flooding stations and trains
25 with officers. Anybody riding these days can see the

1 increased police presence and hear the announcements
2 about it on our trains. MTA PD is doing its part too.
3 Bobby has been working closely with MTA PD to have
4 officers backfill patrols at some subway stations in
5 our commuter rail hubs, and MTA PD already has
6 outposts there so it's a natural extension of their
7 duties and it frees up the NYPD officers to be
8 deployed elsewhere in our system. But cops are just
9 one tool in a balanced criminal justice toolbox.
10 We're also working with the District Attorneys,
11 Judges, and the Courts to expand the use of transit
12 bans across the MTA so those that harm riders or our
13 employees are kept off transit. A few years back, the
14 MTA lobbied successfully for state law allowing
15 judges to implement transit bans as part of
16 sentencing for certain convicted criminals who use
17 our system for their crimes and, just last month,
18 Suffolk County approved the first every MTA ban on
19 the LRI, and we hope there will be more to come.
20 Expanding the applicability of the Transit Ban
21 Statute is going to be one of our top legislative
22 priorities in Albany this session.
23

24 We also remain focused on fare evasion.
25 Earlier this year, Chair Lieber convened a Blue

1 Ribbon Fairness Panel, which will be releasing its
2 report and recommendations soon, but we've already
3 taken steps to combat this problem, launching pilots
4 for both armed and unarmed gate guards stationed at
5 MetroCard vending machines and the fare array. We're
6 still waiting for more data to understand the full
7 effectiveness of this pilot, but the preliminary
8 analysis is promising. The emergency slam gates as we
9 all know had become a major issue driving fare
10 evasion, and we're seeing that in some high-volume
11 stations simply having someone there to manage the
12 gate for its proper purpose is paying for itself in
13 many stations and not leading to confrontation.

14
15 Another piece of the puzzle is cameras.
16 When I got here, we took a deep dive into Transit's
17 existing camera program, which was actually already
18 impressive. More than 10,000 cameras across 472
19 stations. Now, we're looking to expand that into
20 train cars. Back in October, Governor Hochul
21 announced that we're purchasing another 5,400 cameras
22 to be installed on nearly 3,000 subway cars so that
23 the entire fleet can have full coverage. The vast
24 majority of our busses are already equipped with
25 cameras, a full 90 percent of our 5,800 bus fleet,

1 and all new purchases in our capital program, new
2 busses and new trains, will be fully equipped with
3 cameras.
4

5 Complementing these efforts is our recent
6 announcement last week that station agents will be
7 coming out of the booth permanently to take an
8 enhanced role in customer service. They are also
9 going to be the eyes and ears across our stations,
10 across our station environment from the turnstiles to
11 the platforms. They will be an invaluable resource
12 for us as we continue to look at safety.

13 We're leaving no stone unturned when it
14 comes to customer safety. As President of New York
15 City Transit, I take my responsibility to create a
16 safe environment in the subways very seriously. We
17 are here to serve New Yorkers, and we need every
18 rider to get back as we stare down MTA's fiscal
19 cliff.

20 Lastly, since public safety, of course,
21 does play a role in it, I cannot pass up the
22 opportunity to talk a little bit about our finances.
23 The MTA's operating budget, to be frank, is in dire
24 straits. In just a few years, we're looking at an
25 annual recurring deficit in the range of 2.8 to 2.9

1 billion dollars. The Authority has limited options to
2 balance the budget on its own, and none of them are
3 good, cutting service, laying employees off, raising
4 fares. All would be devastating to the City and the
5 regions we're covering and economy. We need more mass
6 transit, not less. We're looking to the City, the
7 State, and our Federal Government for help on a new
8 funding model that recognizes mass transit as the
9 essential service that it is, much like police, fire,
10 and sanitation. Obviously, the more riders we get
11 back, the less the burden on our government partners,
12 and that is why a collective effort in solving the
13 MTA's real public safety issues is so important, not
14 to mention the perception they create which often
15 outweighs the reality. The City and the MTA have
16 worked together in the past to eradicate crime in the
17 subways and have gotten the system back to record
18 levels of ridership, and I'm confident we can do it
19 again.
20

21 I look forward to working with you all on
22 solutions and thank you for having us here today to
23 discuss this important topic. With that, I'm happy to
24 take your questions.
25

CHAIRPERSON BROOKS-POWERS: Thank you so much, President Davey, and thank you for submitting your testimony early. I appreciate the respect that you showed to us with that.

PRESIDENT DAVEY: I wanted an A+ at my first hearing, Madam Chair.

CHAIRPERSON BROOKS-POWERS: Check. We've also been joined by Council Member Louis.

Let's jump into these questions. Let's start with ridership trends and public safety. Subway ridership remains at just over 60 percent of pre-pandemic levels. In your testimony, you mentioned that you believe public safety concerns are keeping riders away from transit. How exactly does the MTA quantify how many riders are not taking transit due to safety concerns. If this is based on customer surveys, for example, how representative does the Authority believe these samples are of regular subway riders?

PRESIDENT DAVEY: It's a great question. I would say that we certainly look at customer surveys so what the MTA does, what Transit does on an every-six-month basis, so a biannual basis, is do a very deep dive of our customers. We usually get about

1 100,000 customer responses for a valid survey, and,
2 in that instance, we can actually see customer
3 sentiment by station, by line, by route, by bus stop.
4 When I became President, I said look, that's great,
5 but checking in with our customers every six months
6 isn't enough, and so what we've done is launched a
7 monthly what we call Pulse Survey to see is sentiment
8 changing, are things improving or are things
9 declining, where and why, and should we have
10 interventions before the six-months cycle. To your
11 point, we publish very transparently a monthly
12 COMPStat book, we publish lots of KPIs, I think a
13 couple hundred pages, but what we've done is provided
14 an executive summary for our committee, our board,
15 and for the public to see, and what our subway
16 customers are telling is the three things that
17 concern them the most are public safety, people
18 behaving erratically, and homelessness, and then we
19 ask them a followup question, what would we need to
20 do in order to have you ride our system more. Again,
21 not surprisingly, the order is slightly different,
22 but it is fewer people behaving erratically, personal
23 security, and then more visible police presence. Now,
24 this was done in October before the Cops, Camera, and
25

1
2 Care Initiative was launched, and before I think the
3 flood that the Chief will talk a little bit about the
4 specifics, but there are cops, at least in my
5 experience, on every platform during rush hour, all
6 hours of the day, and so I think that increased
7 police presence I would expect we will see some
8 improvement, again it won't be perfect and we have
9 work to do, but I would expect we'll see some
10 improvement from our November surveys, which I don't
11 have the results for yet, but that's how we measure.
12 Of course, we measure it by crime and obviously
13 statistics as well, but fundamentally how are our
14 customers feeling and what's preventing them from
15 riding, that's how we measure our success or where we
16 need to focus.

17 CHAIRPERSON BROOKS-POWERS: What is the
18 breakdown in these surveys of respondents by
19 geographic location and whether they use the subway,
20 busses, or commuter rail?

21 PRESIDENT DAVEY: For Transit, respectful
22 of my colleagues at Long Island Railroad and Metro
23 North, they do a separate survey, and I don't focus
24 on those so we can get you information there.
25 Certainly, we can get you information exactly on how

1 we break down, but we look to make sure we have a
2 valid survey across the boroughs, across key
3 demographics, obviously gender, race, income, and
4 then, as I mentioned, for subway riders, bus riders,
5 for both, we also ask our paratransit customers how
6 their service is as well. Safety has not been an
7 issue for our bus customers or paratransit like it
8 has been for subway. That's been more focused on
9 service but happy to give you the sort of breakdown
10 of how we think about a valid survey. I will say
11 this. Having seen other survey departments, having
12 run one in Boston, having seen a few others here in
13 the United States, the Customer Survey Group here at
14 MTA is quite good.

16 CHAIRPERSON BROOKS-POWERS: Thank you for
17 that. What affirmative steps has the Authority taken
18 to incentivize riders to come back to Transit.

19 PRESIDENT DAVEY: Certainly our Lucky 13
20 fare product so looking at ways that we can roll out
21 fare products that encourage our customers to utilize
22 our services so I think you know starting on Monday,
23 after your 12th ride using an OMNY device, the
24 remaining rides you have for the week are free. I
25 know that we're going to continue as OMNY continues

1
2 to roll out, see if there are other opportunities for
3 improved fare products. About 40 percent of our
4 subway customers today use OMNY. Pretty good. We've
5 got work to do. On bus, we have a lot of work to do.
6 Less than 20 percent of our customers are using OMNY
7 today, and so I think that's going to be a big push
8 for us in 2023. MetroCard will be retired someday,
9 probably not soon next year but potentially into 2024
10 so we need to prepare New Yorkers for that day so we
11 have some work to do, but, as OMNY rolls out, I think
12 there's an opportunity to be more creative in the
13 fare products we offer.

14 CHAIRPERSON BROOKS-POWERS: While the NYPD
15 is responsible for deploying its officers in the
16 system, the MTA has a part to play as well. How does
17 the MTA coordinate with NYPD regarding the deployment
18 of officers in the system and how do these officers
19 work with MTA police and MTA train crews?

20 PRESIDENT DAVEY: Obviously, to say we
21 trade notes is probably even an understatement, but
22 work with NYPD on a bunch of the metrics that we
23 track and then, of course, what they track. As I
24 mentioned, we have customer satisfaction data for
25 every subway stop, and we'll share that so if there

1 are homeless issues, emotionally disturbed folks,
2 there are stations as you all know, for example, in
3 neighborhoods where there may be homeless shelters or
4 needle exchange or some other social services
5 critically important but that might then have a
6 disproportionate number of customers who are having
7 those issues or suffering from those issues that may
8 find themselves in our system so we're cognizant of
9 those as a deployment strategy. It's also been a
10 strategy for us in our deployment of unarmed guards
11 as well so we see where we believe there are higher
12 versions of fare evasion in the system. NYPD
13 continues to enforce fare evasion, but we thought a
14 force multiplier would be to deploy these unarmed
15 guards in the system to help, and I think that's paid
16 dividends as well. Of course, again, I'll let the
17 Chief talk specifically about how there's deployment,
18 but we work very closely in identifying those
19 hotspots if you will.

21 CHAIRPERSON BROOKS-POWERS: Two things you
22 mentioned I'm going to get into also, but I'm
23 interested in understanding, in staying in the same
24 line of questioning, in an effort to reduce crime,
25 how is the MTA police being utilized, how are the MTA

1 train crew being utilized, like how is MTA leveraging
2 its resources in light of trying to bring the crime
3 statistics down as well.

4
5 PRESIDENT DAVEY: Sure. In terms of the
6 people resources, as mentioned, MTA PD have been
7 recently deployed in a couple of key locations where
8 there's overlap with both subway and railroad
9 ridership. Again, knowing that the principal
10 responsibility for subway and bus safety is the NYPD,
11 but MTA PD has certainly stepped up.

12 Relative to our train crews, again
13 working with NYPD, what we've asked NYPD to do is to,
14 when they're on the platforms, station themselves in
15 the center of the platform where our conductor,
16 you've probably seen our conductor pull down the
17 window, check to make sure folks aren't stuck in a
18 door or doing something to the train, per se, and
19 we've asked our crews to make an announcement that
20 the NYPD is on the platform so we've automated that
21 where we can and then we've asked train crews to make
22 that. We're still training about 6,000 employees to
23 make this work so it's probably not perfect, I've
24 observed and seen a number of those announcements. It
25 makes sense, right, for a 10-car train, you're a

1 customer in car nine or car two, you may not know
2 that NYPD is on the platform but to observe
3 something. I observed this myself last week. There
4 was a gentleman who was emotionally disturbed and
5 coming on the 7 line, decided he didn't want to wear
6 his pants for a little while, and obviously had some
7 challenges, but NYPD was on the platform, the
8 conductor knew and was able to get the gentleman some
9 help so I think that kind of coordination and
10 communication has been very effective, both what
11 we've measured and what I've seen personally.

13 CHAIRPERSON BROOKS-POWERS: According to
14 media reports, some train crews have expressed
15 frustration about newly required announcements
16 alerting passengers to the presence of NYPD. Does the
17 need to make these announcements increase dwell times
18 in station and how will the Authority determine
19 whether these announcements are contributing to
20 safety and not overwhelming passengers with messages?

21 PRESIDENT DAVEY: A couple of things.
22 Number one, we look at the dwell times on a monthly
23 basis. We see no evidence of the dwell times
24 increasing. That's for sure. In terms of feedback, we
25 did talk to our crews beforehand. I think the

1 feedback I've heard is pretty positive, but, you
2 know, you can't please everyone so for those couple
3 of members of the crews who may have spoken to the
4 media and disagreed, sometimes change can be hard,
5 but we've heard more positive than negative from both
6 our employees and our customers for sure so I think,
7 again, the evaluation of the effectiveness is the
8 feedback we're receiving and it's been pretty
9 positive. As I said, I think for that instance I've
10 observed, customers knew that the PD was on the
11 platform, PD was able to be flagged down and
12 addressed that issue relatively quickly.

14 CHAIRPERSON BROOKS-POWERS: Just moving
15 into the use of private security. The pilot program
16 under which the MTA has hired private security guards
17 to deter fare evasion in the subways has now been
18 underway for six months at six stations. Can you tell
19 us more about your initial assessment of the
20 program's success?

21 PRESIDENT DAVEY: Yes. Maybe I'll correct
22 the record if I could. I think the program, now full-
23 time, but not to brag but was inspired by a visit I
24 had very early on at Myrtle-Wycoff when we saw fare
25 vending machines, all of them being damaged by a

1 swiper whose business was to break the machines every
2 morning and then charge customers 2 dollars I think,
3 discount or something, to get into the system. What
4 we did is we started looking at what the fare vending
5 machine data showed where they were being broken
6 often or in need of maintenance, and we decided to
7 try an armed guard pilot at that station to stand
8 literally next to the fare vending machines. We put
9 the fare swiper out of business. All of a sudden both
10 fare purchases at that station and taps at the
11 station went up dramatically so what we decided to do
12 then was, for unarmed guards, look at a few stations
13 where the slam gates, the so-called emergency gates,
14 were being used maybe legitimately by one customer, a
15 mom with a stroller or someone with a large backpack
16 or baggage but then folks would piggyback in behind
17 or otherwise around the person so that has also been
18 very successful. We have seen an uptick anywhere
19 between 5 and 20 percent of fare tapping at some of
20 those locations and so we continue to roll those out.
21 It is a bit of an expense since we have to think
22 about, given our fiscal cliff, where we can deploy
23 the guards, but it's also been great, and it's also
24 been a deterrent for crime. We had, at least at one
25

1 station, two of our unarmed guards get in between a
2 fight between two teenagers, one had a knife, and
3 clearly averted what would've been a tragedy so
4 they're not only providing the kind of fare evasion
5 tactics that we want but also our eyes and ears as
6 well. Bobby, I don't know if you want to say anything
7 more.
8

9 SENIOR VICE PRESIDENT DIEHL: Yeah, I just
10 want to add that by putting the guards at these
11 locations, we are seeing a lot of ancillary benefits
12 from it, and a lot of it has to do with we're seeing
13 less fires at locations, less unruly customers at
14 those locations, so we're getting extra benefits.
15 It's not just about fare evasion. By holding that
16 gate, we're probably eliminating about 50 percent of
17 the fare evasion that occurs.

18 CHAIRPERSON BROOKS-POWERS: I know that
19 MTA created the Blue Ribbon Fareness Panel. When do
20 you expect those recommendations to roll out and what
21 has the mechanism for public input been?

22 PRESIDENT DAVEY: For the Fare Evasion
23 Panel, I think those recommendations should be coming
24 early next year. I know they've been working very
25 hard on a number of recommendations. I think the

1
2 members have themselves been out in the field. In
3 terms of their public comment or process, I can't
4 comment on that. I do know that I think the intent
5 was on the panel at least bring a broad cross-section
6 of New Yorkers and their perspectives to the panel,
7 but whether they're doing actual public outreach or
8 not, they certainly have tapped our customer
9 satisfaction data and our customer data so I know
10 we've been funneling from MTA and Transit customers'
11 perspectives in that regard.

12 CHAIRPERSON BROOKS-POWERS: How have the
13 number of summons for fare evasion changed over time?

14 PRESIDENT DAVEY: I think I'll let maybe
15 the Chief answer that one, but I know they've
16 increased dramatically year-over-year, but certainly
17 I'd maybe defer to the Chief to discuss that.

18 CHAIRPERSON BROOKS-POWERS: Okay. Per
19 comments at the Authority's November Board meeting,
20 the presence of guards has resulted in an increase in
21 revenues of around 100,000 dollars per month. How did
22 you determine that?

23 PRESIDENT DAVEY: I think in that instance
24 it was 100,000 dollars per month at Myrtle-Wyckoff,
25 and so it literally was looking at two factors there.

1
2 One was the significant reduction in maintenance
3 calls we had. We were having two a day, if you could
4 imagine, at that station so about 60 a month. We
5 reduced that significantly. Each call I think costs
6 us around 1,000 dollars so we netted out that expense
7 and then looked at what we saw for an uptick in
8 revenue. I don't have the math in front of me, but we
9 netted the expense total of the guards against the
10 maintenance cost we were saving and the revenue that
11 we saw as an uptick. I would say this. I think there
12 are probably some stations where we would see a net
13 revenue increase, but I can't say that for everyone.
14 I think we're continuing to monitor the stations that
15 we're located at, but that particular station, given
16 the vandalism that was occurring and the significant
17 fare evasion that was occurring, I think that's why
18 it netted such positive results. We looked at the
19 previous I think six months' experience so we started
20 that pilot in May so I think we looked back through
21 the end of 2021 as our comparator.

22 CHAIRPERSON BROOKS-POWERS: Do the private
23 security guards have peace office status, like are
24 they there to use force, are they able to arrest
25 people?

1
2 PRESIDENT DAVEY: They're not. No, they're
3 really there as a deterrent and to literally be our
4 eyes and ears and then, as the slam gate is
5 legitimately opened, sometimes I think you all have
6 seen them, they're on a bit of a delay, they're able
7 to close the gate or otherwise ask politely or
8 prevent folks from coming through. My experience has
9 been that there are a number of customers who are
10 opportunists, they see the gate, they have their card
11 ready to go and they see the gate, maybe go that way,
12 so those folks, certainly we still have hardened
13 evaders who are hopping turnstiles and otherwise,
14 you'll probably even hear from the Chief, who are
15 otherwise being disrespectful to police, but
16 certainly the Guard Gate Pilot has shown very good
17 results when it comes to dissuading those who are
18 probably more opportunistic.

19 CHAIRPERSON BROOKS-POWERS: They're not
20 empowered pretty much to issue summons either for
21 fare evasion?

22 PRESIDENT DAVEY: They're not. No, they
23 are not.

24 CHAIRPERSON BROOKS-POWERS: They're just
25 there in terms of the function because several months

1 ago I sent a letter to the MTA calling for an
2 increase of the total of agents and better utilizing
3 the TWU workers to serve as deterrents as well.
4 Because they're already employees of MTA, I'm just
5 not sure I understand the need for the use of the
6 private security as opposed to increasing and better
7 utilizing MTA's staff that they already have so can
8 you talk to that a little bit?

10 PRESIDENT DAVEY: Sure. I appreciate your
11 letter by the way. As you know, last week we did
12 announce that that we came to a historic agreement
13 with the TWU to ask the station agents to spend the
14 majority of their time out of the booths, but their
15 primary function is to provide customer service and
16 so that's what we're asking our agents to do so
17 they'll be at the fare array, they'll be doing a
18 walkthrough of the station at least twice a day to
19 see if there are any maintenance issues or anything
20 that's broken that we need to address, work with the
21 station cleaners to see if there are any issues that
22 have arisen that require a station cleaner's
23 attention. I think what we found is that, of course
24 we have the guards doubled up so we have two guards
25 in case there's an issue, but I see our station

1
2 agents having a different role which is really to
3 provide folks wayfinding concerns, helping folks use
4 their MetroCard, now OMNY coming soon, and providing
5 some of the eyes and ears so that's the theory behind
6 both having our station agents providing those
7 customer service functions but then also having some
8 unarmed guards at stations.

9 CHAIRPERSON BROOKS-POWERS: I think you
10 mentioned something about having armed and unarmed
11 security guards so have there been instances of the
12 armed guards using force or the need to use force?

13 PRESIDENT DAVEY: No. The armed guards we
14 utilized were for the narrow circumstances where
15 folks were actually vandalizing machines. I think
16 that was a key differentiation for Myrtle-Wyckoff. We
17 use the armed guards very little I would say, but I
18 don't know, Bob, if you want to comment a little
19 more.

20 SENIOR VICE PRESIDENT DIEHL: There's been
21 no acts of violence with them there. They have served
22 as a deterrent for the MVM machines that have been
23 damaged a lot.

24 PRESIDENT DAVEY: I mean our hope is that
25 in the future after the Fareness Panel comes out with

1
2 its recommendations, Chairman Lieber last week talked
3 about potentially new types of fare gates in the
4 future that would prevent fare evasion more readily
5 but still be good for our customers. My hope one day
6 is there will be no need for unarmed guards but that,
7 of course, our station agents would still be there
8 providing the customer service that we want.

9 CHAIRPERSON BROOKS-POWERS: How many armed
10 guards do you have versus non-armed guards?

11 SENIOR VICE PRESIDENT DIEHL: We actually
12 have roughly over 200 unarmed guards right now at 14
13 stations, and the armed guards are actually right now
14 at one station, and that's basically six guards
15 distributed amongst two tours.

16 CHAIRPERSON BROOKS-POWERS: How did you
17 determine which station that would be?

18 PRESIDENT DAVEY: We looked at a number of
19 factors. We looked at crime statistics, we looked at
20 fare evasion statistics, we looked at our customer
21 feedback and communications complaints, the MVM
22 damage, the maintenance there, and then talking to
23 our GSMs, our group station managers who manage the
24 stations to also understand what's happening on the
25 ground so those are the ways that we've determined

1 where we should be piloting this. We'll probably move
2 them around but, at the same time, not frequently
3 because I think what we have found is to change
4 behavior it's important that there's consistency at a
5 station for a period of time, certainly for a couple
6 of months.

8 CHAIRPERSON BROOKS-POWERS: Do the cost of
9 fare evasion measures such as the security guards
10 outweigh the potential revenue that may be recouped?

11 PRESIDENT DAVEY: I think so. I mean
12 that's what we've seen. We've targeted some of the
13 higher level stations with significant fare evasion
14 where we've seen a net add, but I think the list, as
15 we go through it, we're seeing a less and less impact
16 on fare evasion, which is fine because, again not
17 withstanding our fiscal cliff, the MTA spends a lot
18 of money collecting fares as a general matter so we
19 see this as an important investment and, again, a
20 tool as you spoke earlier about ensuring that our
21 customers are safe and feel safe. I think one of the
22 things I've heard from customers is if they see
23 someone smoking, if they see someone drinking, if
24 they see someone evading a fare, that begins to erode
25 their confidence in the system and then, if you see

1 something worse, of course, but if we are not doing
2 our best to begin to enforce our rules subtly in this
3 case upfront as you come into a station I think
4 that's when people begin to feel unsafe.

5
6 CHAIRPERSON BROOKS-POWERS: What are the
7 plans to expand the pilot program? Are there any
8 plans to have a similar program to deter fare evasion
9 on busses?

10 PRESIDENT DAVEY: We have an Eagle team
11 right now so in-house staff that enforce fare
12 evasion, particular on our SBS system. I think was we
13 think about and continue to roll out OMNY with our
14 Fare Validator, the handheld devices that our Eagle
15 team have, to validate fares, that's a question. As
16 you know, for example, folks can still pay with coin
17 on bus. There's no receipt necessarily given so it's
18 hard to validate then whether someone has paid, but
19 the new technology should help us for sure. In the
20 meantime, the SBS routes are key routes because you
21 should be a getting a receipt, you should be getting
22 a proof of payment that can be shown then to the
23 Eagle team who are our fare evasion force. Bob, do
24 you want to say anything else. The Eagle team reports
25 to Bob.

1
2 SENIOR VICE PRESIDENT DIEHL: With the
3 Eagle team, it's roughly about 17 teams. It's a
4 little under 200 people that actually do enforcement
5 on Select Bus Service. We also have been working with
6 MTA PD as far as them coming on also where we
7 actually focus in on not only fare evasion routes but
8 also with assaults on workers so it's like a little
9 bit of a mixture that's in there, but we're able to
10 diversity that way.

11 CHAIRPERSON BROOKS-POWERS: Thank you.
12 Next, I'm going to pivot to surveillance cameras. MTA
13 has reported that there are more than 11,000 cameras
14 currently in the subway system. About half are
15 providing live feeds and the other half record for
16 use in criminal investigations. Who monitors the more
17 than 5,000 live feeds streamed by security cameras
18 installed in the subways.

