

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES
Of the
COMMITTEE ON PUBLIC SAFETY

Jointly with
COMMITTEE ON TECHNOLOGY

And
COMMITTEE ON GOVERNMENTAL
OPERATIONS

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November 20, 2023
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HELD AT: 250 Broadway-Committee Rm., 16th Fl.

B E F O R E: Kamillah Hanks
Chairperson

Jennifer Gutiérrez
Chairperson

Sandra Ung
Chairperson

COUNCIL MEMBERS:
Joann Ariola
Erik D. Bottcher
Justin L. Brannan
Tiffany Cabán

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

Carmen N. De La Rosa
Rita C. Joseph
Darlene Mealy
Althea V. Stevens
Shaun Abreu
Robert F. Holden
Ari Kagan
Vickie Paladino
Julie Won
Gale A. Brewer
Shahana K. Hanif
Lincoln Restler
Lynn C. Schulman

Ruben Beltran
NYPD Chief of the Information Technology Bureau

Scott Semone
Director of Life Safety Systems Division NYPD

Juliane Farrugia
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Pauline Toole
Commissioner of NYC Department of Records and
Information Services

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

Diane Kennedy
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Bruce Cotler
New York Press Photographers Association

Jeremy Chase
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Andrew Frame
Citizen App CEO

Todd Maisel
New York Media Consortium

Christopher Leon Johnson

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Journalist

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Dakota Santiago
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Tim Scheld
Chair of Radio Television Digital News Association

Kevin Downs
Freelance Photographer

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2 SERGEANT AT ARMS: Good afternoon and

3 welcome to the New York City Council hearing of the

4 Committees on Public Safety jointly with Governmental

5 Operations and Technology. At this time, can

6 everybody please silence your cell phones? If you

7 wish to testify, please go up to the Sergeant at Arms

8 desk to fill out testimony slip. Written testimony

9 can be emailed to testimony@council.nyc.gov. Thank

10 you for your cooperation. Chairs, we are ready to

11 begin, and at this time no one is to approach the

12 dais. I repeat, no one is to approach the dais.

13 Thank you.

14 [gavel]

15 CHAIRPERSON GUTIÉRREZ: Thank you. Good

16 afternoon everyone, and welcome to our joint hearing

17 this afternoon. I'm Council Member Jennifer

18 Gutiérrez, and I'm the Chair for the Committee on

19 Technology. I'm pleased to be joined by my

20 colleagues Chair Kamillah Hanks, and Chair Sandra Ung

21 for this important hearing on media transparency in

22 relation to NYPD radio encryption, the press

23 credentials process, and government social media

24 archiving. The Technology committee has held

25 hearings on a variety of technology-related subjects

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2 this session. A persistent issue in every hearing
3 regardless of the topic has been the importance of
4 transparency in which the Administration continues to
5 fall short. The Mayor's Office of Media and
6 Entertainment, or MOME, which falls under the
7 Technology Committee's jurisdiction was granted
8 exclusive authority to establish rules around press
9 credentials after the Council passed Local Law 46 of
10 2021. The press credentials process is vital to
11 maintaining a regular flow of communication that
12 keeps the public informed and maintaining its
13 integrity is critical to ensuring freedom of the
14 press. Access to the NYPD's radio communications is
15 another indispensable means by which journalists have
16 kept the public informed about their communities.
17 This access was available for over 90 years prior to
18 this summer in July 2023. Some of the first
19 precincts to go dark, the 90th and the 94 in
20 Williamsburg and the 83rd in Bushwick are in my
21 district. This creates a dangerous opportunity for
22 misinformation to spread in the absence of verifiable
23 information from real-time reporting, and also
24 removes a critical accountability measure for the
25 NYPD. Ensuring access to primary sources is

2 increasingly crucial. I'd also like to voice my
3 support for Intro 961 sponsored by my colleague
4 Council Member Brewer. Archiving government social
5 media accounts is crucial for public accountability
6 and this includes elected officials. Social media
7 has become the primary communications platform for
8 government and elected officials, but because posts
9 can be deleted by users creating a public archived
10 record of government social media accounts creates
11 accountability and transparency. I'm looking forward
12 to hearing about the NYPD's plan around encryption
13 and creating public access to NYPD activity along
14 with facilitating a better understanding of the
15 protocols in place for press credentials. I'm also
16 looking forward to hearing testimony from the public
17 including members of the media, and I'm hopeful that
18 the members of the Administration here will stay to
19 listen to it. I'd like to thank the Technology
20 Committee staff including our Counsel, Irene
21 Byhovsky, and Policy Analyst Charles Kim and my
22 Chief of Staff Anna Bessendorf, Senior Advisor Anya
23 Lehr, and I'd like to recognize all committee
24 members, all Council Members who are here this
25 afternoon. I'll start to my left with Council

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2 Members Holden, Ariola, of course Chair Ung and Chair
3 Hanks who's joined us, Council Member Stevens,
4 Council Member Joseph, Council Member Restler, and
5 Council Member Hanif. We have anyone online? Any
6 members online? No? Wonderful. I will now turn it
7 over to Council Member-- Chair Hanks-- welcome-- for
8 her opening statement.

9 CHAIRPERSON HANKS: Hello, good
10 afternoon, everyone. Thank you so much Chair
11 Gutiérrez. I am Kamillah Hanks, Chair of the
12 Committee on Public Safety, and I welcome everyone
13 today to the hearing on the Committees on Technology
14 and Governmental Operations. Today, we are reviewing
15 and assessing a significant development in public
16 safety and transparency in the City of New York, one
17 that affects not only operations of our dedicated
18 police force, but also a vital role played by the
19 media, volunteer groups and the public at large. The
20 New York City Police Department has begun
21 transitioning toward radio encryption, a process
22 aimed at enhancing security and protecting the
23 critical police communications. While NYPD cites
24 legitimate concerns regarding the need to govern its
25 own radio transmissions from