19 SENIOR VICE PRESIDENT DIEHL: Those
20 cameras actually come to our C3 Center, which is a
21 security command center that actually has all those
22 5,000 feeds that come in so they are the people that
23 are actually monitoring at that time. The other 5,000
24 cameras are locally recorded so we actually have to
25

1
2 send someone out to actually pull that video if it's
3 needed.

4 CHAIRPERSON BROOKS-POWERS: How do these
5 monitors coordinate with train crews and law
6 enforcement in the system so if someone is viewing
7 the livestream and they see something, what does that
8 coordination look like?

9 SENIOR VICE PRESIDENT DIEHL: As you can
10 imagine, doing 5,000 cameras, looking at them would
11 be really a monumental task to watch everything at
12 once. We, a lot of times, look at a lot of the hubs
13 where we know that there might be incidents
14 occurring. We also have constant monitoring of what
15 we call the six wire, which is train crews running
16 through, they may say that there's something like say
17 at West Fourth Street. We'll immediately bring up the
18 cameras at West Fourth Street so we can observe and
19 report on it. One thing we have been looking at right
20 now is some AI, artificial intelligence, that would
21 be able to focus us in. You got all these cameras
22 but, guess what, something alarms and says hey, look
23 over here. Now, you're able to bring up that camera
24 and see what's going on.

CHAIRPERSON BROOKS-POWERS: Per the MTA's most recent board meeting, all 472 stations are currently equipped with cameras, but those cameras are only useful if they're working. How often does MTA inspect the surveillance cameras to ensure that they are working properly?

SENIOR VICE PRESIDENT DIEHL: There's a check that's actually done every day, Monday through Friday, on cameras, and what we've found is that it's basically under 1 percent of the cameras may not be working at any given time.

CHAIRPERSON BROOKS-POWERS: If a camera is found to be defective, how quickly is it replaced?

SENIOR VICE PRESIDENT DIEHL: It's almost immediate. Once we find that a camera has been not working properly, there is a notification that's made to our electronic folk that will go out and actually start working on the camera right away.

PRESIDENT DAVEY: Just one other point on that if I could. With 10,000 cameras across 470+ stations, obviously we have multiple cameras in multiple stations. The redundancy has been part of our strategy so knowing that any one camera of the 10,000 might be out at any one given time and so part

1
2 of our strategy has been to say we acknowledge that,
3 it's a difficult system to maintain, the mechanical
4 equipment so being redundant is important so if one
5 camera is out another camera or set of cameras will
6 be able to pick up imagery or footage.

7 CHAIRPERSON BROOKS-POWERS: Is there a
8 routine maintenance check of them? You know how
9 elevators every year or two years they have to get
10 that stamp of..

11 SENIOR VICE PRESIDENT DIEHL: Yes, there
12 is. There is a maintenance program that's in line
13 that our electronic people actually face into. I do
14 want to just comment one thing on what President
15 Davey said is that redundancy is very important
16 because we've had crimes that have occurred where a
17 camera may not be functioning or not be functioning
18 properly but, because we have other cameras that are
19 set up there, we've actually captured either the
20 event or the perpetrator.

21 CHAIRPERSON BROOKS-POWERS: Does the MTA
22 currently utilize facial recognition technology in
23 the system?

24 SENIOR VICE PRESIDENT DIEHL: No, we do
25 not.

CHAIRPERSON BROOKS-POWERS: In September, Governor Hochul committed to installing 5,400 cameras on subway cars or two cameras per car. How long will it take before all such cameras are installed and how many have been installed to date?

PRESIDENT DAVEY: It'll be a multi-year process. We've installed over 100 cameras now to date, I think close to 200...

SENIOR VICE PRESIDENT DIEHL: 348.

PRESIDENT DAVEY: 348 exactly, the exact total, and that was what cameras we had in stock largely. I think what we've also begun to do is look at our camera strategy and new technologies that can be employed and so we're looking at that, but it's a multi-year process to ensure that those are done and then also as we're bringing on the new R-211s, those new trains which will be coming on probably in early 2024, those will all be equipped with cameras so the good news is that all the new equipment that we're ordering will be equipped. This is equipping the older fleet that we have in the future. I also just wanted to mention too, again, the Chief will probably comment on this but I think working with the NYPD we are often out pulling film for the NYPD and not just

1
2 by the way for crimes that occur in our system but
3 crimes that occur outside the system where
4 perpetrators then retreat into the subway system so
5 we're pulling film often and I think it's led to
6 dozens if not hundreds of successful arrests and
7 prosecutions and so I think the proof is in the
8 pudding when it comes to what NYPD would say which is
9 this is a really valuable tool for them to utilize as
10 part of their crimefighting.

11 SENIOR VICE PRESIDENT DIEHL: If you watch
12 the news at 4, 5, 6, I know news is on all day,
13 right, and you usually see if a perpetrator is
14 wanted, a lot of times you'll see our cameras that
15 are at our turnstiles picking up someone coming
16 through, either coming in or going out.

17 CHAIRPERSON BROOKS-POWERS: Will the
18 cameras provide live feeds of subway cars or will
19 they will record the footage?

20 PRESIDENT DAVEY: Currently will be
21 recorded. We are looking at technologies both now and
22 in the future, for example, as we expand wi-fi in our
23 tunnel. I'm sure many of you have been in our system
24 and maybe whatever you're reading on the internet
25 drowns out for a minute or two because we don't have

1 full wi-fi coverage across our network. We did
2 announce a deal to do that with Transit Wireless back
3 in the summer and so while that will be a great
4 passenger amenity for folks to be able to continue to
5 check their e-mail or read the internet, we're
6 looking at it as an opportunity to not only
7 communicate with our employees but then to your
8 question, Madam Chair, to look at how we can be doing
9 potential live feed in the future, but right now, no,
10 but we are looking at it as part of our future
11 strategy.
12

13 SENIOR VICE PRESIDENT DIEHL: I think one
14 thing you have to keep in mind with cameras is that
15 technology is always changing so we're constantly
16 assessing what is going on out there or what type of
17 products are new that we can use and be adaptable
18 into our system.

19 CHAIRPERSON BROOKS-POWERS: Who is going
20 to monitor the cameras?

21 PRESIDENT DAVEY: Again, we would likely
22 have it with our team that's doing that today,
23 potentially the Rail Control Center as well, but it
24 would be certainly a centralized function for sure.
25

1
2 SENIOR VICE PRESIDENT DIEHL: Again,
3 realize the locally recorded cameras are not viewed
4 live. They're there. If an incident happens, we would
5 pull the tape and see what actually occurred.

6 CHAIRPERSON BROOKS-POWERS: What is the
7 expected cost of maintaining the camera system?

8 PRESIDENT DAVEY: We'll have to get back
9 to you on that. I think when you say the expected
10 cost, this would be for the subway car cameras?

11 CHAIRPERSON BROOKS-POWERS: Yes.

12 PRESIDENT DAVEY: I think from an
13 inspection perspective, we see it as marginal
14 because...

15 CHAIRPERSON BROOKS-POWERS: Well, not only
16 that but what that cost would be but also the overall
17 maintenance of the camera system to ensure that they
18 are always functioning and operating.

19 PRESIDENT DAVEY: We'll have to get back
20 to you on that. Bobby's team handles and another team
21 handles the in-station cameras and then the Subways
22 team, when they bring a car in for a regular
23 inspection as is required by the FTA, we'll make the
24 inspection of the subway car cameras part of that so

1 that one is probably more marginal, but we can get an
2 overall total cost.
3

4 CHAIRPERSON BROOKS-POWERS: When we have
5 our budget hearing, it would be good to know what
6 that cost is.

7 PRESIDENT DAVEY: Sure.

8 CHAIRPERSON BROOKS-POWERS: I know you
9 touched on the station agents already in terms of the
10 recent announcement but just wanted to have an idea
11 in terms of what the services, in particular, the
12 agents are going to be providing.

13 PRESIDENT DAVEY: Similar services today.
14 I mean my experience has been between the glass booth
15 with the microphones that do or do not work from time
16 to time, getting them out of the booth to have more
17 face-to-face customer interactions is critically
18 important. We don't have cash in the booth anymore.
19 That's not coming back, and so that function of
20 security with cash is no longer required and so
21 having the station agents out in the fare array
22 answering questions, helping folks, for example, use
23 the MetroCard machine or in the near future the OMNY
24 Card machine. It is part of the agreement that the
25 station agents will do a walkaround at least twice

1 during their tour to see if there are any issues,
2 maintenance issues or safety issues, or anything else
3 that's happening on the platform that needs to be
4 reported into us. They'll do potentially some light
5 touch cleaning. For example, if your MetroCard
6 sometimes doesn't work because it gets dusty actually
7 in the apparatus, we've got these alcohol swipe pads
8 that clean them out quickly. Those are the kinds of
9 small things, but principally and fundamentally it
10 will all be about answering customers' questions. Of
11 course, if there's a service either diversion, so we
12 have a lot of work we do on the weekends, it can be
13 confusing sometimes to get around the system, they'll
14 be there to perform that function. Of course, in the
15 inevitable event we have an interruption that wasn't
16 planned for whatever reason, being able to provide
17 information. They'll also all be given a phone and so
18 communicating with them real-time to let them know
19 what's happening in the system will be important.
20 Then, of course, if they see an issue or there's an
21 emergency, they'll be able to get either us on the
22 phone or NYPD on the phone very quickly.
23
24
25

CHAIRPERSON BROOKS-POWERS: Will they receive any new training to help them provide these new roles and services?

PRESIDENT DAVEY: Yes. We launched a couple weeks ago actually in anticipation of the agreement coming live a new four-day customer service training so everything from working with customers who have disabilities and helping them navigate the system to providing customers with information about their OMNY Card or if I have a reduced fare card I can now actually go to a customer service center and have it linked to my phone or my credit card, for example, so the new fare opportunities that are coming is part of that training. Some of our folks haven't had training in several years, for budget cuts or other reasons. If this is going to be the face of our organization, I want them to feel good about this role so that part of the training I hope is to kind of coach them up and say look, you're a really important part of our future at New York City Transit, but the short answer is yes. There's a four-day training that all 2,000+ agents will go through, and they started a couple of weeks ago.

CHAIRPERSON BROOKS-POWERS: What measures will the MTA put in place to ensure that the station agents are safe while they are outside of their booths.

PRESIDENT DAVEY: As part of the agreement with Labor, we've committed to regular safety walks around the station to talk to the station agents, management and Labor, to make sure that the conditions are safe for both our employees, of course, and our customers. If there is a serious issue occurring, the agent is instructed to reach out to the Rail Control Center or NYPD and, if need be, to put themselves in the booth if there's a serious issue for sure, but safety of our people is our top priority, and we'll continue to evaluate the program and make sure that our people are safe first and foremost.

CHAIRPERSON BROOKS-POWERS: Will there be other station agents inside the booths to handle any fare transactions and also how does this initiative differ from the four-station pilot program that was tried back in 2016?

PRESIDENT DAVEY: The answer is no. There is no anticipation that there will be station agents

1 full-time in booths. We are working on a few things
2 potentially for ensuring our customers can get
3 transactions done, but there will not be station
4 agents in the booth per se. I can't speak to the
5 pilot from 2016. All I know is I've been told that
6 many have tried and all have failed, and we finally
7 got a cooperative agreement with the TWU, which I
8 very much appreciate. I think they too saw that the
9 future of customer service at Transit really required
10 us to get our folks to spend more time out of the
11 booth so I'm grateful for that.

13 CHAIRPERSON BROOKS-POWERS: My last set of
14 questions is going to really focus around bus
15 redesign. I know we'll have a hearing at some point
16 to really delve into it. I understand that the focus
17 of this hearing is public safety, but I cannot go
18 without mentioning the Bus Network Redesign Project.
19 Can you commit to the Committee that you will be in
20 response to public feedback around redesign projects?
21 We have gotten a lot of feedback ourselves in our
22 various Districts whether it be in the Bronx in terms
23 of the implemented plan and the challenges that have
24 come from it but also in Queens broadly but
25 especially in Southeast Queens as we're exploring

1 what that plan looks like for us, just wanted to make
2 sure that there is space to receive that public
3 feedback and acknowledge it also. I think some people
4 kind of think that putting these comments into a
5 black hole, not hearing back, not understanding what
6 the outcome is going to be on it.

8 PRESIDENT DAVEY: Absolutely. Just on the
9 Bronx, I can't speak to the last years, but what I
10 can speak to is to the Bronx as you mentioned, we got
11 a lot of public feedback, made a lot of changes even
12 before we launched that. I'm excited to say that the
13 speeds in the Bronx largely have increased somewhere
14 between 5 and 8 percent and in some instances
15 depending on the route and time of day almost 20
16 percent so we're seeing lots of positive customer
17 feedback as a result, but your point is well-taken
18 which I think some advocates have expressed their
19 frustration we're not moving fast enough on bus
20 redesigns and this is really the yin and yang for us
21 at Transit which is on the one hand we do want to
22 move fast because we know that redesigns and bus
23 lanes and automated bus lane camera enforcement all
24 improves the customer's experience, but at the same
25 time we want to make sure we're listening to the

1 folks who are actually experiencing the service so
2 for Queens we've been in a process now for, I think,
3 almost a year. We are now taking all that feedback in
4 Queens we received right now, and we'll put out a new
5 draft plan as a result. There will be many changes
6 early next year. Brooklyn, we just announced two
7 weeks ago and so that kicks off a very long process
8 for us to get customer feedback which we're excited
9 about. I know that, having worked in a few other
10 agencies and now here, usually everyone loves a
11 redesign but nobody likes to lose their bus stop, but
12 the reality is that New York, we have closer bus
13 stops than almost any other transit system in
14 America, and that is one of, not the, but one of the
15 reasons that makes our busses slow and slower. That
16 said, we take that feedback so if it's in front of a
17 nursing home or a congregate situation or a school,
18 there are exigent circumstances to keep bus stops, we
19 want to hear that, but the bottom line is if there's
20 only one thing you remember from this hearing today
21 is we are completely focused on customer satisfaction
22 at New York City Transit.

23
24 CHAIRPERSON BROOKS-POWERS: Thank you. I'd
25 like to acknowledge that we've also been joined by

Council Members Restler, Nurse, Mealy, and Narcisse.
I'll now turn it over to Chair Hanks.

CHAIRPERSON HANKS: Thank you so much,
Chair Brooks-Powers. Thank you very much, President
Davey.

I want to take my question back to your
original testimony where you said that you'll be
working with District Attorneys, Judges, and Courts
to expand the use of bans across the MTA, basically
people who harm riders and employees are kept off the
transit. Can you talk a little bit about what that
entails?

PRESIDENT DAVEY: Sure. Today, the statute
is fairly restricted in how it can be leveraged so if
someone is assaulting whatever employees or is
convicted of a sex crime then the statute can be
leveraged to ban someone up to three years from our
system. There are clearly some holes in that from our
perspective, and personally I would say probably one
of the darkest days I've had as President was
visiting one of my employees in the hospital in
August, Anthony Nelson, a cleaner who was viciously
assaulted attempting to stop a person from harassing
women on the 6 Line, and that alleged perpetrator had

1 43 prior arrests and many convictions. In that
2 instance, I don't believe as Transit President that
3 man has the right to use our system period. Through
4 the process with the District Attorney and the
5 Courts, I hope that they do see the wisdom in a ban
6 there. Last week, as I mentioned, our colleagues at
7 Long Island Railroad successfully sought a ban for
8 another person who had grossly misbehaved and showed
9 continuous behavior. That's not going to be obviously
10 an answer for all issues. We certainly don't want to
11 demonize someone who made a mistake or has made maybe
12 a youthful indiscretion in our system, but at the
13 same time there are folks in our respective opinion
14 who have forfeited their right to use our system for
15 a period of time. That's our hope, not to use it much
16 as a broad club but in these specific instances and I
17 think there's openness to that and we want to expand
18 the legislation.

20 CHAIRPERSON HANKS: Thank you. Just
21 further, a little bit more detail, do you have an
22 idea how this ban would be enforced?

23 PRESIDENT DAVEY: I'm not a criminal
24 justice expert, but I am a lawyer, so I suppose it
25 would be the person would then be tried for criminal

1 trespass so if they're banned from the system, rather
2 than waiting for them to commit a new crime that they
3 could be ejected by police or prosecuted for coming
4 in the system.
5

6 CHAIRPERSON HANKS: Thank you so much.
7 Following up on Chair Brooks-Powers questions as far
8 as private security, how much money does the MTA
9 currently spend on these private security guards?

10 PRESIDENT DAVEY: I think right now it's
11 about a million dollars a month.

12 CHAIRPERSON HANKS: A month?

13 PRESIDENT DAVEY: A month.

14 CHAIRPERSON HANKS: Okay. All right. Have
15 there been any instances of reported violence or
16 issues between security guards and citizens, and
17 really where I'm getting at here is who provides the
18 oversight if, in fact, something happens, grievances,
19 is there a complaint process if a situation arises
20 between these unarmed security guards and citizens?
21 Can you just speak a little bit about that?

22 SENIOR VICE PRESIDENT DIEHL: Actually,
23 what we have is we have supervision from the contract
24 company that goes out. We also have people who, under
25 my command, actually go out and visit these guards at

1 their locations. Right now, we haven't had any
2 incidents where we've had anything negative with the
3 public. I will tell you that I, myself, has been at
4 West Fourth Street, 74 and Roosevelt, it's a tough
5 job because I think people, I want to use the right
6 verbiage here, some people are just so used to going
7 through that gate that even when you stop them they
8 have a tendency to be angry. You'll have people who
9 will actually, they'll queue up, they're waiting for
10 someone to open that gate or leave the gate and then,
11 once that gate opens, people go right through so the
12 guard's job is a very tough job to have to really be
13 very diplomatic in what they do and how they conduct
14 themselves. I will say, though, I've seen the public
15 going up to guard gates and actually saying thank you
16 because when you're paying your fare every day and
17 you see people that don't pay their fare, it leaves a
18 little sour taste in your mouth and then, going back
19 to what President Davey said, it creates
20 opportunists. Four people go through the gate, if I'm
21 standing there, I may go through the gate too.
22 Because everyone else is doing it, why not me? It is
23 a tough job. We do put a lot of emphasis on
24
25

1 supervision to make sure that the guards are doing
2 exactly what we want them to do.

3
4 CHAIRPERSON HANKS: Do you have a process
5 in place for reporting seeing quality control and
6 quality assurance?

7 SENIOR VICE PRESIDENT DIEHL: We have
8 people who have complained at times not only with the
9 gate guards, even with the Eagle team, even with
10 general transit personnel, and that usually goes
11 through our process of being taken in, it's divvied
12 out to whoever has the responsibility for that group,
13 and at that point it is investigated, and it is
14 investigated fully.

15 CHAIRPERSON HANKS: Thank you so much.

16 SENIOR VICE PRESIDENT DIEHL: You're
17 welcome.

18 CHAIRPERSON HANKS: Further expanding on
19 that, can you clarify how many officers are with MTA
20 PD?

21 SENIOR VICE PRESIDENT DIEHL: Right now,
22 it's about 1,100 officers with MTA PD.

23 CHAIRPERSON HANKS: Okay. Recently Mayor
24 Eric Adams and Governor Hochul announced the
25 initiative NYPD MTA PD to add an additional 1,200

1
2 overtime shifts to transit system which equates to
3 approximately 10,000 additional patrol hours every
4 day on the subway system. Can you clarify how many
5 hours of overtime MTA PD officers are taking?

6 SENIOR VICE PRESIDENT DIEHL: That I would
7 have to get back to you on that.

8 CHAIRPERSON HANKS: Okay.

9 SENIOR VICE PRESIDENT DIEHL: As far as
10 the MTA overtime hours.

11 CHAIRPERSON HANKS: Any insight on how
12 long this initiative will be in place?

13 PRESIDENT DAVEY: I don't think there's
14 been a public commitment on that, no.

15 CHAIRPERSON HANKS: Okay. All right. Okay,
16 thank you. To expand on that, the percent of the
17 MTA's operating revenue comes from fares, how does
18 the rate of reliance on fares to cover operating
19 revenue compare to the other transit agencies in the
20 United States, would you say that the reduction in
21 fare evasion is the primary way the MTA can improve
22 its financial health as an agency?

23 PRESIDENT DAVEY: On the first question,
24 MTA Transit actually is a bit of a victim of its own
25 success. It has one of the best fare box recovery

1 ratios in the United States and so if you look at the
2 comparative fiscal cliff for New York City Transit
3 versus the other nine major systems in the country,
4 proportionally speaking it's going to be significant
5 for those areas and those agencies as well, but New
6 York City Transit was among the best, if not the
7 best, when it came to so-called fare box recovery
8 ratio.
9

10 CHAIRPERSON HANKS: Thank you so much. My
11 last question before I pass it along to some of my
12 Colleagues that are here, is there any correlation
13 between the number of summons or arrests for fare
14 evasion and the amount of money the agency collects
15 from fares? In other words, can you definitively say
16 that more enforcement of fare evasion has any
17 financial benefit to the MTA?

18 PRESIDENT DAVEY: I don't think there's
19 any particular statistic per se, but I think we feel
20 like that that's certainly a worthy investment for
21 sure.

22 CHAIRPERSON HANKS: Thank you so much. I
23 would like to pass it back to Chair Brooks-Powers.
24 Thank you so much for your testimony.

25 PRESIDENT DAVEY: Sure.

CHAIRPERSON BROOKS-POWERS: Thank you. I just want to remind the Members of the Committees that the NYPD will be testifying following the MTA and will take questions as well.

First, we'll hear from Council Member Stevens who is online. Council Member Stevens.

COUNCIL MEMBER STEVENS: I think my questions are more for NYPD, not necessarily to MTA. I'm sorry.

CHAIRPERSON BROOKS-POWERS: No problem. Sorry. Feel better. I'm also from the Committee seen here.

Next, we'll hear from Council Member Carr.

COUNCIL MEMBER CARR: Thank you, Chair Brooks-Powers. Thank you both for testifying and being here this morning and this afternoon.

We spent a lot of time on fare evasion already, but I think it's an incredibly important topic because it contributes to the steepening of that fiscal cliff you're facing as a system but also because I think it's key to the safety of the system now and moving forward. I think some of the worst actors in our subway system are not necessarily

1 swiping their MetroCard or tapping their OMNY Card or
2 using their smartphone to enter and so I guess what
3 I'd like to know is in order to diminish the number
4 of individuals who are entering the system who are
5 not necessarily the worst actors, people who may face
6 a financial hardship or maybe they've been accustomed
7 to using access to the system that they shouldn't
8 have been accustomed to using. When are you going to
9 start rolling out and what kind of packages are you
10 going to start rolling out with respect to the OMNY
11 Fare system to make the system a little more
12 accessible because I'm an OMNY guy. On Staten Island,
13 I was that guy that used to get on the bus with four
14 MetroCards, three of them were empty and tried
15 swiping them all until I could get to the fare I
16 needed to get to.

17
18 PRESIDENT DAVEY: We know that.

19 COUNCIL MEMBER CARR: I was wondering
20 could you about what those packages are because I
21 think you just rolled out Reduced Fare OMNY for a
22 contact list, you're going to be giving the cards
23 next year, so can you talk a little bit about the
24 timeline for that and, substantively, what those
25 packages might be?

1
2 PRESIDENT DAVEY: Sure. You're exactly
3 right. Making it easier for our customers to pay
4 including those that are unbanked, right, is
5 critically important for us at MTA. As I mentioned,
6 about 40 percent now of our subway customers on a
7 daily basis use some form of OMNY, whether it's an
8 OMNY Card, smartphone, or credit or debit card. I
9 think getting out station agents out of the booth
10 frankly to help, I mean I see it often people
11 standing in front of the MetroCard machine with a
12 credit card paying, out of towners, get out of line
13 and tap and go. I think that's going to be an
14 important part of our marketing messaging. We've
15 recently ramped up some of our marketing and
16 messaging on I think it's called the True (INAUDIBLE)
17 Campaign that we've had out there to let folks know
18 how to use OMNY as well. As you mentioned, we rolled
19 out recently as well the ability for Reduced Fare
20 Card customer to link, again, their smartphone or
21 their credit or debit card to a Reduced Fare account
22 and then get that discount applied to that particular
23 device that they're using. As I mentioned as well,
24 we've got a lot of work to do for our bus customers
25 who are using OMNY less than 20 percent of the time

1 across the system, Express Bus is higher, and we're
2 working on some marketing programs and others to get
3 the word out about what we see as OMNY and then folks
4 will start to see OMNY Fare machines in the new year
5 as well. We'll begin to pilot a few dozen I think in
6 our station environment to see how they act and react
7 so that's coming soon, but this is a huge change
8 management project for this city. I think the
9 MetroCard is about one of the most ubiquitous things
10 every New Yorker has had or used and so we need to do
11 this right to make sure that our customers aren't
12 confused, and we're committed to that.

14 COUNCIL MEMBER CARR: I appreciate that
15 because I think maintaining a consensus for
16 enforcement is important, and I think in keeping with
17 that you have to try to make sure that we increase
18 accessibility for those who are not necessarily bad
19 actors but need to have their behavior corrected one
20 or two times and then they become good actors
21 uniformly.

22 In addition to that, what are some of the
23 changes you guys could make structurally to make
24 turnstile jumping, fare evasion more difficult? I
25 think it was referenced that there was going to be

1 potentially a program to change the way our
2 turnstiles are installed or the way that they're set
3 up. Can you talk a little bit about that?

4
5 PRESIDENT DAVEY: Yeah. I think that the
6 Fair Fare Panel, or the Blue Ribbon Commission, that
7 Chair Lieber put together will have in some of their
8 recommendations and thoughts about that. I think the
9 Chair did mention last week in some of his public
10 comments, I think he called the slam gates the
11 superhighway to fare evasion which we agree with.
12 Obviously, at the same time, we have to ensure for
13 egress reasons and the Fire Code that folks, God
14 forbid, if something happens in a station, that folks
15 can get out quickly so balancing that. I think I'm
16 looking forward to what the Blue Ribbon Panel puts
17 out, but I'm sure there are probably some short-term,
18 maybe modest things we can do that are not high in
19 cost. The flip side, where I came from Boston, we had
20 the paddle gates, the wide aisle paddle gates for
21 example, which not only accommodated folks with
22 disabilities and wheel mobility devices or, again,
23 parents with strollers, for example. I think that
24 could be a potential. It can be costly, but we're
25 obviously roll out some pilots in that regard, and

1 that mollifies potentially the need for some of the
2 slam gates. I think looking both what other agencies
3 have done in the U.S. and abroad and then looking for
4 some modest changes to the fare array could help as
5 well, but we're looking forward to the Panel's report
6 because I expect that we'll have some physical
7 modifications that we should try out.

8
9 COUNCIL MEMBER CARR: Okay. Thank you. Let
10 me know if I could be of help with the arguments in
11 Albany for the rider ban for those select cases.

12 PRESIDENT DAVEY: We will.

13 COUNCIL MEMBER CARR: I appreciate that.
14 Thank you, Chairs.

15 CHAIRPERSON BROOKS-POWERS: Thank you.
16 Next, we'll hear from Council Member Rivera.

17 COUNCIL MEMBER RIVERA: Thank you so much
18 to the Chairs for this hearing. I'll jump right in.
19 Thank you for your testimony, of course, and for
20 being here.

21 Earlier this year, we saw the tragic loss
22 of life of Michelle Go by being pushed onto the
23 subway tracks and the use of platform screen doors
24 could prevent such a tragedy in the future, and I was
25 very glad to hear that after dismissing platform

1 screen doors as too expensive in previous years you
2 announced the pilot program for three stations
3 including the Third Avenue L train station in my
4 District. Do you have an update on the status of this
5 pilot, when are the platform screen doors expected to
6 be installed, what obstacles have you faced in
7 implementation, and are there plans to expand the
8 number of stations that will participate in this
9 pilot?
10

11 PRESIDENT DAVEY: An update, so 175
12 million dollars was dedicated in our Capital Plan
13 Amendment to this program. We put out an RFQ in the
14 fall, and we expect an RFP to be issued within the
15 next few weeks for this. I think we've been
16 monitoring a few issues. Platform screen doors for
17 some may sound simple. It is incredibly complicated,
18 whether the platform layout, making sure that the
19 platform itself can handle the weight of the platform
20 screen doors, and then making sure it's integrated
21 with both our signal systems and, of course, our
22 trains. That said, we're committed to piloting this
23 and seeing if it works, and that's the current
24 update. I don't think we have any announcement or
25 plans yet to expand it at this point because I think

1 we really want to see if this works, but we are
2 committed to seeing this through.

3
4 COUNCIL MEMBER RIVERA: I imagine there
5 could be a benefit to doing multiple stations at
6 once, totally considering the expenses. You also
7 mentioned the importance of personnel on the
8 platform. One thing that I read recently that I saw
9 on NBC was you mentioned the token booth clerks are
10 now to be roving agents as MTA's eyes and ears, and I
11 read that 2,000 agents at over 472 stations would be
12 deployed. Do you have any info on that?

13 PRESIDENT DAVEY: I do. We came to a
14 historic agreement with the TWU last week to
15 permanently get our station agents out of the booths
16 and have them be providing in-person customer service
17 so around the fare arrays and then walking the
18 platform in the stations. The expectation is at least
19 twice during their tour of duty, their eight hours,
20 that they would walk the station to see if there are
21 any maintenance issues that had to be addressed or
22 cleaning issues, etc. We don't have cash in the booth
23 anymore. They haven't been selling tokens or making
24 change, we haven't done it since COVID and it's been
25 largely successful so getting folks out of the booth

1
2 to have more in-person customer service is what we're
3 driving toward, and it's actually a little over 2,000
4 station agents we have in the system now. We're
5 actually hiring I think about another 150 more
6 through the middle of next year.

7 COUNCIL MEMBER RIVERA: How will you
8 prioritize where they go in terms of having over 470
9 stations?

10 PRESIDENT DAVEY: We have station coverage
11 now so those agents will be bidding as they are, they
12 bid every six months on jobs, but the expectation is
13 those stations will be covered with agents.

14 COUNCIL MEMBER RIVERA: Okay. I look
15 forward to those details. I also feel public safety
16 should clearly extend to accessibility, and for many
17 New Yorkers subway stations can be very treacherous
18 to narrow platforms, the steep stairs, no easy and
19 safe way to access many platforms while navigating
20 the subway with a disability or in a wheelchair or
21 even parents with strollers so ensuring we have a
22 safe subway means ensuring we have an accessible one.
23 I know you announced a deal to make 95 percent of
24 stations accessible by 2055. Do you have an update on
25 the status of that plan and if you have any plans for

1 interim solutions for stations who may be waiting 30
2 years for an elevator?
3

4 PRESIDENT DAVEY: Yeah. I think our
5 historic agreement, it maybe sounds a little easy but
6 it's billion of dollars of an invested commitment to
7 make close to all of our stations. I also think
8 Chairman Lieber said that if there's a way to get
9 that last 5 percent with some new technology or some
10 new engineering, we're very open to, but as you all
11 know building in the build space that is New York
12 City for some areas is incredibly complicated, but we
13 look forward to seeing if other folks smarter than us
14 have some solutions. Back to your question, we just
15 put out a package, I can get the exact number, but
16 put out a package for another I think dozen stations.
17 We have it prioritized within our capital plan, and
18 we're obviously going through our needs assessment
19 now, and we'll continue to prioritize stations to get
20 accessibility, but I think the good news is for the
21 first time maybe in the Authority's history rather
22 than litigating and fighting with the disabled
23 community we're saying, you know what, we have an
24 obligation, we want to make this as part of what
25 we're doing so having had some experience both abroad

1 and in the United States I have to say, I had nothing
2 to do with it by the way, but I will have to run it,
3 but I didn't have anything to do with making it
4 happen. I thought it was an extraordinary day for the
5 MTA to admit and say we need to make this investment,
6 we need to make this commitment so it'll be up to us
7 now to execute.

9 COUNCIL MEMBER RIVERA: And maintaining
10 what's existing because for those that have elevators
11 we often hear that the elevators are unreliable and
12 unclean.

13 PRESIDENT DAVEY: On the reliability, I'm
14 sure you hear stories, but I would beg to differ.
15 That is one of my key metrics I see. In preparation
16 for that question, I can tell you 97, 98 percent of
17 our elevators the last few months have been
18 available.

19 On the cleanliness question, I don't
20 disagree and talk about my sort of nitty gritty, we
21 are actually going to be piloting a device that would
22 alert, I won't tell you what the smell is, but will
23 alert our cleaners about the potential lack of
24 cleanliness in an elevator. There's another transit
25 system in the U.S. that's doing this, we picked it

1 up, and I'm very interested, but to your point we
2 take it very seriously. The system needs to be
3 accessible for all New Yorkers, and we need to
4 maintain, as you said, what we have today so it's
5 something we track very closely and we focus on it
6 because we know it can be not an inconvenience but a
7 disaster for our customer who rely on our current
8 accessible stations.
9

10 COUNCIL MEMBER RIVERA: Thank you very
11 much. The last thing I'll add, you have a lot of
12 statistics in here, major crime is down by 6.3
13 percent, year-to-date index crime is up by 30 percent
14 in the subway system. I feel like we want to be a
15 part of a messaging here that says that it is safe to
16 take the subways so while those statistics are not
17 all over the place but very varied and diverse I hope
18 that we can come together with this universal message
19 that the subway system is at highs that we haven't
20 seen since before the pandemic, and that's really
21 important for the safety of people to know that.

22 Thank you for answering my questions and
23 thank you to the Chairs for being so gracious.

24 CHAIRPERSON BROOKS-POWERS: Thank you.
25 Next, we'll hear from Council Member Caban.

1
2 COUNCIL MEMBER CABAN: Thank you. I'm just
3 going to jump right in because I have quite a few
4 questions. I want to start with asking, I know that
5 Chair Brooks-Powers hit on this, but could you send
6 us the details on the training for the new work that
7 the booth workers are going to be doing is the first
8 question, the second will MTA be hiring more people
9 to serve in this role, and then the third relating to
10 this is you talked about twice during the tour, light
11 touch cleaning, answering customer questions, do you
12 envision the possibility of expanding the kinds of
13 works and customer service things that these folks
14 could be doing? Part of the reason why I mention it
15 is because early on when our office took office, we
16 talked about an omnipresence of help workers in our
17 subways to contribute to safety in our system,
18 something that didn't over-rely on police so curious
19 on those things. Can you send us the details on the
20 training, are you hiring more folks, do you see an
21 expansion of some of the things you already mentioned
22 as this moves forward?

23 PRESIDENT DAVEY: On the training, I'll
24 have to think about it because I have looked at the
25 curriculum and I don't know, there may be portions of

1
2 it which are safety-related, camera locations, for
3 example, so I want to think about that. I'll get back
4 to you on that question. The principal part is
5 customer service. That's probably generally not state
6 secret so I'm sure we can..

7 COUNCIL MEMBER CABAN: I mean will they be
8 like helping people with their stroller because they
9 see somebody that needs a hand or things like that?

10 PRESIDENT DAVEY: Yeah.

11 COUNCIL MEMBER CABAN: Because they do in
12 a lot of other countries, by the way. They have
13 workers who do exactly this.

14 PRESIDENT DAVEY: Yeah. I'm happy to
15 broadly describe the training. Exactly that. It's a
16 four-day training, principally focused on customer
17 service. In part, providing our employees with
18 details on how to help customers with disabilities,
19 for example, new training around OMNY, it's a new
20 product for our employees, of course, as well and
21 what that means. De-escalation training. There's a
22 whole host of safety, if you will, pieces of course.
23 That's one.

Two is we are anticipating hiring I think it's another 150, 200 station agents through the middle of next year.

Your last question was what else would they be doing. We principally see it as doing a few things so helping customers with the fare vending machines and, of course, as we move to OMNY they'll be a whole...

COUNCIL MEMBER CABAN: And anything you haven't mentioned just because I do have other questions for you.

PRESIDENT DAVEY: Oh, sure. OMNY, helping folks get around the system, they'll be doing station tours to see if there are any maintenance and alerting, they'll all carry phones, they'll all be issued an MTA cellphone so if there's an issue that requires immediate attention they'll be able to get in touch with either our Rail Control Center or the Command Center or NYPD.

COUNCIL MEMBER CABAN: Thank you. I just want to mention I think that more station cleaners, open bathrooms, that is going to do a lot I think to make the subway safer. It also will do a lot I think to reduce unnecessary police interactions so excited

1 for those pieces. I do want to highlight and commend
2 Council Member Rivera for a couple of points she
3 made. One specifically the highlighting and expanding
4 of the definition of what safety looks like in the
5 subway but also the piece that she shared on
6 statistics. The statistics you shared. Some of the
7 statements you made that lacked empirical, like
8 evidential support. A couple of things I heard were
9 around enforcing versus money lost with fare evasion
10 was is this the cost effective strategy and I think
11 the testimony you gave was I don't know about that
12 but I feel like so I just want to name that "I feel
13 like it" is not a good enough or adequate question to
14 balance those things. It has been a few years since
15 I've practiced criminal law, but I will say that, for
16 example, I know that when I was practicing if a
17 person was arrested for fare evasion and ended up
18 getting processed in court, the government cost of
19 that entire process was at least 2,000 dollars per
20 incident and when we compare that to a 2.75 fare,
21 like these are some of the questions that we should
22 be asking. I think perception of safety is incredibly
23 important, but it's also incredibly important to lean
24 into strategies that are proven to increase safety
25

1 and so, again, another thing that I just want to
2 highlight is you mentioned this assertion that people
3 feel a type of way when they see somebody who doesn't
4 pay and then they're not going to pay themselves and,
5 to my knowledge, there's no data or evidence to
6 support that particular assertion, but I did want to
7 provide some additional data that you had in addition
8 to what you had mentioned. On November 1, 2022, the
9 Gothamist reported according to one of your
10 spokespeople "arresting summons is surging with
11 increased police presence" so summons for fare
12 evasion the week before that were up more than 80
13 percent compared to the year prior, which amounted to
14 1,500 more summons, quality-of-life summons were up
15 118 percent, and so I'm curious, you don't have the
16 answer to the question how much this costs the City
17 to do that, but these practices disproportionately
18 target black and brown folks who can't afford the
19 fare and what I've heard a lot of testimony around
20 today is really an over-reliance on police to address
21 all of the safety issues in the subway and so I'm
22 curious about a commitment or an interest in
23 exploring other workers to get help that won't result
24 in the criminalization of poverty, especially when we
25

1 know that criminalizing poverty actually has a
2 criminogenic effect in the long-term, and if I could
3 just complete that thought, those pieces or the
4 statement around increased enforcement of things like
5 fare evasion, smoking in the subway, drinking in the
6 subway because you feel like buckling down on these
7 small crimes is necessary to make subways safe and
8 increase public trust. Like I said, perception is
9 incredibly important, but we have to balance out
10 actual safety, and I'm curious because that sounds
11 like regurgitated broken windows policing that has
12 been debunked by four decades' worth of research and
13 data. I just am wondering if MTA is looking into
14 prioritizing and interested in more holistic
15 solutions that increase safety, that don't have the
16 detrimental effects that we're seeing on the policing
17 of these low-level quality-of-life offenses.

19 PRESIDENT DAVEY: May I?

20 COUNCIL MEMBER CABAN: Please.

21 PRESIDENT DAVEY: I guess I would just ask
22 you to go back to my testimony which in respect to
23 police, my testimony had very little to do with
24 policing, it was about cameras, it was about using
25 unarmed guards to address fare evasion, it was about

1
2 other means that with MTA that we're working on so
3 you packed a lot into that question so it's hard to
4 unpack it all but I would just ask you to just go
5 back to the testimony that I provided which was here
6 are the things that we're working on in New York City
7 Transit and a lot of it was the sort of things I
8 think you asked about, getting our station agents
9 out, being eyes and ears, using unarmed guards who do
10 not have ticket-writing ability but are there just to
11 enforce the slam gates, more cameras in the system to
12 deter or to help solve crimes so obviously we work
13 closely with NYPD and they're an important part of
14 what we're addressing, but I think the principal part
15 of what I was hoping to impart today was there's a
16 lot of other things we're doing than working with our
17 NYPD partners.

18 COUNCIL MEMBER CABAN: Just to complete
19 that thought and I will hand it right back over. I
20 did commend the strategies that y'all are pursuing at
21 the top of my remarks that I think are going to be
22 really helpful. You have mentioned reliance on police
23 quite a bit throughout your answers and the
24 questioning, I mean I still have questions around
25 hiring private security to shut a door to prevent a

2.75 fare evasion, but that's beside the point, but thank you for your testimony and your time and look forward to following up and thank you, Chairs, for indulging me going over a minute or two.

CHAIRPERSON BROOKS-POWERS: Thanks so much. Next, we will hear from Council Member Restler.

COUNCIL MEMBER RESTLER: Thank you very much, Chair Brooks-Powers and Chair Hanks, appreciate your leadership on this issue and thank you, President Davey and team, for joining us today.

I just firstly want to state the MTA is the lifeblood of our city and recognizing the decline in ridership that we're experiencing and the decline in revenue, I strongly support increased revenue going to the MTA to stabilize your work. It is absolutely essential to everything we do as a City so I hope the Governor in her budget prioritizes the MTA and provides additional resources, but all parts of City and State Government are going to need to step up and provide support.

That being said, I'd like to focus firstly on station cleanliness. Research has proven time and again that cleanliness is a key factor in overall crime prevention. I could point to many

1 studies to this effect, and has the MTA considered
2 the link between station cleanliness and design and
3 crime in our stations?
4

5 PRESIDENT DAVEY: We might not have enough
6 time in this hearing to talk about...

7 COUNCIL MEMBER RESTLER: Give me the 30-
8 second version if you don't mind because I have a
9 lot...

10 PRESIDENT DAVEY: I appreciate your
11 question, and you and I are sympatico in that regard.
12 We are doing a couple things around station cleaning.
13 One is actually during COVID we struggled with hiring
14 cleaners for a bunch of a different reasons so we did
15 bring in some contractors. We are beginning to ramp
16 that down and hire over 800 station and end-of-line
17 cleaners so these will be MTA employees. To give you
18 a sense of I think either the hunger to work for us
19 or the job market, we had 75,000 applicants for those
20 800 positions so we are in the midst now of
21 onboarding those station cleaners, and it's not just
22 the folks who are picking up litter, but we're also
23 looking at gum removal machines, we're establishing
24 some new high-power wash teams to really kind of get
25 at the areas that aren't just the litter and whatnot,

1 although litter, I actually have this granular data,
2 that's actually the number one issue when it comes to
3 cleanliness that our customers talk about is litter.
4 I totally get that...

5
6 COUNCIL MEMBER RESTLER: I appreciate
7 that. Just because we have a lot to cover. You said
8 the thing you want us to take away is customer
9 satisfaction.

10 PRESIDENT DAVEY: Yes.

11 COUNCIL MEMBER RESTLER: The most recent
12 MTA Customer Satisfaction Survey found a minority of
13 riders are satisfied with cleanliness, and I can tell
14 you, as somebody who has 17 different train lines in
15 my District and just about every bus line in Brooklyn
16 comes through Downtown Brooklyn, we are not satisfied
17 with the cleanliness of the MTA system, and we want
18 to see deeper investments, and I especially would
19 like to see you consider prioritizing areas where we
20 have seen instances of crime and different public
21 safety concerns. When you look at the comparison
22 between the new 96th Street Q Station on the Upper
23 East Side where 89 percent of people are satisfied
24 with the station conditions to just a few blocks away
25 in Central Harlem at the 110th Street where just 15

1 percent of folks are satisfied, there's clearly a
2 correlation that we need to consider between
3 socioeconomic status and the station conditions that
4 I hope will be prioritized as you make a greater
5 emphasis on improving the station conditions.
6

7 I wanted to just shift gears a little
8 bit. We now have conductors announcing that there are
9 police officers standing in just about every station
10 in the MTA system. I just wonder what impact does
11 this have on train times?

12 PRESIDENT DAVEY: None.

13 COUNCIL MEMBER RESTLER: Okay.

14 PRESIDENT DAVEY: We're following that. It
15 was asked of us, and we're following that. We're not
16 seeing any impact to dwell times.

17 COUNCIL MEMBER RESTLER: I can tell you as
18 a person who rides the subway every day the
19 conductors are waiting in the stations while they
20 make this announcement and so...

21 PRESIDENT DAVEY: We'll have to talk to
22 those conductors, but I can tell you from a data
23 perspective, it is not impacting wait times. If there
24 are conductors who are doing that, I'm happy to take
25

1 the lines and we'll certainly go back out and ask
2 folks to be careful of that but...

3
4 COUNCIL MEMBER RESTLER: Okay.

5 PRESIDENT DAVEY: On-time performance in
6 November was better than October just as a point.

7 COUNCIL MEMBER RESTLER: I'm glad to hear
8 that. My lived experience tells me otherwise, but I'm
9 happy to hear the data overall on train time lateness
10 is improving.

11 On fare evasion where it feels like every
12 year the MTA puts out more and more over-the-top
13 figures about the threat of fare evasion that is
14 overwhelming our city. Could you just break down for
15 me the most recent estimate, I think it was, forgive
16 me, I didn't have the number in front of me, I
17 believe it was 180 million trips that you said were
18 each year from fare evasion. Could you remind us
19 where the MTA is coming up with the data that you all
20 are espousing on fare evasion, the source of this?

21 PRESIDENT DAVEY: Sure. I can speak to
22 Transit. I can't speak to the railroads or to bridges
23 and tunnels, but what I can tell you is we have a few
24 methods to see fare evasion. We have on-board
25 counters, for example, so people getting on and off a

1 bus and then seeing how many folks actually pay, what
2 fares are done. We do have some AI technology that
3 we've been exploring in a few stations to see, again,
4 what passenger flows there are and then what fares
5 are being taken, and then we do have in-person
6 counters as well to, again, see how many folks are
7 evading fares. These are the multiple factors. I
8 think for bus, we've been very transparent. We're
9 upwards of 30 percent of our bus customers are not
10 paying a fare right now. Maybe that's largely due to
11 the fact that we were not collecting fares during
12 COVID and so folks get used to it. Subways is about
13 15 or so percent, maybe slightly higher. That's how
14 we collect the data, but, again, I can only speak to
15 Transit. Bobby, I don't know if you want to say
16 anything else.

17
18 SENIOR VICE PRESIDENT DIEHL: Yeah, just
19 to add on the bus angle, we do have APCs that are on
20 the busses, they're all people counters that actually
21 can compare people getting on the bus to the fare
22 borough.

23 COUNCIL MEMBER RESTLER: All right. 180
24 million trips of fare evasion a year just seems
25 extraordinary and, as somebody who, again, is in the

1 subway every day, I just don't see this widespread
2 fare evasion happening at every turn so I think it is
3 an overstated concern. I'd like to see us double down
4 on our collected efforts around Fair Fares and making
5 sure that low- and moderate-income New Yorkers are
6 accessing the subsidies that they deserve to be able
7 to use the transit system.
8

9 I just want to say, in closing, based on
10 the data that I've looked at, over the last three
11 years we've seen a 4 percent overall decline in
12 crimes in the subway system and yet a 25 percent
13 increase in NYPD personnel. That is a substantial
14 increase in NYPD personnel, especially relative to
15 other parts of the city where they could be focusing
16 their attention, and I'd like to express on the
17 record that I think that this is not the best use of
18 resources.

19 PRESIDENT DAVEY: I can't respond to that
20 but just on the not paying, I would say we agree on
21 the Fair Fares and thank Speaker Adams for funding
22 it. In fact, I do Transit Talks now across the city
23 every other week and folks from DSS who are actually
24 signing people up are with us which is great. I think
25 I'm popular; I'm not. They actually are the most

1
2 popular folks at our Transit Talks, which is great.
3 You mentioned your data focus, just last month the
4 fourth most challenge for our bus customers was
5 people not paying the fare so respectfully those are
6 our customers telling us on bus that we need to do
7 something about fare evasion on bus and we're focused
8 on it.

9 COUNCIL MEMBER RESTLER: Okay. Thank you.

10 CHAIRPERSON BROOKS-POWERS: Thank you.

11 Next, we'll hear from Council Member Mealy.

12 COUNCIL MEMBER MEALY: Yes. During the
13 pandemic, how many employees lost their jobs due to
14 not getting vaccinated?

15 PRESIDENT DAVEY: That I will have to get
16 back to you on. I do not know.

17 SENIOR VICE PRESIDENT DIEHL: (INAUDIBLE)

18 PRESIDENT DAVEY: Sorry. The answer is
19 zero.

20 COUNCIL MEMBER MEALY: Zero?

21 SENIOR VICE PRESIDENT DIEHL: They had to
22 get tested.

23 COUNCIL MEMBER MEALY: Okay, why...

24 PRESIDENT DAVEY: I'm sorry, Council
25 Member. I'm new so I was not part of it, but

1
2 apparently zero but we had a testing program in place
3 so the employees who were not vaccinated had to be
4 tested.

5 COUNCIL MEMBER MEALY: Okay. Why I'm
6 asking this question, to me this is like union
7 busting, outsourcing, at a time, two years now, you
8 say fare beaters we're losing money, and now you as a
9 city agency when we could hire people to do this
10 peace officers, do any of these peace officers have
11 any authority to give tickets?

12 PRESIDENT DAVEY: No, they don't.

13 COUNCIL MEMBER MEALY: Do they have any
14 authority to arrest people?

15 PRESIDENT DAVEY: They don't, no.

16 COUNCIL MEMBER MEALY: So you just said
17 that these peace officers, they go in two pairs, do
18 you think that the TA booth workers couldn't do the
19 same thing?

20 PRESIDENT DAVEY: With all due respect,
21 they're not peace officers. They're unarmed guards.

22 COUNCIL MEMBER MEALY: Well, if they can't
23 do anything...

24 SENIOR VICE PRESIDENT DIEHL: They're
25 trained security guards.

1
2 PRESIDENT DAVEY: Yeah, they're trained
3 security guards.

4 COUNCIL MEMBER MEALY: Outsourced, not a
5 city agency...

6 PRESIDENT DAVEY: But we're a state
7 agency, Council Member.

8 COUNCIL MEMBER MEALY: Excuse me, what did
9 you say?

10 PRESIDENT DAVEY: We're a state agency.

11 COUNCIL MEMBER MEALY: You're a state
12 agency, but these officers, are they outsourced?

13 PRESIDENT DAVEY: Yes. They are hired...

14 COUNCIL MEMBER MEALY: So you're telling
15 me we could not keep this money inside city, transit
16 police? We could've used (INAUDIBLE) state troopers,
17 we could do anything else, but outsource. Do you
18 think we've getting enough money for our buck, a
19 million a month, one million a month we've given
20 outside when we just went through a pandemic and city
21 employees need jobs, New York City needs jobs.

22 PRESIDENT DAVEY: Well, I think many of
23 these are New Yorkers, but the point is that we're a
24 state agency. We have the ability to do that, but
25 they have been proven effective, but they're a small

1
2 part of the overall policing strategy, again the
3 Chief will discuss that, and they are trained as...

4 COUNCIL MEMBER MEALY: You don't think
5 transit officers could do this same job or token
6 booth clerks could not, two in a pair, be out in
7 front?

8 PRESIDENT DAVEY: No. Their job is
9 customer service.

10 COUNCIL MEMBER MEALY: Could you tell me
11 why?

12 PRESIDENT DAVEY: Their job description is
13 different. Fundamentally, it's different. They are
14 not there to enforce fares. They are there to be
15 customer service agents. I encourage you to talk to
16 the TWU yourself because in the conversations that
17 we've had about getting the agents out of the booth,
18 they wanted to be clear about what their job was
19 going to be and they did not want to be fare
20 enforcers, and I agree with that.

21 COUNCIL MEMBER MEALY: So these police
22 officers will get them to pay their fare.

23 PRESIDENT DAVEY: I'm sorry.
24
25

1
2 COUNCIL MEMBER MEALY: These police
3 officers can stop people and tell them to pay their
4 fare.

5 PRESIDENT DAVEY: Police officers can,
6 yeah. The unarmed guards are there solely to ensure
7 that the fare evasion gate is managed.

8 COUNCIL MEMBER MEALY: And you're telling
9 me we're paying one million a month that we could not
10 have any other agency within the city just close the
11 door, close the gate?

12 PRESIDENT DAVEY: We will have the
13 security guards as long as we need them. I hope we
14 don't need them forever. Again, I can't speak to the
15 city agency. We're a state agency, but if you're
16 asking my professional opinion if I think this is a
17 wise use of taxpayers' dollars, I do, I very much do.

18 COUNCIL MEMBER MEALY: You think paying
19 one million dollars to an outsourced company in which
20 we just went through...

21 PRESIDENT DAVEY: I think reducing fare
22 evasion is a (INAUDIBLE)

23 COUNCIL MEMBER MEALY: Two years of a
24 pandemic.

25 PRESIDENT DAVEY: Yes.

1
2 COUNCIL MEMBER MEALY: People need jobs.
3 You could've posted on Facebook. You could've got a
4 million people to do this job.

5 PRESIDENT DAVEY: I reject that notion
6 that these folks aren't New Yorkers. They happen to
7 work for a private company.

8 COUNCIL MEMBER MEALY: But we need to have
9 our unions thriving again. We lost a lot of people
10 during the pandemic through death...

11 PRESIDENT DAVEY: 176 at MTA, I know.

12 COUNCIL MEMBER MEALY: So we could've just
13 replaced them with new and young people and older who
14 want to get back in the system and have a job. I just
15 feel this is a waste of tax dollars, money, one
16 million a month. I'm saying outsourcing. You got our
17 people out the booths now and you're saying they
18 can't do the same thing that others are doing. Just
19 hire more transit workers, that they could get middle
20 class pay, they could get healthcare. This is the
21 time that we need to start taking care of our people...

22 PRESIDENT DAVEY: Which is why we've been
23 hiring hundreds of employees, bus operators, train
24 operators...

COUNCIL MEMBER MEALY: We need to take care of our own first.

PRESIDENT DAVEY: Conductors, station agents, and cleaners.

COUNCIL MEMBER MEALY: This is a waste of taxpayers' money.

PRESIDENT DAVEY: I respectfully disagree, but I appreciate your opinion.

CHAIRPERSON BROOKS-POWERS: Thank you. Next, we'll hear from Council Member Farias.

COUNCIL MEMBER FARIAS: Hi, everyone. I do just want to start off by saying I want to echo the sentiments of previous Council Members Rivera and Restler. They took a couple of my questions so hopefully we can just get through mine, the rest that I have at least. Thank you for your testimony and for showing up today.

I just want to start off with, I think the topics were under the public safety measures that we're putting in place. You referred during questions that there were different ways for folks, where we're placing officers on platforms in connection to different cars and things like that. I tried to think back of when I get on the train, can I identify what

1
2 number car I am in and so do we happen to have any
3 identifiers on the train cars themselves, on which
4 car number you are in like direct relation to where
5 we are placing the public safety officers in front of
6 where the conductors are.

7 PRESIDENT DAVEY: Yeah. It's not always,
8 but I think working with NYPD, what we've asked when
9 possible that the officers on the platforms, they
10 might be in the station mezzanine, they may actually
11 be effectuating arrests, there are many reasons why
12 they wouldn't necessarily be on the platform, but I
13 don't know if you've seen the so-called zebra board
14 so the black and white board in the middle of the
15 platform, that's typically where our conductor, he or
16 she, would be stationed..

17 COUNCIL MEMBER FARIAS: Sorry. My
18 apologies. Maybe I wasn't clear. Inside each of the
19 train cars, how can customers identify if they're on
20 car 9 versus car 2 versus car 1 or adjacent to a
21 conductor car?

22 PRESIDENT DAVEY: Right. This is where I
23 was headed. The zebra board, the center of the
24 platform is where you be on a conductor so the
25 conductor, depending on the size of the car, would be

1
2 approximately car 5 or 6, but there's no identifier
3 on a train that you're on car 6 or 10. Obviously, if
4 you're at the end of the platform, you're more likely
5 to be closer to 9 or 10. If you're at the front of
6 the platform, 1 or 2. If you want to station yourself
7 close to the car or within the car that the officers
8 are likely to be at when a train pulls in and
9 certainly where our conductors are, it's the middle
10 where the zebra indicator is if you will.

11 COUNCIL MEMBER FARIAS: Sure. Do you think
12 it would be helpful for the MTA to start putting in
13 subway cars like Car 1, Car 2, Car 3, Car 4, etc.?

14 PRESIDENT DAVEY: I think that would be a
15 logistic nightmare because we flip the cars all the
16 time, we cut them for maintenance and so if there was
17 an easy way to do it, maybe with the future cars that
18 we have, I think for the older fleet though that
19 would be logistically difficult.

20 COUNCIL MEMBER FARIAS: Okay.

21 PRESIDENT DAVEY: I appreciate the
22 suggestion though.

23 COUNCIL MEMBER FARIAS: Thank you. In
24 terms of looking back at, I know right now we're
25 saying we try to put officers near where the

1
2 conductors are because it's the middle of the train,
3 have we looked at in the past, some of the incidents
4 where people have fallen in or have been pushed in
5 and tried to place people in those areas at those
6 train stops across to where we see a recurrence, is
7 that data available, are we looking back at data in
8 that way?

9 PRESIDENT DAVEY: I don't think we have
10 because there's no consistency in that regard. I know
11 there have been a lot of high-profile incidents that
12 have been reported. Given the number of customers we
13 have today, the incidents are rare, but still we're
14 looking, as mentioned earlier by one of your
15 Colleagues, for example, the stations we're looking
16 at for the platform screen doors, we looked at those
17 places as places where we have a high volume of
18 customers and then the ability with the platform to
19 actually install it, but I'm not sure even if we
20 looked at the data we would be making changes to
21 where we would ask the officers to be located.

22 SENIOR VICE PRESIDENT DIEHL: It's not
23 like we have one station where you have had seven
24 people pushed or something over a really long time.
25 These are not as common as you think it is.

1
2 COUNCIL MEMBER FARIAS: No, I know they're
3 not common.

4 SENIOR VICE PRESIDENT DIEHL: When you
5 have 472 stations, it becomes difficult to see if
6 there was any indication that look, there might be
7 some sort of issue at a station, we'd be working
8 hand-in-hand with NYPD to try to get officers..

9 PRESIDENT DAVEY: On the flip side, I
10 think having them at the conductor's station is
11 actually effective because the conductor may know of
12 a potential issue or someone so that I think is
13 effective because the conductor occasionally has been
14 able to say to a couple of officers hey, there's
15 someone on the car a couple cars down that might be
16 an issue, could you just poke your head in and check
17 it out.

18 COUNCIL MEMBER FARIAS: Just a question
19 around the unarmed guards that we have. Are we
20 equipping them to give away Fair Fares information?

21 PRESIDENT DAVEY: I don't think we have,
22 no, but we can. If that's a suggestion, I'm happy to.

23 COUNCIL MEMBER FARIAS: I would love to
24 make that suggestion. I think if we are realistically
25 looking, I understand even though we have not seen

1 necessarily how personally as Council Member Restler
2 stated, I'm not seeing it every time I get on the
3 train, it feels like the number is pretty exorbitant,
4 people are, if they evading a fare, it's economic
5 reasons, majority of the time I would like to make
6 that assumption, if there's a way that we can make
7 sure when we are intercepting it, giving people more
8 information is always the best, especially where we
9 have a program now where many people, it continuously
10 gets expanded, and we fail to do the outreach that we
11 need to do so equipping these unarmed guards while
12 they're there with this information I think would be
13 really wonderful.
14

15 I have one more question if possible.
16 Thank you. I'm sorry if you stated this already, in
17 terms of the fines that are 100 dollars that we then
18 issue upon someone evading fare, do we have the
19 breakdown of how we recoup our 2.75 or the legal fees
20 or anything like that or is this 100 dollars that
21 goes into the general fund that we never see again?

22 PRESIDENT DAVEY: I don't. The 100 dollars
23 comes to MTA, but I don't have a collection rate or a
24 breakdown of the costs to collect...

25 COUNCIL MEMBER FARIAS: Okay.

1
2 SENIOR VICE PRESIDENT DIEHL: (INAUDIBLE)
3 summons which is a civil penalty as opposed to a
4 criminal court...

5 COUNCIL MEMBER FARIAS: Sure, but do we
6 know if it comes back to MTA or if goes back to Fair
7 Fares...

8 SENIOR VICE PRESIDENT DIEHL: It actually
9 comes back to New York City Transit.

10 PRESIDENT DAVEY: Yeah.

11 COUNCIL MEMBER FARIAS: Okay, and MTA does
12 what with it in terms of...

13 SENIOR VICE PRESIDENT DIEHL: That goes
14 into general funding as far as I know, but we can get
15 you a more definitive answer.

16 COUNCIL MEMBER FARIAS: That would be
17 appreciated. Thank you so much and thank you to the
18 Chairs for allowing me more time.

19 CHAIRPERSON BROOKS-POWERS: Thank you.
20 Next, we'll hear from Council Member Narcisse.

21 COUNCIL MEMBER NARCISSE: Thank you,
22 Chairs Brooks-Powers and Hanks, for keeping this,
23 this is so important. We're talking about
24 transportation. MTA going my way. Right now I have a
25 problem in my District, in District 46, which we live

1
2 in a transportation desert, and Marine Park is
3 getting me and that happened prior to me getting to
4 the space, but my job is to represent them well,
5 amplify their voices, so now I want to know how we
6 can rationalize to take bus line or station or even
7 train station in a transportation desert, B2. That
8 happened Kings Highway by train station East 16 that
9 usually stops in Marine Park and right now I don't
10 have the answer for them and I'm looking forward to
11 hear what you're going to do because they want their
12 bus. They don't have any transportation.

13 PRESIDENT DAVEY: Sorry. This is the B2
14 bus?

15 COUNCIL MEMBER NARCISSE: B2 bus, the B2
16 line.

17 PRESIDENT DAVEY: Happy to answer that
18 offline. I don't have the answer specifically and
19 happy to come out to your District too by the way.

20 COUNCIL MEMBER NARCISSE: I know I'm going
21 to talk to you more because Community Board is
22 outraged right now.

23 PRESIDENT DAVEY: Okay.

24 COUNCIL MEMBER NARCISSE: Some statement,
25 but we're going to get that done. Some additional

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

recommendations I will put because my Colleagues spoke about the cleanliness of the train, that goes from my District is not that bad but so many Districts, especially the stops in the black and brown communities, they need light and they need to maintain clean. One other statement I want to make about almost 66 percent of the train or bus evasion, the fare evasion, that happened in the black community, most of them I would say that has to do with lack of job, socioeconomic that we need to look into, and creating an opportunity and employ locally and then try to get those young folks off the street. That would be something that way that we can address the inequities in our city.

I would like to talk a little bit of what has happened with the Subway Safety plan to intervene with homelessness. I want to know how MTA staff are assigned to do outreach, if they are being trained, how many people have been diverted to services, are you all keeping track of the interaction, and do we have data, are you all seeing the same people returning like a revolving door, and what type of training do MTA staff receive in order to do the

1 outreach for the homelessness? I know it's a lot, but
2 I want some answers.
3

4 PRESIDENT DAVEY: Sure. Just back to the
5 B2. I think I understand now the question, and the
6 question is related to our bus redesign so to the
7 extent we've proposed in a draft form to make changes
8 to the B2, which came out two weeks ago, I can't
9 emphasize enough it is a draft plan and we're going
10 to begin community outreach starting in January for
11 all of Brooklyn to provide us with feedback and
12 input. I think at the press conference, I said I
13 could guarantee one thing and one thing only, we did
14 not get the plan 100 percent right, and so that's
15 what's going to be incumbent upon us, Council Member,
16 to listen to you and your constituents, our
17 customers, to make sure so very happy to take that
18 feedback if the B2 is a bit of a challenge. In fact,
19 I'm reminded that our online comment is available
20 now, but we wanted to wait until after the holiday
21 season to begin the virtual workshops so lots of
22 opportunity. We've got many months before we actually
23 roll it out.

24 Second thing, you reminded me, your
25 Colleague left, but he made a statement about station

1 cleanliness, and I just want to clarify the record.

2 Last month, in October, almost 60 percent of our

3 customers said their train was clean or very clean

4 and about 58 percent station cleanliness. Now, we

5 have a long way to go, no doubt, and I am proud that

6 we are putting out the very detailed metrics to know

7 which specific stations are doing well and which ones

8 aren't, and that is something that we are putting out

9 and being very transparent to the public, about where

10 we need to improve.

11 I would also...

12 COUNCIL MEMBER NARCISSE: Cleanliness.

13 When we talk about clean is what you compare to

14 because when you compare, even when you travel you

15 see the trains, I mean when you say it is increasing,

16 it's getting better, getting better from what we used

17 to have, but this is New York City. We cannot have

18 our train station, there's not enough light, and

19 we're talking about safety. That's one of the ways

20 that we can address safety too.

21 PRESIDENT DAVEY: New Yorkers have strong

22 opinions, no doubt, so if they didn't think that we

23 were, they'll tell us they didn't think their station

24 was clean, they would tell us.

1
2 Your lighting point is well-taken, and I
3 announced a program when I became President to begin
4 station refresh. We're calling it ReNEWvation so not
5 a full renovation but where can we be making progress
6 and so what we've done is in the Bronx in the last
7 few months on the B and the D line, the Concourse
8 line, we're doing track work and we've closed the
9 line on the weekends, and the initial plan was not to
10 go in and do anything to the stations, and we said
11 no, no, time-out, let's use the station closures to
12 get in and, to your point, do the kind of painting
13 that we need to do, the concrete repair, the stair
14 repair work, and lighting. I'm very much obsessed
15 with station and train lighting. We also announced in
16 my Faster, Cleaner, Safer Plan just last month that
17 we're going to re-lamp all of the dingier, darker
18 cars. We're going to be leveraging some Subway Action
19 Plan dollars to do that and what's better is they
20 will actually be more energy efficient so the
21 maintenance of those will come down as well so
22 totally hear you and agree with you that we need to
23 be taking care of the kind of housekeeping issues.
24 Again, I'm happy to on the B2 or anything else come

1 to your District and see it for myself. I'm very
2 happy to do that.

3
4 COUNCIL MEMBER NARCISSE: About the
5 outreach, the homeless outreach. We want to know more
6 about it and the data, what's going on.

7 PRESIDENT DAVEY: Our end-of-line process,
8 I'll let Bobby maybe give a little more detail, but
9 our end-of-line process is a collaboration with
10 Subways but NYPD and the Department of Homeless
11 Services, BRC so we are collaborating with city
12 departments on the outreach. Obviously, we're not
13 mental health experts, we're not homeless experts,
14 we're trying to run a transit system, and so bringing
15 together in a collaborative spirit the departments
16 across the city to do that and so we're focusing in
17 on those last stations on lines where we can
18 potentially get them off trains and into services. I
19 think to date since this was launched under Mayor
20 Adams and Governor Hochul's leadership, we've had
21 about 800...

22 SENIOR VICE PRESIDENT DIEHL: Nine months.

23 PRESIDENT DAVEY: In 9 months, 800 shelter
24 placements for folks. Again, a lot more to do but we
25 take it very seriously. I know there was a remark

1 earlier about making sure we're treating our
2 customers who might have addiction issues or
3 homelessness issues, mental health, with compassion,
4 and we very much want to do that at Transit.

5
6 COUNCIL MEMBER NARCISSE: Thank you. Last
7 week (INAUDIBLE)

8 CHAIRPERSON BROOKS-POWERS: Gotta wrap it
9 up, Council Member Narcisse.

10 COUNCIL MEMBER NARCISSE: (INAUDIBLE) I'm
11 very concerned about that when the folks that are
12 working because they're facing with those staff so
13 they know how to refer folks where they need to go if
14 there is an issue before the police get involved.
15 That's what my concern is. As a nurse, I'm very
16 concerned about emotional disturbed folks not being
17 understood fully.

18 PRESIDENT DAVEY: That's right.

19 COUNCIL MEMBER NARCISSE: Thank you. Thank
20 you, Chair.

21 CHAIRPERSON BROOKS-POWERS: Thank you.
22 Next and last, we'll hear from Council Member Nurse
23 and then we'll be shifting to the NYPD.

24 COUNCIL MEMBER NURSE: Thanks, Chair. Last
25 but not least. I only have three questions, most just

1
2 followup for the data. Just for the 1 million in
3 private security, can you just say exactly how many
4 people that allows you to deploy?

5 PRESIDENT DAVEY: Sure.

6 SENIOR VICE PRESIDENT DIEHL: That's
7 roughly 200 people is what we're utilizing there. I
8 just want to make one other point for the record is
9 that the guards that we're hiring is really a
10 temporary item. This isn't like we're hiring someone
11 to be here for 10 or 20 years. We're hoping...

12 COUNCIL MEMBER NURSE: How long is that
13 (INAUDIBLE) period?

14 SENIOR VICE PRESIDENT DIEHL: What's that?

15 COUNCIL MEMBER NURSE: How long do you
16 anticipate that temporary period?

17 SENIOR VICE PRESIDENT DIEHL: Right now,
18 we're going to keep them for a while until we see
19 some of the fare evasion stabilize?

20 COUNCIL MEMBER NURSE: Okay, so
21 conditional.

22 SENIOR VICE PRESIDENT DIEHL: We'd be
23 looking to utilize them for a while, but, again, when
24 you're talking about maybe as far as jobs and stuff,

1 we're not expecting this to be 20 years of having
2 guards at gates.
3

4 PRESIDENT DAVEY: Correct.

5 COUNCIL MEMBER NURSE: How often are you
6 doing an assessment on that?

7 PRESIDENT DAVEY: Biweekly. We have a
8 COMPStat meeting, myself and our security team, to
9 look at the effectiveness, look at the fare uptick at
10 stations, to look at fare vending machine maintenance
11 issues, see if there are any customer complaints,
12 etc., but we're looking at it on a regular basis
13 because a million dollars, I do believe it is a wise
14 investment but it's an investment and so we need to
15 make sure that we're using it wisely.

16 COUNCIL MEMBER NURSE: Thank you for that.
17 My second question was if you could speak to any
18 collaborative efforts between the MTA, DSS on
19 physical onsite outreach events around the Fair Fares
20 program, how many do you do, is it specific to those
21 six stations that maybe have the highest fare evasion
22 stats?

23 PRESIDENT DAVEY: Yeah, so I've been
24 hosting Transit Talks at the stations that, by the
25 way, scored the lowest on our Customer Satisfaction,

1
2 and we've been inviting the DSS team responsible for
3 signing folks up for Fair Fares to attend and they
4 have over the last I think now four events we've
5 held, which has been very successful, and we're going
6 to continue. I think I'm at a station later this
7 week, I know I am, on Queens. That team will be there
8 to sign folks up.

9 I also think, too, the idea that you're
10 Colleague mentioned about having maybe some Fair
11 Fares material on-hand with the unarmed guards, I
12 like that idea, and my vision is for the station
13 agents who are more reactive, sitting in the booth
14 and waiting for someone to come over to them, they
15 can be more proactive and, if they see a customer who
16 might avail themselves or might have questions about
17 the various fare products we have including Fair
18 Fares to be able to provide that information so I
19 think both working with the City, at Transit we're
20 committed to getting as many folks enrolled in that
21 program as we can. There are a lot of folks who are,
22 hopefully today, that we're getting some notoriety
23 for this, but there are a lot of folks who qualify
24 who still haven't signed up.

1
2 COUNCIL MEMBER NURSE: Yeah. I think it'll
3 be great to have some kind of permanent signage at
4 each location, especially where you're saying the
5 rates are higher...

6 PRESIDENT DAVEY: Yeah, we have done some
7 advertising...

8 COUNCIL MEMBER NURSE: (INAUDIBLE)
9 outreach space that can just always be a booth that's
10 always there until you start to see those down but
11 thank you for your answer.

12 My last question was can you elaborate on
13 the AI technology that you're exploring with the
14 surveillance cameras in terms of what is the specific
15 function that the AI will be doing?

16 SENIOR VICE PRESIDENT DIEHL: Sure. We
17 first looked at AI to basically look at fare evasion.
18 There was a company, Barcelona-based, that actually
19 has used this type system inside the transit system,
20 and what it allows us to do is actually utilize the
21 cameras that we have to actually see how people are
22 committing fare evasion, and what I mean by that is
23 you can actually see by the AI they're going over the
24 turnstile, under the turnstile, going through the
25

1 gate the wrong way or even back-cocking the actual
2 turnstile so we're able to...

3
4 COUNCIL MEMBER NURSE: So it just like
5 zooms into a certain of physical...

6 SENIOR VICE PRESIDENT DIEHL: Correct,
7 right to the physical characteristics of someone
8 committing fare evasion so what that does is that
9 gives us a lot of intel as far as where to deploy
10 police officers or security officers, to actually say
11 okay, here's what we're seeing, and if we're seeing
12 that gate open for an extended amount of time with
13 people going through, now we have video evidence of
14 it and at that point we can actually deploy a little
15 bit more smartly as opposed to just picking stations
16 to actually put guards at.

17 COUNCIL MEMBER NURSE: Yeah, I'd like to
18 learn more about this. I don't know much about AI.
19 I'm admittedly very ignorant, but I really want to
20 understand is it that you're just placing a camera a
21 certain way and this technology is zooming in on a
22 lifted leg or a jump or something like that. How is
23 that different from...

1
2 SENIOR VICE PRESIDENT DIEHL: That's
3 exactly it. It learns as it goes. AI actually learns
4 as it goes so it refines itself as it moves on.

5 COUNCIL MEMBER NURSE: Okay, so how is
6 that different from the ways you already track fare
7 evasion through the folks that you have on the
8 ground?

9 SENIOR VICE PRESIDENT DIEHL: Well, the
10 nice part is, again, counting fare evasion on a
11 counter basis is very different. This is utilizing
12 cameras. It's not putting people out there to
13 actually have to watch, have to watch, have to watch.
14 It can pick up stuff when no one's there, and we can
15 actually take that information and that data and
16 actually filter it out and say okay, here's where we
17 need to be. I know that between 1 p.m. and 2 p.m. at
18 111th Street on the A-line that people are going
19 through the turnstile or jumping the turnstile or
20 going through the gates so that gives us a lot better
21 way to go. Again, when you talk about 5,000 cameras,
22 coming in, you really need something that's going to
23 focus you in on what we want to look at.

24 COUNCIL MEMBER NURSE: Okay. Thank you so
25 much.

1
2 SENIOR VICE PRESIDENT DIEHL: You're
3 welcome.

4 COUNCIL MEMBER NURSE: Thank you, Chairs.

5 CHAIRPERSON HANKS: Thank you so much,
6 Council Member Nurse. I just want to have one
7 followup question before we move on to NYPD.

8 You mentioned lobbying in Albany for a
9 law expanding the Transit Ban Statute. What would
10 this new legislation allow for?

11 PRESIDENT DAVEY: I think it would allow
12 for a broadening of the crimes that occur that would
13 be a ban so right now it's pretty restricted to
14 assaults on MTA workers and then sex crimes in the
15 system. You could imagine there's probably other
16 crimes against customers, for example, where it might
17 merit a transit ban, and I think that's what we would
18 be exploring.

19 CHAIRPERSON HANKS: Thank you so much and
20 thank you so much for your testimony.

21 PRESIDENT DAVEY: Thank you for having us,
22 again. Appreciate it.

23 CHAIRPERSON HANKS: I'll turn it over to
24 Elliott who's the Counsel for NYPD.

COMMITTEE COUNSEL LYNN: Our next witnesses will be from the New York City Police Department, Michael Kemper, Acting Chief of Transit, Thomas Ponella, Deputy Chief, Raymond Porteus, Inspector, and Michael Clarke, Director of Legislative Affairs.

I will now administer the oath. Please raise your right hands.

Do you affirm to tell the truth, the whole truth, and nothing but the truth before these Committees and to respond honestly to Council Member questions?

ADMINISTRATION: (INAUDIBLE)

COMMITTEE COUNSEL LYNN: Thank you. You may begin when ready.

ACTING CHIEF KEMPER: Good morning, Chair Hanks, Chair Brooks-Powers, and Members of the Council. I'm Michael Kemper, the Acting Chief of Transit for the New York City Police Department. I'm joined here today by Deputy Chief Thomas Ponella, Inspector Raymond Porteus, and Director Michael Clarke.

On behalf of Police Commissioner Keechant L. Sewell, I am pleased to testify before your

1
2 Committees regarding public safety in the subway
3 system. Not only is safety in our subways a crucial
4 topic of discussion, but this hearing could not be
5 more timely for me on a personal note. As the new
6 Acting Chief of Transit Bureau starting just last
7 week, this hearing also gives me an opportunity to
8 introduce myself to all of you. I knew from an early
9 age that I wanted to help people, and there seemed no
10 better place to do that than joining the ranks of the
11 NYPD. I joined the Department when I was 20 years
12 old, at the earliest possible time, and I've spent
13 the last 31 years doing everything within my ability
14 to make sure New Yorkers are safe. I began my career
15 in 1991 on patrol in the 62nd Precinct in Brooklyn.
16 Since then, I served in a number of Precincts,
17 several patrol and detective bureau assignments, and
18 in the office of the Deputy Commissioner of Strategic
19 Initiatives. I held executive positions in several
20 precincts, in the Detective Bureau, and prior to my
21 current appointment I recently served as the Borough
22 Commander for Patrol Borough Brooklyn South. It is a
23 great and humbling honor to me to bring my experience
24 and knowledge of public safety to our transit system.
25 We in the Transit Bureau have been tasked with the

1 enormous responsibility of protecting the safety of
2 the busiest metropolitan rail system in the nation,
3 comprised of 25 lines, 472 stations, over 6,000 train
4 cars, and over 600 miles of track. It cannot be
5 overstated how important our subways are to the
6 residents, businesses, and visitors of this great
7 city. Each and every day, millions of New Yorkers
8 utilize our subways for a myriad of reasons. Whether
9 going to and from work or school, to our businesses
10 to shop, to appointments, or to visit our diverse
11 neighborhoods and attractions, riders deserve to
12 enter our transit system and arrive at their
13 destination safely. This is my mission, and this is
14 the mission of all transit officers, and I look
15 forward to working with all of you to help achieve
16 this goal.

18 When it comes to crime in our subway
19 system, I think we are at an appointment moment as
20 the year comes to a close. Last month, major crime in
21 the transit system decreased nearly 13 percent when
22 compared to November last year. This decline is
23 continuing in the opening weeks of December.
24 Moreover, when compared to pre-pandemic ridership
25 levels in 2019, major crime is down by 6.3 percent.

1 There is certainly more work that needs to be done.

2 Year-to-date index crime is up by 30 percent in the

3 subway system, but these recent numbers are

4 encouraging and demonstrate real progress that has

5 been made under this administration. Mayor Adams and

6 Commissioner Sewell have made it no secret that they

7 believe, as I'm sure all of us here today do, that

8 the subways are the lifeblood of New York City.

9 Safety, however, has to be reflected not just in our

10 stats but also in the impression of riders. They must

11 feel safe too. We know that the public often feels a

12 sense of relief when an officer is riding a car or in

13 close proximity on a platform. Throughout the year,

14 the NYPD has increased its visibility and presence

15 throughout the system. Under the Mayor's Subway

16 Safety Plan, our strategy has been more visibility,

17 more coverage, and more public engagement. Over 1,000

18 additional officers were surged into the system

19 earlier this year. Officers have been riding in the

20 train cars alongside passengers, inspecting stations

21 and other important areas, and covering platforms as

22 well. When it comes to deployment, particular

23 emphasis is placed on our most active transportation

24 hubs. The uniformed leadership is not immune to this

1 strategy either. Prior to my appointment, I too had
2 to personally patrol the subways as every executive
3 above the rank of Deputy Inspector must now do. I
4 will obviously do it much more now.
5

6 Last month, when we began extending
7 tours, we began extending tours of 1,200 additional
8 officers each day, which has further enhanced police
9 presence in the subways, enabling officers to cover
10 platforms in at least 300 stations during peak hours.
11 Our Community Affairs Bureau also launched a safety
12 awareness campaign in the fall, which enlists crime
13 prevention officers visiting our busiest stations to
14 conduct public outreach and provide safety tips to
15 riders such as safeguarding their valuables and being
16 aware of their surroundings.

17 It is also not just physical presence
18 that contributes to this enhanced visibility in the
19 system. In the fall, the MTA began playing public
20 safety messages on trains and platforms from Police
21 Commissioner Sewell to let riders know that the NYPD
22 is there to help and to alert our officers of unsafe
23 conditions. The increase of officers in the subway
24 system, including police presence on platforms, not
25 only enhances our response to dangerous situations,

1 but also serves as a deterrent to those who seek to
2 commit crime and makes riders feel safe while waiting
3 for their train to arrive. So far this year, officers
4 have conducted nearly a million subway safety
5 inspections, and their hard work has led to a 46
6 percent increase in arrests. Of note, arrests for
7 robbery are up by nearly 38 percent and felony
8 assault is up about 16 percent.

10 While I have complete faith in the
11 dedicated men and women of the NYPD, I also know that
12 we cannot do it alone. We have vital partners who
13 lend their expertise to our shared mission in
14 providing a safe experience in the subway. We have
15 worked seamlessly with our partners in the MTA and
16 the MTA Police under this administration. We
17 communicate daily to ensure we are deploying
18 resources to where they are needed most. MTA
19 conductors have been announcing our presence on
20 subway platforms and in the trains and also alerting
21 riders when a station has an NYPD transit district
22 within it. This serves the dual purpose of allowing
23 riders to know that help is close by if needed and to
24 warn potential perpetrators that the police are
25 present. The role of cameras in the subways cannot be

1 overstated. Strategically placed, they can be a
2 deterrent to individuals committing crime and provide
3 evidence that can assist in leading police to the
4 perpetrator. The MTA and the NYPD work together
5 closely to monitor live feeds and to provide camera
6 footage to members of our Detective Bureau. To that
7 end, the MTA will be making a further investment in
8 safety by installing more cameras throughout the
9 subway.
10

11 Behavioral health challenges add further
12 complexities to ensuring the safety of riders, and,
13 again, collaboration with our partner agencies has
14 been critical. Throughout the year, we have deployed
15 Joint Response Teams, which brings the NYPD, the
16 Department of Homeless Services, and community-based
17 providers together to connect chronically homeless
18 individuals with the services they need. These teams
19 have made over 30,000 contacts with people
20 experiencing homelessness this year, with thousands
21 accepting referrals for healthcare services. Overall,
22 more than 7,000 individuals have accepted shelter
23 services from members of the NYPD.

24 We have also partnered with the
25 Department of Health and Mental Hygiene to team

1
2 police officers with clinical nurses. These teams
3 cover high-use stations to ensure people who are
4 suffering from mental illness and pose a danger to
5 themselves or others are brought to a hospital where
6 they could obtain the help that they need. Our work
7 is further enhanced by the state, which has created
8 new transition to home units, which help individuals
9 end the cycle of homelessness. They are also
10 launching Safe Option Support teams, which will
11 assist individuals suffering from chronic street
12 homelessness to enroll in supportive housing programs
13 and will deploy them throughout New York City. When
14 it comes to mental illness and homelessness in the
15 subways, we know that this is a longstanding and
16 highly complicated topic, and we are willing to play
17 our part alongside our partners, and it has the full
18 support and attention of the NYPD.

19 Subway ridership continues to grow and,
20 with the holiday season here, there are even more
21 riders using the system. We have had some very
22 positive recent successes, and there are still
23 challenges ahead. I want to remind the public though
24 that this is the best police department in the world.
25 There is no police department that is better trained

1
2 and better equipped to address these challenges and
3 fulfill the mission of keeping the New York City
4 subway system safe. We cannot allow our riders to
5 feel unsafe while riding the subways. We cannot allow
6 them to be threatened, harassed, or, in the worst
7 cases, subjected to violence. With the Department
8 working together with all stakeholders, we will
9 decrease crime, provide help to those who need it,
10 and further restore the confidence New Yorkers have
11 in the safety of our subway system.

12 Thank you for the opportunity to
13 introduce myself and speak before you today. We look
14 forward to answering any questions you may have.

15 CHAIRPERSON HANKS: Thank you so much. I
16 appreciate it, Acting Chief Kemper, and we do thank
17 you and NYPD for all the work that you do. We
18 appreciate that.

19 I'm going to start with some questioning
20 and thank you for your testimony. First, we'll get
21 into the fare evasion enforcement. You're required to
22 report on a number of arrests and summons issued for
23 fare evasion disaggregated by subway station where
24 the arrest was made, the precinct, arresting
25 officers, the age, race, and sex of arrestee. I think

1
2 what my question is is do we drill down on the cause
3 and are we changing and shifting as that becomes
4 apparent?

5 ACTING CHIEF KEMPER: In relation to fare
6 evasion, let me say this. I mentioned in my opening
7 that I did subway patrol duties as the previous
8 Police Commissioner started this earlier in the year,
9 and it was eye-opening for me in many way, both
10 positive and negative and to be quite honest with
11 you, I was shocked with what I saw, particularly at
12 that mezzanine area by the where the fares are taken,
13 the turnstile area. To be quite frank, just about
14 every, if not every, station I was in, and I started
15 my journey on both those occasions in Brooklyn on
16 Church Avenue and Ocean Avenue and I went into
17 Manhattan deep and I came back. It's a free-for-all.
18 A lot of people aren't paying. I was in full uniform
19 and people were going through the turnstile without
20 paying. People were asking me to help them go through
21 without paying, hold the door for them, and giving me
22 attitude when I closed the door. Those are facts. So
23 that was eye-opening for me. Just in relation to fare
24 evasion, it's my opinion, it's our opinion public
25 safety begins the minute a customer enters the subway

1
2 system. They can't be signs of lawlessness the second
3 someone walks into a subway system for so many
4 reasons. First and foremost, it's not fair to the
5 paying customer, it's not fair to the MTA who is
6 losing untold millions of dollars, and think about
7 the perception that gives someone, the average
8 citizen that's paying their fare walking in when
9 their first minute into their journey is observing an
10 atmosphere that shows it's a free-for-all, it's
11 lawlessness, people going through the turnstile.
12 Perception, and they take that perception, and that
13 perception travels with them throughout the entire
14 journey, and it goes home with them. That's what they
15 remember from what they first see so fare evasion is
16 a component of our plan to reduce crime. We'll talk
17 about fare evasion. I'll pass it off to Inspector
18 Porteus. He'll talk to you about the total numbers of
19 fare evasion. A couple of key points I want with fare
20 evasion. This is not about arresting people. This is
21 not about summoning people. This is about correcting
22 a problem that's quite evident. 97 percent of
23 individuals that are stopped for fare evasion walk
24 away minutes later with civil summons. 97 percent.
25 Only 3 percent, so 97 out of 100 people, only 3 of

1 those people are arrested, and Inspector Porteus will
2 detail the reasons why, but they're wanted. Usually,
3 we'll find that they're wanted, they have active
4 warrants. I'm sure as this testimony moves forward,
5 we also recover, and some of them are wanted for very
6 serious crimes, murder, rape, some of them are
7 possessing firearms. We're talking about fare
8 evasion, in the last six days I want to say, I could
9 be off by one day, I want to say it's the last six,
10 it might even be five, there have been four separate
11 incidents in New York City, two in Brooklyn, one in
12 Queens, one in Bronx where police officers stopped
13 someone for fare evasion and recovered guns. A total
14 of five guns were removed in four incidents in those
15 four boroughs strictly on fare evasion. We're taking
16 weapons and we're returning wanted people, but,
17 again, that's not our goal. Our goal is to have no
18 enforcement. We just want people to pay, and 97
19 percent are issued a summons within minutes. Ray.

21 INSPECTOR PORTEUS: Like the Chief alluded
22 to, we have to reset the tone at the gates. We
23 consider ourselves the guardian at gates, and that's
24 a balance because we also have to protect the trains.
25 We want our officers riding the trains, that's very

1 important and on the platforms. You heard President
2 Davey talking about where the officers should be
3 positioned, those zebra stripes. That's a specific
4 reason why we want them there. Those officers, or if
5 it's a TOMS being done, the supervisor would be on
6 the platform. I'll just paint a picture. It's
7 almost like a checkpoint where the Sergeant is at the
8 conductor's position, tells the conductor we're going
9 to be here for a couple of minutes, we're going to
10 board the train. They may have officers spread out
11 throughout the platform, and they'll go into those 8
12 to 10 cars, give everybody a sense of security that's
13 on the train. That's considered TOMS. The ordinary
14 officers that are assigned to the platform. They
15 would do the same thing, check in with the conductor,
16 patrol the platform. As I mentioned train patrol, we
17 also have officers on trains.

19 Getting back to the fare evasion, we
20 cannot abandon the turnstile fare arrays, and, like
21 the Chief mentioned, it's not for monetary gain. It's
22 to set the tone. As soon as your experience comes
23 down and you see people jumping, going over the
24 turnstile, under, through the exit gate, it sets that
25 sense of lawlessness. We want to correct that

1 behavior. I'll just go through some numbers. We have
2 82,000 fare evasion contacts for the year. Of that,
3 as the boss mentioned, 97 percent of those people
4 stopped get some sort of a summons, they're on their
5 way several minutes later. The remaining 3 percent
6 are taken into custody, and that's for a variety of
7 reasons. Most likely, they are wanted for other
8 crimes. We cleared 650 warrants year-to-date. That
9 means, as the Chief mentioned, some heinous crimes.
10 I'll give you two examples. Back in September in East
11 New York Brooklyn, District 33 officers at Alabama on
12 the J stopped an individual walking through the gate.
13 They put him through the computer. We found out that
14 he was wanted by the 75th Precinct Squad. For what?
15 For shooting somebody and killing them. He shot a
16 person in the head on the sidewalk in June. That was
17 brought back to the 75th Precinct. They arrested that
18 individual. Back in September..

19
20 ACTING CHIEF KEMPER: For going through a
21 turnstile.

22 INSPECTOR PORTEUS: Jumping a turnstile.
23 Just last month out in the Rockaways at Beach 60th
24 Street, officers from District 23 stopped an
25 individual going through the turnstile. That person

1
2 was wanted up in the 110 Precinct for shooting a gun
3 at two people in the street. Didn't hit them, thank
4 God, but these fare evasion, you can see would be
5 perceived as a minor crime. Well, we just solved two
6 kind of heinous crimes, and as I mentioned we
7 returned 650 people on warrants. Not to mention, the
8 boss mentioned, recovered 10, 11 guns year-to-date on
9 fare evasion encounters as well as removing 180+
10 knives or other sharp instrument weapons during those
11 encounters.

12 CHAIRPERSON HANKS: Wow. Thank you very
13 much.

14 INSPECTOR PORTEUS: May I add, I know
15 Councilwoman Farias mentioned the Fair Fares. There
16 is a remedy for folks that cannot pay. We don't want
17 to criminalize it. People don't have the means to do
18 it, but there are, and I think I like her suggestion
19 about getting that message out. I think it's
20 underutilized, the Fair Fares program, to get that
21 message out. It's a half fares program that people
22 can utilize, and they can get into the system without
23 jumping over, going under, and going through the
24 emergency gate.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON HANKS: Thank you. That was kind of like the purpose of my question, to really kind of like paint a picture for everyone, the why, and I appreciate having hard facts and statistics that kind of paint a different picture that we're actually capturing folks that are a little bit more dangerous and then there is a mechanism that we can help folks who may not be able to pay, but that is, for the most part from your testimony, that is like the outlier.

How does the police deployment to a specific subway station for more patrol is determined? What are the stations with the highest numbers of arrests and why? If you can talk a little bit about that.

ACTING CHIEF KEMPER: You want me to start with how we deploy?

CHAIRPERSON HANKS: Yes. Thank you.

ACTING CHIEF KEMPER: When it comes to deployment, that's so important we get it right, and we're constantly shifting. We want to maximize our presence as best we can, and we want to make sure we deploy our assets, our cops, where they're needed to be. Not only needed to be, whether it's the platform,

1
2 whether it's on the train, whether it's the mezzanine
3 area, the stairwell, the right times, the right
4 hours. We're very fortunate, we're very blessed in
5 the NYPD. We keep good data. We're constantly looking
6 at current crime trends. In the Transit Bureau, I
7 have to say I'm here a little less than a week, but
8 I'm very, very impressed already with what I see. I'm
9 getting notified almost live on so much that's going
10 on in the system, which is very, very refreshing.
11 First and foremost, crime dictates where we deploy
12 our personnel. The good thing, that's not difficult,
13 right. If we have a rash of robberies at a station,
14 whether it's the Times Square (INAUDIBLE) Station or
15 I'll take you back to the Church Avenue Station,
16 certainly we're going to recognize that as quickly as
17 possible, and we're going to deploy resources there
18 and assets during the right times, the right hours.
19 What we want to do, the name of the game is, again,
20 maximizing our presence, avoiding duplications,
21 making sure that everyone in the Transit Bureau and
22 everyone outside the Transit Bureau in the NYPD
23 because we're going to talk about outside resources
24 coming in to assist us, we're all deploying, we're
25 all aware where our deployment is and we, again, just

1
2 maximize our presence, trying to avoid duplication,
3 and really, really trying to avoid voids, but crime
4 is really the top determining factor. Listen, we
5 could follow it up with community complaints
6 certainly, ridership numbers will dictate it, but
7 really crime is the number one driving factor.

8 CHAIRPERSON HANKS: Thank you so much.

9 Again, for the record, so everyone understands what
10 this looks like when you're deploying, what are the
11 procedures and protocols for subway patrol?

12 ACTING CHIEF KEMPER: For an average
13 police officer?

14 CHAIRPERSON HANKS: Correct. You were kind
15 of talking about it before, the different levels of
16 deployment, but just talk to us about what it means
17 to be patrolling a subway system? What are some of
18 the procedures, the protocols?

19 INSPECTOR PORTEUS: I kind of alluded to a
20 little bit about train patrol. If an officer is
21 assigned to a train patrol, he or she will work with
22 a partner, they will leave the District and then
23 they're given an assignment. For example, I'll use
24 District 1 as an example, the officers may be
25 assigned train patrol from 86th Street on the 1 down

1
2 to 42nd Street in Times Square. That encompasses that
3 District's line on the Red line, and those officers
4 are expected to patrol that entire line going back
5 and forth and there may be a directed patrol there.
6 The Chief alluded to a crime so say at 77nd and
7 Broadway there was a rash of school robberies, grand
8 larcenies, there we conduct a directed patrol. What
9 that means is that we get off the train during the
10 train patrol and check the entire station. If there's
11 somebody who's wanted, they would be (INAUDIBLE)
12 these phones, I know they're a problem, but we
13 disseminate a lot of intelligence information on
14 these phones so a wanted poster may come over. That
15 officer would be expected to look at the phone and
16 then at 77nd Street scour the entire station, and
17 that includes going topside by the street stairs, the
18 mezzanine, going down, checking in with the booth
19 clerk until they're gone, but then as they move out
20 of the booths, they'll be in and around the mezzanine
21 area, the cleaners. We work very well hand-in-hand
22 with the MTA folks. They're our brethren. We consider
23 them that. They're a wealth of knowledge. You heard
24 the President talking about, Vice President Diehl,
25 the cleaners, the booth clerks, the motormen, the

1
2 conductors, the general station managers, those are
3 people we want to touch base with every day because
4 they have a wealth of knowledge of what's going on in
5 these stations so circling back to the train patrol,
6 those officers would get off that directed and then
7 continue so that's kind of like the, for instance, a
8 train patrol officer's assignment.

9 In addition to that, there are officers
10 that respond to calls for assignment so there may be
11 what's considered a sector car, two persons in a car,
12 and they may be able to respond to other jobs in or
13 around that District. Could be calls for (INAUDIBLE)
14 people, some kind of larceny, calls for help,
15 somebody that's experiencing a heart attack, we
16 respond as co-response with the EMS and the Fire
17 Department. If that kind of answers your question.

18 CHAIRPERSON HANKS: That definitely
19 answers my question. I appreciate that. To kind of
20 build on that, when you talk about deployment, are
21 they deployed beyond a pair? Is there a situation
22 where a police officer would be by themselves?

23 INSPECTOR PORTEUS: We work in pairs as a
24 team, but there are instances where I mentioned
25 before about the TOMS, that's a Transit Order

1 Maintenance Sweep, and that's the Sergeant would get
2 together with four to eight cops at a particular
3 station to conduct train inspections. We limit that
4 because we want to make sure like a force multiplier.
5 However, at heavy stations where we are experiencing
6 a great deal of crime on the train, we might want to
7 use that tactic. It's been used for probably 20, 30
8 years so it's something that we have kind of been
9 doing but we've been getting away from that.

11 ACTING CHIEF KEMPER: To answer your
12 question, there are times when there's more than two
13 cops. We can go to bag checks that you'll probably
14 see at certain situations throughout the city, the
15 TOMS checks, stuff like that, but there are different
16 times when you'll see more than two police officers
17 together, but that's for a reason. Again, the name of
18 the game is proper deployment and maximizing our
19 presence, and that's really what it is, but there are
20 certain things we do that call for more than two
21 cops.

22 INSPECTOR PORTEUS: If I may, Chair, it's
23 also supervision. We don't want the cops bunched up.
24 We've had instances like that, but we address it, and
25 that's where the supervision comes in. The Frontline

1 Sergeant, our Integrity Control Officer is there, the
2 Lieutenants that work in the Command, they dish out
3 the discipline, they're usually in plain clothes.
4 They're going out and checking those folks as well.
5 We have Duty Captains that are out there as well as
6 the boss alluded to Deputy Inspector and above, that
7 includes the four-star Chief of Department, Chief
8 Maddrey was out there last week riding the rails with
9 the Chief. They're all out making sure that the cops
10 are supposed to be where they're doing and what
11 they're supposed to be doing. To that end, they have
12 to know what the mission is. What is it and why are
13 they there. Especially, Chief Ponella is going to
14 talk about the deployment, about the outside
15 resources, the patrol officers from the Precincts
16 coming in, we arm all these folks with intelligence
17 information. I alluded to the fact about wanted
18 posters, training. We make sure the officers have
19 training. There's four videos out, How to Patrol on
20 Subway...

22 CHAIRPERSON HANKS: Thank you very much. I
23 want to move back to the testimony, and we were
24 talking about behavioral health, Department of
25 Health, what are some of the challenges NYPD faces?

1 Are you experiencing any cycling back into the system
2 when it comes to addressing folks that have mental
3 health and behavioral health issues, and what would
4 we do to help mitigate that?
5

6 ACTING CHIEF KEMPER: Director Clarke and
7 Chief Ponella are going to speak on this topic.

8 DEPUTY CHIEF PONELLA: Good afternoon. We
9 currently have three ongoing initiatives that I can
10 talk about dealing with mental health and homeless
11 outreach, but it's in step with the Mayor's Subway
12 Safety Plan to help the homeless and help the
13 mentally ill receive the support they need. The
14 Police Commissioner mentioned earlier this year that
15 providing meaningful help to some of the most
16 vulnerable New Yorkers requires a comprehensive
17 multi-agency approach. That's where we're at now.
18 It's not just a police function to deal with homeless
19 or mentally ill people. Our goal is to help people.
20 We want to get the homeless and the mentally ill
21 individuals into services they need to hopefully
22 accept long-term help. It's about taking care of
23 those who sadly can't take care of themselves,
24 balancing the needs and expectations of our riders
25 with the needs of those who sadly see the subway as a

1
2 refuge. I work closely with the Mayor's Office,
3 Deputy Mayor Williams-Isom and her staff, DHS
4 Commissioner Jenkins and his staff, and Assistant
5 Commissioner of DOHMH Dr. Michael McRae and his
6 staff. We have weekly meetings on the initiatives
7 that are in progress right now.

8 DIRECTOR CLARKE: I do think it's always
9 been a challenge to make sure that people who are
10 receiving these services stay in the services. Our
11 partner experts tell us that sometimes it takes many
12 contacts with a person for the services to stick so
13 we'll keep working with them to make those contacts
14 and try and make sure that they get the help that
15 they need. It's certainly something that all
16 providers struggle with, and we rely on our partner
17 agencies and their expertise to help us navigate
18 those issues.

19 CHAIRPERSON HANKS: Thank you. I'm just
20 going to stay in that line of questioning for a
21 little bit. You mentioned in the testimony there are
22 two programs designed to assist the chronically
23 homeless individuals in the subway system, the Joint
24 Response Team Program and the partnership with DOHMH,
25 to pair NYPD officers with clinical nurses. How many

1 Joint Response Teams are working currently in each
2 borough, notwithstanding Staten Island because we
3 don't have a subway system?
4

5 ACTING CHIEF KEMPER: Right. None in
6 Staten Island, the four boroughs. Just getting back
7 to your question about we do see the same people.
8 Those are the ones that are embedded that really need
9 the help and, like Michael said, it takes a long time
10 to work on them and get them into services with the
11 social workers.

12 Our Joint Response Teams, we started in
13 February of this year after the neighborhood
14 announced his Subway Safety Plan. We currently have
15 three teams working. Those teams go out. It's two
16 police officers go out with a DHS worker and go to
17 different complexes throughout the system and try to
18 interact with the homeless out there. Our role is to
19 escort them out there and let the social workers
20 interact with those people at those locations. That's
21 currently two officers and a DHS worker that we have
22 working.

23 We also have End of the Line Initiative.
24 That was started in March of this year after the
25 Joint Response Teams. Basically, what the End of the

1 Line is it's midnight to 5 in the morning, we go out.

2 It's four or five different End of the Line

3 locations. A joint effort with the Department of

4 Homeless Services, Bowery Residents Committee, the

5 MTA, and the MTA PD, and trains come into the

6 station, MTA makes an announcement, everybody has to

7 get off the train for cleaning. We help people get

8 off the train, and there are social workers on the

9 platforms, whether DHS or BRC, that can interact with

10 those people at the end of the line. It's a little

11 easier interacting with them at the end of the line

12 than it is on a moving train for various reason. To

13 interact with those people, like I said, we do four

14 or five terminal stations. The MTA PD does three

15 other terminal stations in the city. We do have an

16 executive in charge every night so Captain Echevarria

17 is in charge five days a week. She oversees the

18 operations going on during the night. If there's any

19 questions or any issues the officers might have or

20 the supervisors that are out there, everything is

21 supervisor-driven. We have a supervisor at each of

22 these locations so if there's a question by the

23 officers on what to do or if the health workers have

24
25

1 a question then she's out there to answer those
2 questions.
3

4 The third initiative that we have, and
5 that was started on October 17th, NYPD going out with
6 DOHMH nurses and clinicians. I just want to go back
7 to the End of the Line. There are some nurses and
8 clinicians at the End of the Line so they do some
9 9.58 removals at those locations. We let them do
10 that. That's the nurses and clinicians making those
11 decisions on those removals at the End of the Line.

12 When we go out with the DOHMH, it's two
13 officers again go out with a nurse or clinician and
14 hit numerous stations within the system, and their
15 primary goal, there's no DHS with these teams. It's
16 primarily looking for anybody that might have some
17 kind of or exhibiting mental illness or mental crisis
18 within the subway system.

19 CHAIRPERSON HANKS: Thank you. How many
20 clinical nurses are currently working right now and
21 can you give more detail on how the partnership
22 works? Are they full-time employees? Are they part-
23 time employees?
24
25

1
2 ACTING CHIEF KEMPER: I'm not sure about
3 whether they're full-time or part-time, but we work
4 in teams. There's always six teams going out.

5 CHAIRPERSON HANKS: How many?

6 ACTING CHIEF KEMPER: Six teams so it's at
7 least six nurses or clinicians. Sometimes there's a
8 couple more that go out with the teams.

9 CHAIRPERSON HANKS: Citywide?

10 ACTING CHIEF KEMPER: Yes.

11 CHAIRPERSON HANKS: Okay.

12 ACTING CHIEF KEMPER: And then, again,
13 like I said earlier, there's other nurses and
14 clinicians that work End of the Lines with us.

15 CHAIRPERSON HANKS: Along those lines, I
16 have Council Member Stevens. I'm going to be asking
17 some questions in the same vein. As part of the
18 Subway Safety Plan, five community-based homeless
19 outreach teams will be deployed to the highest needs
20 of the city. When will these teams be doing outreach
21 and will these teams be under a city agency or
22 community-based organization?

23 ACTING CHIEF KEMPER: Can you repeat that
24 question? I'm sorry.

CHAIRPERSON HANKS: Apologies. As part of the Subway Safety Plan, five community-based homeless outreach teams will be deployed to the highest need stations in the city. When will these teams begin doing outreach and will these teams be under a city agency or a community-based organization?

ACTING CHIEF KEMPER: The teams we already have set up, the DOHMH teams, those are the six teams that we go to different locations within the city. I'm not sure if that's being referred to in that question.

CHAIRPERSON HANKS: Okay, well, maybe we'll drill down, and we'll get back to you on that one. Can you walk us through the response that will be taken when MTA PD or NYPD encounters someone having a mental health crisis on the subway system?

ACTING CHIEF KEMPER: If we're with a nurse clinician, we'll let that nurse clinician engage that person and make that determination whether that person should be removed as a 9.58 removal or not.

CHAIRPERSON HANKS: Thank you so much. Chair Brooks-Powers, do you have any questions for NYPD?

CHAIRPERSON BROOKS-POWERS: Thank you for your testimony. Since earlier this fall, the NYPD has increased its presence on subway platforms and added announcements from the train conductors to alert riders to the availability of police. Has the presence of police on the platforms reduced response time to incidents on the train?

ACTING CHIEF KEMPER: Yeah. I don't have data to support it, but just common sense and experience of doing this a long time I'd say yes. I think the presence of these police officers on the platforms, the value that we're getting and the results we're getting is multifaceted. What do I mean by that? I think the increased presence is assisting in driving crime down, and I'd like to talk about crime at some point. The crime that we're experiencing, crime is down in the most current COMPStat period which is the last month period almost 26 percent in the subway system in New York. It's really in line with the Mayor's Subway Safety Plan with the extraordinary decision to place so many cops in the subway system. These uniformed cops are crimefighters. We can talk factual incidents, and I can say with fact when train doors open and a cop is

1 standing on a platform and they're interrupting
2 crimes. Equally what I meant for that is that they're
3 paying dividends on multiple different levels. So
4 much of police work is about fighting crime, and
5 there is so much more to police work than fighting
6 crime. They're there to help people, give directions,
7 aid sick people. These officers that are on the
8 platforms, this infusion of cops, have given Narcan
9 to people that are overdosed that they're coming
10 across. They're saving people literally that are
11 accidentally falling on the tracks. There was an
12 incident a couple of weeks ago in Upper Manhattan,
13 that video went viral, where two cops were seen
14 running around, they become alerted, they jumped on
15 the station, they carried the gentleman that fell on
16 the tracks off, and the train came by seconds later.
17 Those are cops from the infusion assigned to the
18 platform. In addition to just fighting crime, they're
19 literally saving lives either with Narcan, over the
20 weekend, I want to say it was Saturday, again we're
21 going to go back to Brooklyn, East 18th Street, again
22 uniformed cops alerted that someone's on the track,
23 they ran there, again potentially saved this person's
24 life. With certainty, they pulled him off the track.
25

1
2 It's all captured on video. Myself and the Police
3 Commissioner posted that bodycam. Again, we can't
4 underestimate just how valuable they are in addition
5 to just crimefighting. I'll also say this also. How
6 do you quantify how many crimes they stopped? Think
7 about that, right. Just the presence and the infusion
8 of cops, how do you quantify how many crimes didn't
9 occur because of their presence? I venture to say
10 probably a lot, but here's what I can say with
11 certainty. Since the infusion of cops, 25.7 percent
12 overall crime reduction in New York Subway System.
13 That's a factual number.

14 CHAIRPERSON BROOKS-POWERS: How many
15 police are currently deployed as part of the
16 increased presence and at what hours?

17 ACTING CHIEF KEMPER: I'm going to hand
18 that off to Chief Ponella again to talk about the
19 additional resources, but we're going to talk about
20 straight time, we're going to talk about overtime,
21 and how we coordinate with the Transit Bureau
22 personnel so go ahead, Tom.

23 DEPUTY CHIEF PONELLA: The Transit Bureau
24 averages slightly less than 1,300 members daily.
25 That's over basically three different tours. This

1 increase in deployment, it's a system-wide saturation
2 of police presence, infusing the subway system with
3 uniformed police officers. Our outside help is
4 focused on the platforms. Transit officers are
5 focused on the train, the mezzanines, and turnstiles.
6 We did have Patrol Services Bureau, those are the
7 precinct cops, coming to the subway previously. We've
8 had some straight-time full-tour officers at 82
9 different stations. They work a day tour, which is
10 our second platoon and a third platoon covering 41
11 stations and 41 stations on each of the tours so
12 that's 164 police officers. The additional officers
13 that you spoke about, the 1,200 officers that was
14 added, that's covering 600 stations. Those are four-
15 hour post tours. After the first platoon, 600
16 officers covering 300 stations and then after the
17 second platoon, which is the day tour, 600 officers
18 covering 300 stations, so it's the morning rush hour
19 and the p.m. rush hour where you're going to see a
20 majority of these police officers out there on the
21 platforms. There's also people that come in on a day
22 off and work. They supplement 124 more stations. Just
23 looking at coverage by borough, the breakdown is 34
24
25

1 percent Brooklyn, 32 percent Manhattan, 18 percent
2 Queens, and 17 percent Bronx, mainly...

3
4 CHAIRPERSON BROOKS-POWERS: Can you give
5 me those percents again?

6 DEPUTY CHIEF PONELLA: Brooklyn covering
7 34 percent, 32 percent Manhattan, 18 percent Queens,
8 and 17 percent in the Bronx.

9 CHAIRPERSON BROOKS-POWERS: What about
10 Staten Island?

11 DEPUTY CHIEF PONELLA: We don't cover
12 subways in the Staten Island. In addition to that, we
13 have our own Transit Bureau High-Visibility Train
14 Patrol. Our officers do four-hour post-tour on all
15 platoons. That gives us an additional 600 members per
16 average day, and that covers 274 train patrols so
17 that gives us the additional officers on train
18 patrol, riding those trains, people seeing them.

19 In addition to that, we also, the Chief
20 had mentioned Community Affairs. They're at 20 high-
21 volume stations during the a.m. rush hour and during
22 the p.m. rush hour Monday to Friday.

23 MTA police, I know you talked about that,
24 they assist us in covering five different stations
25 also, 40 to 50 officers covering those stations. Like

1 I said, with the End of the Line, they do cover three
2 End of the Line stations out there.

3
4 ACTING CHIEF KEMPER: I just want to add
5 also the uniformed patrol from the other bureau,
6 Patrol Service Bureau, the Police Commissioner and
7 Chief of the Department has mandated that when they
8 have time also to visit the train station in their
9 respective sector also, and we keep data on that too,
10 and we have the numbers on how many station
11 inspections so theoretically a sector, when they had
12 downtime, they would go to the train station in his
13 or her sector and they would get out and they would
14 do a subway inspection, meaning they would go into
15 the station, look around, make sure everything's all
16 right, and then they would resume patrol rather than
17 just drive around aimlessly.

18 DEPUTY CHIEF PONELLA: Those precinct
19 sectors have done over half a million transit patrols
20 in the subway system. Pair that with over 450,000
21 station inspections by transit officers, and you have
22 over a million patrols in the subway system.

23 CHAIRPERSON BROOKS-POWERS: You alluded to
24 this just a little bit, but I just want to be clear.
25 The police officers that's a part of the increased

1 presence, have they been reassigned from other
2 patrols outside of the transit system, and, if so,
3 what were the patrols? I heard Community Affairs, but
4 are there any other?
5

6 DEPUTY CHIEF PONELLA: Those officers are
7 assigned to precincts. They come into subways. They
8 do tour extension. They work their normal tour in the
9 precinct then they work those four extra hours in
10 subways on different tours after their tour.

11 CHAIRPERSON BROOKS-POWERS: And the four
12 extra hours is considered overtime?

13 ACTING CHIEF KEMPER: Correct.

14 DEPUTY CHIEF PONELLA: Yes.

15 ACTING CHIEF KEMPER: In other words, the
16 precinct is not losing them. They're there for the
17 entire tour.

18 CHAIRPERSON BROOKS-POWERS: I just want to
19 now shift over to involuntary hospitalization of the
20 mentally ill. Although the Mayor's directive to
21 involuntarily hospitalize individuals who cannot meet
22 their own "basic human needs" have been framed as a
23 policy aimed at providing help to New Yorkers who are
24 unsheltered and have severe mental illness, there has
25 been robust media coverage that says such policy is

1
2 equally aimed at addressing public safety concerns,
3 particularly in the subway. Advocates and mental
4 health providers are concerned that this narrative
5 that the majority of safety concerns in the subway
6 system stem from unsheltered persons with severe
7 mental illness will cause those carrying out the
8 directive to engage with these individuals and act as
9 fuel for escalation. How does NYPD plan on ensuring
10 that law enforcement implementing the directive,
11 particularly in the subway, have the necessary tools
12 and training to recognize when someone actually needs
13 to be hospitalized and receive intervention out of
14 concern for their well-being rather than out of
15 concern that that person's presence in the subway is
16 a potential threat to public safety?

17 DIRECTOR CLARKE: Yeah, I think that's a
18 good question. We are rolling out training this week
19 for our officers. The initial training will be with
20 our Training Sergeants, and every Command has a
21 Training Sergeant who is responsible for providing
22 training to the officers in their precinct, but this
23 isn't new necessarily. The expansion based on the
24 Office of Mental Health guidance expands when we can
25 utilize hospitals to help people who are mentally ill

1
2 and unable to care for themselves and in danger of
3 causing significant harm. That's new and that's being
4 added, but the officers have been trained on how to
5 interact with people suffering from mental health
6 staring in the academy. They've been trained on what
7 it looks like for someone who is a danger to
8 themselves or others. This is expanding that to
9 people who, not because they're homeless, it's not
10 because they're homeless, it is people who exhibit
11 signs of neglect of their own personal well-being
12 such that immediate medical attention and hospital
13 attention is necessary, and that's the goal of this
14 training is to make sure we're really focusing on the
15 people who meet that definition.

16 CHAIRPERSON BROOKS-POWERS: What
17 information goes into determining when someone cannot
18 meet their own "basic human needs?"

19 DIRECTOR CLARKE: Right. That will be
20 hashed out a little bit in the training. It's sort
21 of, I don't want to get into every example. I can
22 give an example, and this is not necessarily a subway
23 example, but someone on a very cold night doesn't
24 have enough clothing or blankets and can't
25 acknowledge the officers that there is an issue,

1 won't accept any help, and maybe something like that,
2 but I don't want to go into every possible scenario,
3 but that'll be hashed out into the training.

4
5 CHAIRPERSON BROOKS-POWERS: I mean if
6 someone doesn't have on clothes, that wouldn't
7 necessarily make me feel like they need to be
8 hospitalized as opposed to needing resources to
9 address that so are you handling homelessness and
10 mental illness separately? Is it being conflated?

11 DIRECTOR CLARKE: It's not. I guess I'll
12 say there are homeless people who have severe mental
13 health issues...

14 CHAIRPERSON BROOKS-POWERS: And there are
15 some people that are just homeless.

16 DIRECTOR CLARKE: They're just homeless,
17 right, and this is not about homeless people. It's
18 about people who have mental health issues such that
19 they can't meet their basic needs. I want to be clear
20 being homeless is not being incapable of meeting your
21 basic needs. That's two different things.

22 CHAIRPERSON BROOKS-POWERS: Is NYPD
23 working with mental health professionals to be able
24 to shape this training and to create these measures
25 in which NYPD officers would engage and would be able

1
2 to decipher and also with the training, how frequent
3 is that training going to happen with officers or
4 with the Training Sergeants to be able to ensure that
5 this information stays fresh with the officers?

6 DIRECTOR CLARKE: I think the whole
7 Mayor's announcement has been a cumulative effort,
8 and we are working with the Mayor's Office, DOHMH,
9 DHS on sort of the outlines of how it would work, and
10 we'll work with them on making sure that our training
11 is proper and correct. I don't know how often it'll
12 happen. That I don't have right now, but it has been
13 a cumulative effort between us and other agencies.

14 CHAIRPERSON BROOKS-POWERS: How does the
15 directive relate to the administration's Subway
16 Safety Plan that was released in February 2022, which
17 explicitly states that such plan is intended to
18 "address public safety concerns and support people
19 experiencing homelessness and severe mental illness
20 on New York City subways?"

21 DIRECTOR CLARKE: I think this is an
22 expansion of that, and the Mayor's most recent plan
23 isn't limited to subways necessarily, but it's an
24 expansion of that, and the goal is to provide help
25 for people who need help. That is the underlying

1 mission of this, is to find people who need help and
2 provide them help. Again, I just want to be clear,
3 this new initiative is not a homeless initiative. It
4 is a mental health initiative, and it's true that
5 many chronically homeless individuals, chronically
6 unsheltered homeless individuals have mental health
7 issues and substance abuse issues that sort of
8 contribute to that, but it is a mental health issue,
9 not a homelessness issue, even though there's
10 overlap.
11

12 CHAIRPERSON BROOKS-POWERS: The plan also
13 included comprehensive investments in short- and
14 medium-term solutions such as expanding outreach
15 teams with NYPD and clinicians, additional housing,
16 and mental health resources. What steps has the
17 administration taken since the announcement towards
18 accomplishing these goals?

19 DIRECTOR CLARKE: I can speak to what NYPD
20 has been doing, and we have been working with our
21 partner agencies to make sure we have the teams out...

22 CHAIRPERSON BROOKS-POWERS: Just to be
23 clear, I'm talking about in the context of the subway
24 system so I understand that this directive goes
25

1 beyond transportation so if you could answer it
2 specific for...

3
4 ACTING CHIEF KEMPER: Those teams that I
5 spoke about with DOHMH, us going out with nurses,
6 clinicians started in October so that's part of the
7 plan that we have dedicated teams going out there.

8 CHAIRPERSON BROOKS-POWERS: Right, but my
9 question is what steps has the administration taken
10 because there's a number of things besides deployment
11 of NYPD that's included in this plan. What steps have
12 been taken to be able to achieve some of these goals?

13 DIRECTOR CLARKE: I don't know. I don't
14 know exactly what DOHMH and DHS has done in relation
15 to that plan. I mean we can go back and get an answer
16 for you on that, but sitting here today...

17 CHAIRPERSON BROOKS-POWERS: Please.

18 DIRECTOR CLARKE: I don't know, not
19 exactly sure what other agencies have done.

20 CHAIRPERSON BROOKS-POWERS: Okay. If
21 people are being transported to hospitals under this
22 directive, what is the administration doing to ensure
23 that once they're discharged they won't end up back
24 in the subway, and I'm going to just say this is
25 particularly close to heart for me because I have

1 worked in a hospital before, in the emergency
2 department where it was a revolving door where at
3 nighttime NYPD officers would bring in homeless
4 people, they would bring people with mental illness,
5 we would keep them warm at night, obviously feed
6 them, but the next day they're back on the street,
7 and that's not addressing the real issues that are at
8 hand so I just want to understand what the
9 administration is doing to make sure that that's not
10 what this is.

12 DIRECTOR CLARKE: I know that was part of
13 the plan and part of the discussions, and, again,
14 I'll have to get back to you on the programs that the
15 city has put in place for the people in the
16 hospitals. We have the relevant agencies who would
17 know better than me on that. I can tell you what our
18 role is, and it's to work with the mental health
19 professionals to get people in front of a mental
20 health professional, but we can certainly get back to
21 you on what the rest of the administration is doing
22 for their part of the plan.

23 CHAIRPERSON BROOKS-POWERS: Yeah, because
24 it's going require significant, and I read the
25 Mayor's plan, some of them I think obviously are

1 clearly like this is not in place already but then
2 across the plan it requires a lot of coordination
3 whether it's between judges or medical personnel so
4 I'm just curious if the administration has begun
5 having those conversations, if they had it prior to
6 releasing this directive to make sure that it's
7 successful and achieves the goals that it sets out
8 to.

10 Also, I'd like to know how will the
11 Mayor's new directive on involuntary hospitalization
12 impact the work of these units.

13 DIRECTOR CLARKE: I think it, again,
14 builds on the work of the units. It is giving new
15 guidance and directives on the situations where they
16 can remove someone to a hospital, but it's continuing
17 the work the units were already doing but just sort
18 of expanding the scenarios in which we can provide
19 help to people.

20 CHAIRPERSON BROOKS-POWERS: I can imagine
21 it's going to be time-consuming because when an
22 officer writes out a summons, that takes time, and
23 now when you're talking about removing someone from
24 the subway system and getting them to the nearest
25 hospital it'll probably take even more time and then

1 to do the paperwork. Obviously, this is still a
2 relatively new directive, but it will be interesting
3 to see what that impact is going to be on the units.
4

5 DIRECTOR CLARKE: Sure, and I think that's
6 true that we have experience with bringing people to
7 hospitals and it does take time. It's transporting
8 them with EMS or to a place to get help, but I think,
9 like the Chief said, the whole idea is to help people
10 who need help, and we're willing to do whatever it
11 takes to do that, but it does take time to make that
12 happen.

13 CHAIRPERSON BROOKS-POWERS: Individuals
14 with severe mental illness tend to be disoriented,
15 have atypical thoughts such as paranoia, and are
16 generally not in the best position to comply
17 collaboratively with law enforcement. If law
18 enforcement engages and the individual reacts poorly,
19 would the individual then be charged with a felony
20 assault on a police officer or will he still be taken
21 in for an evaluation?

22 ACTING CHIEF KEMPER: Let me answer that.
23 Each situation is different. Could someone be charged
24 with a felony assault? Yes, and could that help them
25 with their defense? Yes, but mostly just from

1
2 experience most of the time emotionally disturbed
3 people are treated as that, emotionally disturbed
4 people, and that's it. We're not going to tack on the
5 additional arrest. If that makes sense.

6 CHAIRPERSON BROOKS-POWERS: Thank you for
7 that. What is the impact on overtime with this new
8 directive? So far, what have you seen in terms of the
9 overtime hours collective?

10 DIRECTOR CLARKE: I don't know the number
11 of hours, but it's typically four hours extended to
12 the tour. So far, it's been about 28 million dollars
13 in overtime. We are in discussions with the State
14 about possible reimbursement of that money, but
15 that's where it's been so far.

16 CHAIRPERSON BROOKS-POWERS: In your
17 testimony, Chief, you mentioned that there has been
18 an increase in arrests by 46 percent. What are some
19 of the categories with those arrests?

20 ACTING CHIEF KEMPER: Inspector Porteus
21 will detail all the top arrests that we have. I just
22 want to be clear the period I'm talking about is
23 November 7th through December 4th.

24 CHAIRPERSON BROOKS-POWERS: November...

ACTING CHIEF KEMPER: 7th through December
4th so when you hear us say for the period, it's a
four-week period.

CHAIRPERSON BROOKS-POWERS: So is that 28
million dollars for this period?

ACTING CHIEF KEMPER: No, no, no.

CHAIRPERSON BROOKS-POWERS: Okay. Clarify
now.

ACTING CHIEF KEMPER: When we just talk
about numbers (INAUDIBLE) talk, that's how we talk
period.

CHAIRPERSON BROOKS-POWERS: Okay.

ACTING CHIEF KEMPER: Last week, the week
that just started, if you see it's 12-12 now because
in the NYPD we reset our crime stats, but here's what
I can say in relation to crime, and I promise you
he's going to give you the arrest numbers you want in
one minute, but I think it's important we get this
out. We beat last week also by 20 percent in the
transit system. The last five weeks in the subway
system, the Transit Bureau has reduced crime five
consecutive weeks since the start of the infusion of
the additional cops. To put that in perspective, I
think we're in week 49-ish right now, give or take,

1
2 somewhere around there. The entire year, and we go
3 week-by-week, the City in the transit system has only
4 beat, like did better in crime, 10 weeks the entire
5 year, five of them are these consecutive weeks going
6 into right now so that's why I say it's extremely
7 encouraging with the crime reduction. Make no mistake
8 about it, anyone that's in this room, Chair, Chair,
9 everyone and anyone listening to me, we're not
10 claiming victory. There's still a lot of work to be
11 done. We recognize that, and we realize that, but the
12 initial signs of this investment, this unprecedented
13 investment, is exciting for us and it's positive and
14 we want to really, really keep that moving.

15 INSPECTOR PORTEUS: The number you
16 mentioned, the 46 percent, that was the year-to-date
17 increase. I'll just run down the categories. There
18 are 2,575 felony arrests, 5,149 misdemeanor arrests,
19 485 violations. Of those felonies, we made 451
20 robbery arrests, felony assaults 371, and grand
21 larceny was 256 arrests. Looking at the guns, we
22 mentioned guns, year-to-date we have 30 gun arrests.
23 That's included in that 46 percent. Narco arrests
24 555, misdemeanor assaults 463, fare evasion 1,907. As
25 you mentioned, we're up 46 percent. Even for the 28-

1 day, we're up 38 percent. It's showing that our men
2 and women are out there engaging the perpetrators
3 that are committing these crimes.
4

5 CHAIRPERSON BROOKS-POWERS: Out of those
6 arrests, how would you categorize anyone with severe
7 mental health involvement or are they, again,
8 separate?

9 ACTING CHIEF KEMPER: It's hard to
10 quantify, but that's an interesting question because
11 I asked that same question a couple years ago.

12 CHAIRPERSON BROOKS-POWERS: I think that
13 that's something we need to unpack.

14 ACTING CHIEF KEMPER: Please don't quote
15 me, but I think this is accurate, and we're going to
16 get you the answer the best we can. Out of everyone
17 arrested for a major crime in the subway system, just
18 north of 40 percent have some sort of documented
19 psychiatric history. Okay, so that was the number
20 that was given to me verbally. I didn't see it, but
21 that's what was passed along to me so we're looking
22 at, and that's major crimes, those are the majors,
23 the murders, the rapes, the robberies, the felony
24 assaults, the burglary, the grand larceny, the top
25 crimes.

CHAIRPERSON BROOKS-POWERS: The 40 percent you're saying are all of the violent offenses or is that across the board?

ACTING CHIEF KEMPER: No, no. Just focusing on who's committing the major felonies, the major crimes in the New York City subway system, just a little more than 40 percent have a documented psych history, and that's documented. What about which isn't documented, right, and how do we capture that so I don't know how we would go about capturing that.

CHAIRPERSON HANKS: That would be my next question is the next steps in this process, understanding as you pointed out these aren't the same but in fact there are some overlaps and overlays in this, and I think that if we want to be smart about how we attack it, how we address it I should say, that I think that we should be working closely to try and figure out what those numbers are, how we separate them, and that will give us an idea on how we address it and remedy it. That's really the piece that the public is kind of focused on and part of the purpose of this hearing being a joint hearing, Transportation and the Committee on Public Safety, like kind of really unpacking that our and figuring

1
2 it out and then working with each other to figure out
3 how we can best address it and what are the things we
4 can do.

5 ACTING CHIEF KEMPER: Just looking at that
6 40 percent number, I'm looking at it right now.
7 That's accurate. 333 out of 857. Interestingly
8 enough, when looking at the types of crimes, nine
9 homicides in the subway system this year, eight of
10 the nine of them have arrests where the individual
11 who perpetrated that murder has a documented history
12 of emotionally disturbed behavior.

13 CHAIRPERSON HANKS: And when you mean,
14 just for the record, has a history of documented
15 emotionally or mentally disturbed behavior, just
16 elaborate on that for the record, meaning documented,
17 where...

18 ACTING CHIEF KEMPER: Meaning we've had
19 contact with them and it's documented on a report
20 that they were suffering from some sort of mental
21 health...

22 CHAIRPERSON HANKS: Police report or a
23 hospitalization report or both?

24
25

1
2 ACTING CHIEF KEMPER: It's definitely
3 going to be from a police report. I don't know if we
4 have access to the hospital reports.

5 DIRECTOR CLARKE: Right. There's some
6 confidentiality..

7 CHAIRPERSON HANKS: I got you.

8 DIRECTOR CLARKE: I'm pretty sure it's
9 reports that we had contact with them.

10 ACTING CHIEF KEMPER: We document it on an
11 AIDED report is what we call them. We could query
12 that.

13 CHAIRPERSON HANKS: Is there any mechanism
14 that when you realize that there's some emotion or
15 mental behavior involvement, what happens to that
16 person after that?

17 ACTING CHIEF KEMPER: With the arrest?

18 CHAIRPERSON HANKS: Yes.

19 ACTING CHIEF KEMPER: Listen. We're one
20 part of the process, probably the most visible. I'd
21 like to say the most important, but that's not the
22 truth. The next step of the process is the D.A.'s
23 office in that respective county. This information is
24 passed along so the D.A.s are the ones that are
25 charged with the prosecution. We present them the

1 case, and that's passed off to the prosecutors and
2 they'll be made aware. They're certainly well-aware
3 of all the facts of the case, particularly who's
4 arrested. Yes.

5
6 DIRECTOR CLARKE: I'm pretty sure every
7 prosecutor's office has diversion programs that they
8 can utilize if a person's mental health was a
9 significant contributor to the commission of the
10 crime, they have off-ramps where you can get
11 treatment. In exchange for treatment, you either get
12 a lower sentence or a case dismissed. I think every
13 office has programs like that.

14 CHAIRPERSON HANKS: Thank you so much.

15 CHAIRPERSON BROOKS-POWERS: I have some
16 more questions, but I'm going to yield to Council
17 Member Bottcher.

18 COUNCIL MEMBER BOTTCHEER: Thank you very
19 much. My question is about cameras in subway
20 stations. As you know, one of the challenges with
21 securing these stations is how big they are, how many
22 exits they have. West Fourth Street, just as an
23 example, you've got the entrances at West Third and
24 then blocks away you have the entrances at Waverly,
25 you have three levels, you have four platforms. There

1 are cameras at the exits and entrances there, but
2 they're like analog camera. They go to a tape.
3 They're not live cameras. The MTA President earlier
4 talked about how they're getting the booth staff out
5 of the booth which is great, but why don't they have
6 access to live feeds of the cameras around the
7 station?
8

9 ACTING CHIEF KEMPER: There are certain
10 cameras we do have access to live feeds.

11 COUNCIL MEMBER BOTTCHEER: In some
12 stations. West Fourth Street, for example, we went
13 there in March on a walk-through, and we were told at
14 that meeting that there would be a live camera
15 installed at the Waverly Street entrance, which we
16 get a lot of complaints about that, a lot of
17 constituents don't like to use that entrance. It's
18 now December. We haven't heard anything from the MTA,
19 hoping to get an update from them soon, but is it
20 part of your strategy to get live cameras?

21 DEPUTY CHIEF PONELLA: We would love to
22 have live cameras. Half of the cameras that are in
23 the system now, you could view live. I know their
24 intentions are to upgrade all those cameras to be
25 viewed live. You'd have to ask them what schedule

1 that's on, but, again, we would love to view those
2 cameras live, and we do get some great coverage from
3 our partners in the MTA at different locations.
4

5 ACTING CHIEF KEMPER: I'm going to jump on
6 the cameras. I'm sorry. We love video cameras. They
7 hold so much value both as a deterrent, make no
8 mistake about it the bad guy, the average bad guy
9 knows where the cameras are. It's a deterrent, and
10 it's an amazing investigative tool. It has so much
11 investigative value, the video cameras. This I can
12 say, the MTA is fantastic with us with the video. If
13 we need a source of video, we have access to that
14 video almost instantaneously so the expansion of the
15 video that they've been talking about, expanding
16 what's already out there video-wise, both in
17 platforms, and you're right, the stations are
18 expansive. Some of these stations, you tell someone
19 the West Fourth Street or whatever station and
20 they're thinking oh, some of these stations are
21 tremendous. Two or three cameras in an individual
22 station is like a needle in a haystack so, yeah, so
23 they do have plans to expand it both on the stations
24 and on the cars also. I think the ultimate goal from
25 the MTA is to have every subway car outfitted with a

1 video camera, but we are very, very supportive of the
2 video. We use it all the time. These videos solve big
3 cases, and by solving these cases with the video,
4 we're preventing new cases from happening.
5

6 COUNCIL MEMBER BOTTCHEER: What's the
7 update on getting live cameras in stations throughout
8 the system? Is it a big priority of yours and have
9 you spoken to the MTA about this recently?

10 DEPUTY CHIEF PONELLA: It's a priority of
11 ours, yeah. Like I said, we would love to have live
12 cameras, but it's on their schedule to get these
13 things upgraded.

14 COUNCIL MEMBER BOTTCHEER: Do the officers
15 who are on the platform, when there are live cameras
16 do they have access to the live cameras on their
17 devices?

18 ACTING CHIEF KEMPER: This I can say. Each
19 transit district has access to cameras in real-time.
20 There are 12 transit districts throughout the city so
21 they do have access to the cameras, and they should
22 be viewing it. Also at the Transit Bureau level, the
23 Transit Bureau headquarters, we have a large room, we
24 call it a Joint Command Center, where we have the
25 cameras playing live, and we have restricted duty

1
2 police officers viewing them. If they do observe
3 anything out of the ordinary, whether it's a crime or
4 an AIDED or any sort of condition, we do have
5 procedures and mechanisms in place how they get that
6 information from viewing it live right to the field
7 level. I don't know if that's where you were going.
8 As far as the average cop viewing the camera on their
9 cell phone, I don't believe that they have that
10 ability.

11 COUNCIL MEMBER BOTTCHEER: We're at the
12 West Fourth Street subway, and I ask the officer
13 who's in the middle of the platform, very long
14 platforms, I said can you see any of the cameras that
15 are in this station, and he said no, those cameras
16 just take tape, they're not live, but on my phone
17 here I can show you live feed of Times Square, Port
18 Authority, they can't see the entrances and exits of
19 the station they're in.

20 ACTING CHIEF KEMPER: Yeah, there are
21 certain (INAUDIBLE) sources of video throughout the
22 city that we do have access on the phone. In relation
23 to which ones of them are in the New York City subway
24 system, I don't have that answer for you. I can get
25 you that answer, but right now as I sit here I can't

1 with any sort of confidence give you a legitimate
2 response on that. I apologize.

4 COUNCIL MEMBER BOTTCHER: Last question.

5 Do you think it would be a good plan for the transit
6 cops who are on the platforms to have on their device
7 the ability to see cameras of what else is happening
8 throughout the station?

9 ACTING CHIEF KEMPER: Quick answer, a one-
10 word answer, yes, of course.

11 COUNCIL MEMBER BOTTCHER: Thanks.

12 CHAIRPERSON BROOKS-POWERS: Thank you. I
13 just want to go back to two quick questions. When we
14 were talking about when someone who may have mental
15 illness if they're arrested, what are the guidelines
16 for when they are charged with assault on officers?

17 ACTING CHIEF KEMPER: As far as
18 guidelines, again, every situation is different. I
19 think it's a case-by-case basis. Here's what I can
20 say. Every time a person is arrested and is treated
21 for a psychiatric issue, that information is passed
22 along immediately to that respective D.A.'s office to
23 make a decision on whether they're going to defer
24 prosecution or move forward. I don't think there's a
25 one-size-fits-all answer to that if that makes sense.

1
2 CHAIRPERSON BROOKS-POWERS: I hear you. My
3 only thing is the absence of a standard, right, so if
4 someone is arrested for a felony assault that may
5 have mental health illness because you said that some
6 of them can be arrested so in those cases where
7 someone who is mentally ill can be arrested for
8 assault on a police officer, there should be a
9 threshold or a standard in terms of guidelines with
10 that.

11 ACTING CHIEF KEMPER: Yeah, and we can
12 bring that. I hear loud and clear what you're saying.
13 Again, it'll depend on the severity of the crime. If
14 it's a murder...

15 CHAIRPERSON BROOKS-POWERS: We broke up
16 the question, but this is a followup from the
17 question when I said if law enforcement engages and
18 the individual reacts poorly, would the individual
19 then be charged with a felony assault on a police
20 officer or would they still be taken in for
21 evaluation. Your response was that sometimes they
22 will get arrested for felony assault so in those
23 cases, I'm asking you what are the guidelines for
24 when they're charged with assault on an officer?

1
2 ACTING CHIEF KEMPER: I would say probably
3 the overwhelming majority that assault a police
4 officer are going to be charged and then what happens
5 to that case, how that individual case is disposed
6 will be determined at the next process in the justice
7 system, usually at the district attorney level or at
8 the judge's level.

9 CHAIRPERSON BROOKS-POWERS: I think this
10 also stems back to the training that's need because
11 if an officer cannot be able to properly identify if
12 someone is having a mental health crisis and then the
13 aggression or the response is then viewed as an
14 assault on the officer, you've now arrested someone
15 who has mental health illness. That's the concern.

16 ACTING CHIEF KEMPER: Yeah, and that's a
17 great concern, and we do recognize. Sometimes, just
18 the presence of the uniform alone could really take a
19 situation far right, just a cop just walking up and
20 we do recognize that, and that's why when we are
21 confronting individuals, at least we're trying our
22 best when we confront people with mental health
23 issues, we're going with clinicians, we're going with
24 people out of uniform to really try to prevent that
25 from occurring, but in practicality that's just not

1 100 percent, it just can't be done all the time, so
2 there is training on this topic. You could talk about
3 CIT training. We could talk about a specific type of
4 training.
5

6 INSPECTOR PORTEUS: Crisis Intervention
7 Training. It's a four-day training given at the
8 Police Academy. I think, Tom, you have the numbers,
9 but I think upwards of 60 percent of our officers are
10 trained, and that includes de-escalation. The
11 training is great because it puts folks that
12 experienced mental illness in the past as the
13 trainers so they give real-life scenarios. It's been
14 very well-received by our officers. It's given at the
15 academy, and then it's also in-service training as
16 well for our officers to go there and receive that
17 training. To your point, the better trained a police
18 officer is, the better they'll be able to deal with
19 somebody in crisis.

20 CHAIRPERSON BROOKS-POWERS: I'm going to
21 come back to this, but I want to be respectful
22 because Council Member Caban is Chairing another
23 hearing and has some questions.

24 COUNCIL MEMBER CABAN: Thank you. I
25 appreciate that, Chair. Also, the things you brought

1
2 up make me want to completely throw away some of the
3 things I was going to ask and follow up on that, but
4 I guess quick questions to start is does the NYPD
5 have training materials, patrol guide updates,
6 related to the Mayor's mental health directive and,
7 if so, are you going to make those publicly
8 available, and I'm just asking for a yes and no on
9 both of those pieces, please.

10 ACTING CHIEF KEMPER: Say that one more
11 time. What directive?

12 COUNCIL MEMBER CABAN: Sure. Does the NYPD
13 have training materials or patrol guide updates
14 related to the Mayor's mental health directive, yes
15 or no, and, if so, will you make those publicly
16 available, yes or no?

17 DIRECTOR CLARKE: Yes to the first
18 question. To the second question, I don't know if
19 that was a plan, but a patrol guide, certainly.
20 That's publicly on our website but...

21 COUNCIL MEMBER CABAN: Will you provide
22 them to the Council if not publicly to start?

23 DIRECTOR CLARKE: I'll go back and ask
24 (INAUDIBLE) about that.

1
2 COUNCIL MEMBER CABAN: Okay, and I'm sure
3 people are foiling as we speak so it would be good to
4 get those things moving.

5 Does the NYPD check how long officers
6 spend taking individuals to hospitals for mental
7 health crisis or episodes and is that data available
8 for the public to see?

9 DEPUTY CHIEF PONELLA: No, we don't track
10 that.

11 COUNCIL MEMBER CABAN: Okay, and then
12 moving on. I want to go into some of the things that
13 the Chair brought up and your answer. I think it's
14 interesting that you said that the presence of
15 uniforms alone can really escalate a situation and so
16 it makes me question why we continue to do co-
17 response if that is the case, especially when we do
18 have an alternative model that is not a co-response
19 in B-HEARD. The other thing that I heard, and I'm
20 going to be talking for a little bit here, is around
21 that four-day training that's being provided, and I
22 want to put this in context. I sit on a Steering
23 Committee of local elected officials across the
24 country where we have spent the last year visiting
25 different cities, trying to address their mental

1 health crises, specifically visiting their
2 alternative mental health response teams that are not
3 co-response teams, and two of the things that were
4 really striking was one thing that you mentioned. The
5 stakeholders, which the police departments there are
6 critical stakeholders in the success of these
7 programs because they champion them, they tell them
8 we can't do this, we don't want to do it, we are no
9 substitute for what these folks can do, and what
10 these stakeholders have said, Fire Department, Police
11 Department, mental health professionals is that a
12 person experiencing a mental health episode or crisis
13 in the moment overwhelmingly is not an imminently
14 dangerous situation but when you send the wrong
15 responder with the wrong response, that's when it
16 potentially becomes deadly and we often see that with
17 police interventions, and the other thing that they
18 said, and it was striking because it's usually the
19 Police Chief that communicates this piece, is that
20 there is no amount of supplemental training that is a
21 substitute for full-time professional mental health
22 providers and so when I hear the answer of we want to
23 have these other workers and you acknowledging that I
24 appreciate that, and then you said it can't be done,
25

1
2 but I would suggest or put forth that it can be done,
3 but it's a matter of workforce allocations and this
4 isn't necessarily for you guys but for the
5 administration as a whole when we have as many police
6 officers as we have but B-HEARD is going to be
7 cutting, they're not going to fill 50+ positions when
8 really we should be expanding that citywide, again
9 something that's being told to us city over city
10 across the country that these programs should be
11 expanded and be available citywide to have the right
12 people responding to the right issues. I think that
13 we can do better here, and it seems like there's
14 these binaries that are being tossed at us that I
15 just want to put on the record that we should be
16 collectively rejecting. I went on a diatribe, but I
17 am going to ask you a final question. In the
18 announcement about the mental health directive, the
19 Mayor said "we will develop a special cadre of
20 clinicians paired with NYPD officers dedicated to the
21 difficult work of getting New Yorkers in crisis into
22 care." Is this referring to the currently existing
23 NYPD co-response teams where an officer is paired
24 with a social worker or is he referring to some other
25 NYPD unit?

1
2 DEPUTY CHIEF PONELLA: He's referring to
3 the teams now and additional teams that are going to
4 be going out.

5 COUNCIL MEMBER CABAN: Additional teams.
6 Do you mean that the co-response is being expanded or
7 new teams?

8 DEPUTY CHIEF PONELLA: It's still in the
9 works right now.

10 COUNCIL MEMBER CABAN: Say that again.

11 DEPUTY CHIEF PONELLA: It's still in the
12 works right now.

13 COUNCIL MEMBER CABAN: Okay, so what I am
14 hearing to be clear is that we are going to see an
15 expansion of co-response teams so an expansion of
16 police-involved mental health intervention...

17 DEPUTY CHIEF PONELLA: Not necessarily co-
18 response teams.

19 COUNCIL MEMBER CABAN: While we're seeing
20 a cut in completely mental health and health
21 professional led teams like those that are part of B-
22 HEARD.

23 INSPECTOR PORTEUS: That's not co-response
24 teams that are going out. The teams are NYPD Transit
25 Bureau and DOHMH folks that are going out together,

1 not co-response. That's a different unit you are
2 referring to.

3
4 COUNCIL MEMBER CABAN: I'm talking about
5 the subway NYPD co-response team if that was part of...

6 INSPECTOR PORTEUS: That's not part of
7 what Chief Ponella was talking about earlier.

8 DIRECTOR CLARKE: But I think it envisions
9 more cooperation between the NYPD and other agencies,
10 and the co-response is above ground and we have teams
11 below ground, but I think that involves more
12 cooperation us and other agencies to...

13 COUNCIL MEMBER CABAN: You're saying co-
14 response isn't happening below ground?

15 DIRECTOR CLARKE: I'm sorry. We have teams
16 with NYPD and mental health clinicians that are in
17 the subways.

18 COUNCIL MEMBER CABAN: Yeah, because I've
19 seen them.

20 DIRECTOR CLARKE: Yeah, right, yes, and
21 then we have other teams that are above ground so it
22 involves more cooperation between us and other
23 agencies that I sense.

24 COUNCIL MEMBER CABAN: I mean my specific
25 question was when he talked about developing a

1 special cadre of clinicians paired with NYPD
2 officers, put simply is that referring to the
3 currently NYPD co-response teams?
4

5 DIRECTOR CLARKE: I don't know if it's the
6 current teams or it's something new, joint efforts,
7 that's for sure, but I can get back to you on that.

8 COUNCIL MEMBER CABAN: So it sounds like
9 y'all are kind of operating and trying to implement
10 the Mayor's directive based solely on a few
11 paragraphs and a lot of gaping gaps in information.

12 DIRECTOR CLARKE: No, I don't think so. I
13 will say this is our office and our partner agencies
14 in the Mayor's Office have been working on this. We
15 are talking about what's happening in the subway
16 here. We can get more information about the full
17 announcement for you. I don't know exactly how it's
18 going to work personally, but we can get more
19 information about the global plan for you guys.

20 COUNCIL MEMBER CABAN: Thank you. Would
21 love all the information we could get. It sounds like
22 this is being implemented as per the Mayor's comments
23 but that there's still things that y'all don't know.
24 Thank you.

1
2 CHAIRPERSON BROOKS-POWERS: Thank you.
3 Just want to get a better sense of the staffing
4 adding on to what Chair Hanks had asked earlier in
5 terms of the nurses, the clinical nurses. I'm
6 interested in knowing how many clinical nurses are a
7 part of this directive, and also what is the ratio to
8 officers for these cohorts that go out.

9 DEPUTY CHIEF PONELLA: Every night with
10 our DOHMH, we go out with at least one nurse
11 clinician so that's six teams so there's at least six
12 of them working. Sometimes there's a few more. I know
13 they're in the process of trying to hire more nurses...

14 CHAIRPERSON BROOKS-POWERS: What's the
15 composition per team though?

16 DEPUTY CHIEF PONELLA: It's usually two
17 police officers with one nurse clinician.

18 CHAIRPERSON BROOKS-POWERS: Okay, and are
19 the nurses dealing with the mental health aspect or
20 the nurse encompasses health and...

21 DEPUTY CHIEF PONELLA: Yes.

22 CHAIRPERSON BROOKS-POWERS: Okay. I just
23 wanted to be clear on that. There's only six teams so
24 how many stations is that? Is it six stations?

25

1
2 DEPUTY CHIEF PONELLA: They do multiple
3 stations. It's approximately eight of the top
4 stations that we are going to right now.

5 CHAIRPERSON BROOKS-POWERS: Are you able
6 to share which stations?

7 DEPUTY CHIEF PONELLA: Yeah, I can share
8 that.

9 ACTING CHIEF KEMPER: And while you're
10 finding that, I'll just ask my last question. It
11 refers to DSS. In terms of staffing that they may
12 have in the subways also, are they a part of the
13 cohort with NYPD also? What does that look like?

14 DEPUTY CHIEF PONELLA: DSS goes out with
15 us on two different levels. DHS, they go out with our
16 original Joint Response Teams. Those are three teams
17 so there's two police officers, one DHS social worker
18 as well as we work in conjunction with them at the
19 End of the Line locations also.

20 CHAIRPERSON BROOKS-POWERS: The second
21 one?

22 DEPUTY CHIEF PONELLA: I'm sorry.

23 CHAIRPERSON BROOKS-POWERS: You said there
24 were two levels.

1
2 DEPUTY CHIEF PONELLA: Yeah, the Joint
3 Response Teams and also the End of the Line
4 locations.

5 CHAIRPERSON BROOKS-POWERS: What is it?
6 I'm sorry. I didn't hear you.

7 DEPUTY CHIEF PONELLA: End of the Line
8 operations.

9 CHAIRPERSON BROOKS-POWERS: Okay, End of
10 the Line.

11 DEPUTY CHIEF PONELLA: Right now, the
12 DOHMH teams with us go to World Trade Center, 34th
13 and 8th, 125 and Lex, 116th and Lex, the Times Square
14 Complex which includes 4, 2, and 8, the Columbus
15 Circle Complex, A, B, C, D, the 1 line, Broadway
16 Junction out in Brooklyn, the A and C, and 149 and
17 3rd in the Bronx on the 215.

18 CHAIRPERSON BROOKS-POWERS: So it's pretty
19 much only Manhattan, one in Brooklyn, and one in the
20 Bronx?

21 DEPUTY CHIEF PONELLA: At this point, yes.

22 CHAIRPERSON BROOKS-POWERS: Okay. Thank
23 you. I'll hand it over to Counsel. Thank you.

COMMITTEE COUNSEL LYNN: Thank you. We'll now turn to public testimony. Each panelist will be given two minutes to speak.

For panelists testifying in person, please come to the dais as your name is called and wait for your turn to speak.

For panelists who are testifying remotely, once your name is called a member of our staff will unmute you and the Sergeant-at-Arms will give you the go-ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony.

First, we will hear from Lisa Daglian, Charlton D'Souza, Raul Rivera, and Towaki Komatsu.

LISA DAGLIAN: Hi. I'm Lisa Daglian, and I'm the Executive Director of the Permanent Citizens Advisory Committee to the MTA, PCAC. Thank you very much for having this hearing today. It's really interesting to hear all of the different aspects that go into keeping our transit system safe. As you have both pointed out and your Colleagues did today, Transit really is an essential service that keeps our city and our entire region moving and without it not only do we stop but so does our regional economy and

1 most of us have no other way of getting where we're
2 going so I'm looking forward to continuing to work
3 with you on the issues that matter to riders and to
4 our city and the region.
5

6 PCAC is the official voice of riders. We
7 were legislatively created by the State in 1981
8 representing riders on New York City Transit,
9 subways, busses, Staten Island Rail, the Long Island
10 Railroad, and Metro North so we've got a regional
11 focus, but we all live here, and our members are
12 volunteers and we're regular riders so we are stuck
13 underground or riding smoothly as is everybody else.

14 It's not a secret that COVID decimated
15 ridership and that the MTA is still scrambling to
16 come back from that. We've seen the difference that a
17 couple of years have made in terms of going from a
18 real scarcity of people on the platform to having
19 more and more, and it is true that there is safety in
20 numbers, but it's also true that there is safety in
21 having more police officers, and we have long called
22 for data-driven deployment and additional tools that
23 the Police Department is bringing to bear and the
24 collaboration between the MTA and the Police
25 Department is really fruitful and beneficial as it

1
2 grows and their use of technology increases as well
3 so we're very pleased to see that. The programs like
4 Cops, Cameras, and Care Program feed into that. It
5 all costs money and with the fiscal cliff that the
6 MTA is facing we're very concerned that all of the
7 initiatives and all of the work that's gone into
8 ensuring that there's sufficient service, frequent,
9 reliable, safe, and accessible service is going to
10 just fall off the cliff with the MTA's finances. We
11 urge you to continue to work with the MTA, and we'll
12 continue to work with you and state and federal
13 partners to ensure that funding is available, not
14 just for operating the system as we know it but also
15 to ensure that there is enough money for Fair Fares,
16 something we heard a number of times in different
17 contexts today. We need to fix Fair Fares too. We
18 need to make sure that the eligibility requirements
19 are expanded so that more people can take advantage
20 of it. It's now 100 percent of the federal poverty
21 level. Not enough people qualify for that. We'd like
22 to see that expanded to the commuter rails also
23 within New York City. That's going to take funding
24 also. As Penn Access comes online, as Grand Central
25 Madison comes online, there's going to be so much

1 more service that people will only be able to see it
2 go by their window if they don't have access to
3 better fares through things like Fair Fares and also
4 Atlantic Ticket and Freedom Ticket and other discount
5 programs.
6

7 There are other kinds of safety as well.
8 On Friday, we asked the MTA to ramp up their Mask Up
9 Campaign due to the tripledemic and the diseases that
10 the winter brings and that we're seeing on the
11 increase. We're not asking for a mask mandate but
12 just for the MTA to increase their language to say
13 mask use is strongly encouraged so that riders can
14 bring joy and not germs home for the holiday.

15 We are also concerned about the use of e-
16 bikes, e-scooters, and e-mopeds in the system. It's
17 something that the Council is looking at very closely
18 particularly in housing and in commerce. We know that
19 people count on their mobility devices for work,
20 particularly deliveristas. We don't want to take that
21 away from people obviously, but there has to be a
22 safe way to transport people and their devices.
23 Reconfigured lithium-ion batteries can present real
24 problems as we've seen. My stepdaughter's apartment
25 was in that building on the East Side, which is

1 really scary, and we certainly don't want to see any
2 issues like that underground or on transit so we know
3 that the MTA is working on a safety plan for those e-
4 devices on transit. We ask also that as you are
5 looking at legislation to not forget transit and
6 transit riders as you're considering things like no
7 charging underground, no riding underground, and the
8 whole context of what's going to keep people safe in
9 all the myriad ways as we ride.
10

11 CHAIRPERSON BROOKS-POWERS: Thank you so
12 much.

13 LISA DAGLIAN: Thank you.

14 CHAIRPERSON HANKS: Thank you.

15 CHARLTON D'SOUZA: Good evening. My name
16 is Charlton D'Souza. I'm the President of Passengers
17 United. We're all volunteers. We don't get paid for
18 what we do, but we love our city, and we love the
19 subway.

20 I've been listening to this meeting very
21 carefully, and these are the facts. There have been
22 60 people who have been killed by subway trains, 60,
23 6-0, and 200 came into contact with the tracks in
24 addition, and there's been 10 murders in the subway
25 because there was that murder at West 4th Street.

1 I've been to all of these crime scenes overnight, and
2 I can tell you we have a wish list of things that we
3 need from the City Council. The wish list of things
4 we need is issues with communication. We've been
5 trying to get a meeting with the Mayor and the head
6 of the City Council. That hasn't happened yet. We
7 would love to have that meeting, but NYPD needs a
8 Twitter account for subways that is fully staffed
9 with social media people because most of the
10 complaints that we get and that NYCT Subway gets on
11 their Twitter page, a lot of times the RCC people or
12 the social media team at New York City Transit
13 they'll tell the passengers to call the BRC or call
14 3-1-1, and a lot of passengers don't have the time to
15 do that so there has to be a better way to do real-
16 time reporting. As far as the 3-1-1 system, the
17 mobile app, it's very hard to put tickets in there
18 because in the dropdown menu, if you see a condition
19 at a subway station, like Waverly Place at West 4th
20 Street, which we've been complaining about for the
21 last two years over there, a lot of times the police
22 officers when you go up to them and you ask them for
23 assistance, they'll tell you a 9-1-1 call has to be
24 placed, and there's a lot of problems. One of the
25

1 things is it takes over two hours for the Bowery
2 Residents' Committee to respond to transport the
3 homeless, and a lot of time the homeless will just
4 say to hell with this, I can't wait here, I want to
5 go now.
6

7 Another thing we're having is train crews
8 overnight are having a hard time finding a police
9 officer. There's been instances where I've been in
10 situations where we needed a police officer, when we
11 complain to the train crews, we're told by the Rail
12 Control Center or the conductor is told on the radio,
13 radio for police en route, which means basically you
14 have to find a police officer somewhere down the
15 line. As far as the private security guards, they're
16 doing an excellent job, but what wasn't brought up at
17 this hearing was they make minimum wage, they don't
18 have health insurance, and they're doing a better job
19 in some cases than the police officers because a lot
20 of times when the private security guards see a
21 situation and they're trying to call the NYPD, a lot
22 of times they don't come. This is the problem with 9-
23 1-1. I've called 9-1-1 in situations. I had to call
24 three times. There was a situation where I was on a E
25 train and this guy had exposed himself to two women

1 on the train so what ended up happening was I was
2 chasing him down Queens Boulevard and I called 9-1-1
3 three times. The first two times they disconnected on
4 me. The third time I got an operator, and the
5 operator told me a ticket has been put in the system.
6 It wasn't until I found a Captain sitting in a patrol
7 car who helped me out, and it turns out the guy had
8 two priors. That's just one situation. I've actually
9 been assaulted in the subway system. I've had alcohol
10 thrown in my eyes. I was punched by an emotionally
11 disturbed person so what we need from the City
12 Council, why is it that DHS, Department of Homeless
13 Services, and the Bowery Residents' Committee is not
14 here? We've been asking for them to come to the MTA
15 meetings, to come to the City Council meetings. You
16 have all these non-profits and millions and millions
17 of dollars is being given to them, but there's no
18 accountability. The MTA is a transportation service
19 provider. Their job is to provide transportation, not
20 to deal with homeless or safety issues, so there's a
21 lot of frustration going around, and I think the City
22 Council needs to meet with us, the Mayor needs to
23 meet with us, the Passengers United. We have cost-
24 effective solutions. I feel like you guys are going
25

1
2 like in a haze. Everyone's going around and around,
3 but nobody knows what's really happening, and I ride
4 the system overnight. I've seen people getting
5 robbed. I've had to break up fist fights. I'm not
6 trained to do this, and the other day I was on the 6
7 train. This guy had a hypodermic needle in his hand,
8 and he was jumping up on the bars, and there was a
9 woman sitting right next to him, and I told those
10 three customers, I said guys, let's get out of the
11 train. Guess what, he comes, holding the hypodermic
12 needle out of his hands, and he comes running into
13 the next car. There is no safety underground. It's
14 ride at your own risk. Our lives are in danger, and
15 my fear is I might end up dead on the subway because
16 that's what's happening. There's no accountability
17 right now.

18 CHAIRPERSON BROOKS-POWERS: We're not
19 going to claim that one, but thank you, Mr. D'Souza.
20 I haven't seen you in years, but I'm glad to see that
21 you're still advocating in this way. I'm going to
22 have my staff connect with you so that we can
23 schedule a meeting and work through that list.

24 CHARLTON D'SOUZA: Sure. If you have any
25 questions I can answer for you?

1
2 CHAIRPERSON HANKS: Yeah, so when you talk
3 about communication, which I find very important,
4 have you thought about any type of communication that
5 you found to be effective that the city agencies,
6 whether it be NYPD or whomever, are not utilizing
7 that could utilize it?

8 CHARLTON D'SOUZA: To answer your
9 question, just now the police that were here, I had
10 asked them if we could set up a meeting with them.
11 None of them would give me their business cards. The
12 guy just took my phone number down, and this was the
13 same thing with the other Transit Police Chief. He
14 did not communicate with us, but to answer your
15 question we have had some positive encounters with
16 the police. Like the other day I was on an F train,
17 the guy was smoking weed on the train and he was
18 urinating in a cup, and the train pulled into 169th
19 Street. Right away, all of us ran, but I saw two
20 police officers and I pointed them out. I held the
21 doors, and I said the guy is right there. Sometimes
22 if you're lucky, it works, but overall the Police
23 Department, I feel like the officers, the morale has
24 dropped, and it's just the whole city. People don't
25 want to get involved anymore, but we have to take our

1 city back, and mental illness, which I understand the
2 Mayor is working on the safety component now, we've
3 got to drill down on the mental health component.
4 We've got to get this right. We still don't know how
5 many SOS teams are in the subway system each night.
6 If you go to Jamaica Center or 179th Street, ever
7 since the MTA Police deployment was taken back, they
8 ended that at 179th Street, now you go down there at
9 2 o'clock, 3 o'clock in the morning. You see people
10 hanging out, people harassing the conductors. The
11 conductors are so scared now they keep the doors
12 closed inside the subway until it's time to pull out,
13 until they get the indication lights.

14
15 CHAIRPERSON HANKS: First and foremost, we
16 want you to stay safe so you be careful out there.
17 That's the first thing, and I appreciate your
18 comments because they're very helpful to me and Chair
19 Brooks-Powers. I would really like if you have your
20 testimony written that you email it to me or at least
21 copy me when you send it to the Chair just so I have
22 a...

23 CHARLTON D'SOUZA: I would just need your
24 emails because I just found out about this meeting
25 overnight at like 8 o'clock this morning I found out...

CHAIRPERSON HANKS: We'll make sure that you have, I'll give you one of my business cards. I appreciate your testimony. Thank you.

CHARLTON D'SOUZA: Thank you. One more thing, the auxiliary police, a lot of them are being put in the subway system. I'm thinking about becoming an auxiliary police officer. We need them. Please add more funding to that. Thank you.

CHAIRPERSON BROOKS-POWERS: Thank you so much.

CHAIRPERSON HANKS: Thank you.

RAUL RIVERA: Good afternoon. Hello, Chair Brooks-Powers. How are you doing? Nice to see you again.

My name is Raul Rivera. I'm a New York City TLC driver. I'm a TLC driver advocate. I'm also the founder of NYC Drivers Unite.

We do have an issue with safety in the subways, and I know this firsthand because the passengers I pick up throughout the city don't want to use the subway system. It's not safe. I'm picking up passengers doing two-minute trips, three-minute trips. I got passengers complaining that they're spending so much money on Uber and Lyft because

1 they're afraid to take the subway so that's one issue
2 right there. Personally, as a native New Yorker, I'm
3 53 years old. I lived through the crack epidemic, the
4 abandoned buildings. I've seen it all. In 53 years,
5 I've seen plenty, and I think one of the most
6 important things that we need, I don't know who's
7 going to do it, I don't know if has been done, but
8 the MTA needs to be audited. They need to be audited.
9 We need to know where every dollar is going. We also
10 don't need the MTA to go on the back of the drivers
11 and try to take money from the drivers. Why do we
12 have to give our money to the MTA? I'm sure they have
13 plenty of money. They are mismanaging it. They're
14 doing something that's not right. This is for
15 decades. Every year, we need more money, more money,
16 more money. It has to stop.

18 Another thing that I want to say is I was
19 in Brooklyn and I needed to take the train so I took
20 the R train into the city, and I needed to go and
21 purchase a MetroCard so I went to the machine, and
22 the machine was all out, the machine didn't have
23 MetroCards so then I went to the token booth clerk
24 and I tried to give her 3 dollars just so I can go in
25 and take the train. She said don't worry about it,

1 just go, and I left so fare evasion is a big thing.
2 Also, the fact that the MTA doesn't want to take
3 money, it may explain why they need money. If you
4 don't want to take money, it doesn't make sense. On
5 that note, we want to say thank you to the Committee
6 and we want to say thank you for Resolution 419. We
7 hope that that comes to be. That's what New Yorkers
8 need. New Yorkers need to vote on that. Thank you for
9 Resolution 292-A because everybody's looking for the
10 Uber driver now and everybody's looking for the
11 commuter van. They don't want to ride the subway
12 system. Thank you so much.

14 CHAIRPERSON BROOKS-POWERS: Thank you.

15 COMMITTEE COUNSEL LYNN: Next, we'll hear
16 from Leo Ferguson on Zoom.

17 LEO FERGUSON: Hello, everyone. Thank you
18 so much. My name is Leo Ferguson. I am the Director
19 of Strategic Projects at Jews for Racial and Economic
20 Justice. Thank you, Chairs Brooks-Powers and Hanks,
21 for the opportunity to testify.

22 Our community is profoundly disturbed by
23 the Mayor's dangerous new plan to involuntarily
24 detain New Yorkers in the subways and elsewhere based
25 on the impression of an unqualified police officer.

1
2 Since the Mayor thinks it's appropriate for these
3 officers to make mental health assessments, I guess
4 it's okay for me to make my own. They say the
5 definition of insanity is doing the same thing over
6 and over again and expecting different results. By
7 that definition, the Mayor and supporters of his plan
8 might be candidates for a safe, consensual evaluation
9 provided by a real healthcare professional. This is
10 because the NYPD has repeatedly shown itself to be
11 incapable of safely interacting with people they
12 believe to have psychiatric disabilities. The NYPD's
13 failures are written in the blood of (INAUDIBLE) a
14 young artist who was in his kitchen making dinner, a
15 threat to no one, when the NYPD arrived at his door
16 because of a misunderstanding about his mental
17 health. 112 seconds after opening his doors, the
18 officers left his body lying on the floor of his own
19 apartment shot to death by the NYPD. This is the same
20 fate that met Deborah Danner, Saheed Vassell, and so
21 many others with mental illness at the hands of the
22 NYPD. At least 16 dead just since 2020. Why would
23 this time be any different? The Mayor claims that
24 officers will receive special training to implement
25 this plan, but after the NYPD trained its officers in

1 de-escalation in 2015, the number of New Yorkers
2 killed by the police during a perceived mental health
3 crisis didn't decrease; it actually doubled so why
4 would this time be any different?
5

6 The NYPD has also proven itself incapable
7 of responsibility wielding the awesome power of
8 involuntary commitment. For example, in 2009, NYPD
9 officer and whistleblower Adrian Schoolcraft began
10 reporting widespread officer malfeasance in the 81st
11 Precinct to NYPD Internal Affairs. In response,
12 officers began a campaign of harassment and
13 retaliation against...

14 SERGEANT-AT-ARMS: Thank you. Time has
15 expired.

16 LEO FERGUSON: In the most egregious
17 incident, the NYPD raided Schoolcraft's home,
18 violently handcuffed him, and involuntarily committed
19 to him illegally where he remained imprisoned for six
20 days. The only that we're going to get out of this is
21 effective long-term care for people with psychiatric
22 disabilities in which clients are active participants
23 in their own treatment. Without significant prior
24 investments, supportive housing, mental health
25 (INAUDIBLE) psychiatric hospitals as community-based

1 wraparound services (INAUDIBLE) forms of care, the
2 reality is that the Mayor's plan will be a revolving
3 turnstile that sends people with psychiatric
4 disabilities right back into the subways more
5 traumatized and far less likely to accept offers of
6 care in the future. That is the definition of
7 insanity.
8

9 I hope this Council will take very
10 seriously its responsibility to affect enduring
11 positive change for everyone who rides transit, those
12 of us who are just trying to get to work safely and
13 reliably and those of us who are vulnerable,
14 struggling, and deserve real care, not a dangerous
15 exercise in optics. Thank you very much for the
16 opportunity to testify.

17 COMMITTEE COUNSEL LYNN: Thank you for
18 your testimony. Next, we will hear from Yung-Mi Lee.
19 Yung.

20 YUNG-MI LEE: Good afternoon. My name is
21 Yung-Mi Lee, and I'm the Legal Director of the
22 Criminal Defense Practice at Brooklyn Defender
23 Services.

24 BDS is a public defense office
25 representing approximately 22,000 people each year

1
2 who are accused of crimes, facing the removal of
3 their children, or deportation. We'd like to thank
4 the Committees for Public Space and Transportation
5 and Infrastructure and Chairs Hanks and Brooks-Powers
6 for holding today's hearing.

7 We hope today's hearing will prompt the
8 City and the Mayor to look for real long-term
9 solutions. In recent weeks, local media has been
10 dominated by stories of mental illness, being
11 unhoused, and crime. This narrative has been
12 intertwined with news coverage on crime in the New
13 York City subway system. The coverage continues to
14 spin a false narrative linking mental illness and
15 being unhoused to increased rates of violence. I want
16 to focus on the testimony that I heard earlier today
17 from both the MTA as well as the NYPD.

18 I want to first address the topic of
19 transit bans. We've testified previously that transit
20 bans will only perpetuate the oppression, the
21 inability to access services within the legal system,
22 and will just further perpetuate the inequities
23 within New York City. I also want to emphasize that
24 New York City unlike Boston is an incredibly large
25 city geographically. We have clients who come to

1 court from within Brooklyn, and it takes them
2 sometimes more than an hour and a half using the MTA
3 system, and to deprive people from using the only
4 form of transportation they have to access not only
5 legal services but other social services would be
6 incredibly detrimental for...

8 SERGEANT-AT-ARMS: Thank you. Time has
9 expired.

10 CHAIRPERSON BROOKS-POWERS: You can finish
11 your statement.

12 YUNG-MI LEE: I also want to wrap up, but
13 in terms of resources and where our money goes,
14 although the NYPD talks about the important of
15 surveillance and technology, again when we're talking
16 about what we really need in order to address public
17 safety, obviously we need to spend our resources on
18 supportive housing and programs for those who are
19 most in need who find refuge within the subway system
20 for shelter at times.

21 I would ask the City, the Mayor, when
22 we're talking about mental health issues and
23 services, the answer is not in increasing the police
24 presence, increasing technology, but it lies mostly

1
2 in providing resources, supportive housing, and
3 programs.

4 Finally, I would like to add that we
5 would ask the City Council to call on the State
6 Legislature to pass the Treatment, Not Jail Act which
7 is sponsored by Ramos and Forrest. This bill is an
8 important tool needed to address the mental health
9 crisis in New York by expanding access to mental
10 health treatment to those with mental illness who
11 have been charged with a crime. Thank you.

12 CHAIRPERSON BROOKS-POWERS: Thank you so
13 much.

14 COMMITTEE COUNSEL LYNN: Okay. Next, we
15 will hear from Towaki Komatsu.

16 TOWAKI KOMATSU: Hi. I'm Towaki Komatsu.
17 I've testified repeatedly during your hearings. One
18 of the issues that was discussed during today's
19 hearing is about mental health. I currently have
20 active litigation about that issue. In particular, I
21 have a petition for a writ of certiorari that I have
22 to file with the U.S. Supreme Court within a week.
23 With regards to the testimony presented today by the
24 NYPD and so forth, basically there hasn't been any
25 training for NYPD personnel to kidnap New Yorkers.

1 The video that I'm about to play is from December 26,
2 2017, where a member of the NYPD illegally stopped
3 and illegally arrested me before I whipped him in
4 court. (VIDEO PLAYING)

5 I know it's hard to see but...

6 CHAIRPERSON BROOKS-POWERS: I can't see
7 that far, but can you do the volume.

8 TOWAKI KOMATSU: There's a 30-second delay
9 between when they activate the camera. It doesn't
10 help it. I can email you a link to the video later.

11 (VIDEO PLAYING)

12 I'll email you a link to the video later,
13 but here's the issue. He didn't turn on his body
14 camera from the very incident he suspected me to a
15 stop in a public corridor between a park and a
16 school. It actually bisects one street. The point is
17 if you have kids, for example, if a member of the
18 NYPD puts their hands on one of your kids, you're not
19 going to like that at all. He did that thereafter.
20 There was an Uber car he stopped about three minutes
21 later. CCRB did an investigation. He didn't turn on
22 his body camera. The point of this hearing today is
23 about safety in the subways. I also have litigation
24 against the former Mayor's head of security, Howard
25

1 Redmond, if you just google his name in the papers.
2
3 DOI did an investigation against Howard Redmond. He's
4 still assigned to the NYPD, assigned to special ops.
5 With regard to the testimony today by the MTA's head,
6 if you actually take a look at the MTA's rules, if
7 you want to have a publicity stunt, a press
8 conference in the subway, the MTA's rules prohibit
9 people from having a press conference near a
10 staircase, near a turnstile, but politicians do that
11 all the time so point is on July 25, 2017, Bill de
12 Blasio had a publicity stunt at the City Hall subway
13 station right by here. It was recorded on video. You
14 had all these censors in the press that were over
15 there earlier today during today's hearing. No one
16 covered what transpired. Point is if the roles were
17 reversed, if you were a member of the public and you
18 knew that a politician was going to have an event
19 wherever it may be, you have a 1st Amendment, 14th
20 Amendment right to speak, meaning if there's some
21 view that you wanted to express lawfully, it's just
22 two people in the same place at the same time who
23 have an equal right to express whatever they want to
24 say, but what happened then was that Bill de Blasio,
25 despite the fact that he was conducting an illegal

1
2 publicity stunt in that subway station that I was
3 fully aware of, he had his head of security grab my
4 arm while I'm lawfully exercising my 1st Amendment
5 right on a platform that's separated from the other
6 area of the subway station by a metal fence, and I
7 had one of his security detail guys standing directly
8 in front of me so there's no security issue. I'm
9 separated from the Mayor by the metal partition goes
10 from the floor to the ceiling, and this keeps
11 happening. Even Ryan Dwyer, I saw today, there was a
12 public hearing I think back in April in the building
13 here. He didn't let me come. I don't have any ill-
14 feelings against you. I haven't really talked to you
15 before, but I've been testifying in City Council
16 hearings since like 2017. People haven't done
17 anything. I've talked to Kalman Yeger who was here.
18 The other thing too, with regards to a quorum, if
19 you're going to have a public hearing I think you
20 need more than one Council Member in the room. That's
21 a Committee Counsel, that's a Committee Counsel, but
22 you're the only Council Member so technically there's
23 no quorum right now so with regards to New York
24 State's Open Meetings Law, I can have this hearing
25 cancelled on the grounds that basically your

2 Colleagues chose to boycott my testimony. By the way,
3 back to your issue, federal judges have...

4 CHAIRPERSON BROOKS-POWERS: Thank you.

5 With that, we will now officially close the hearing
6 on the Committees of Transportation and
7 Infrastructure jointly with the Committee on Public
8 Safety. [GAVEL]

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 23, 2022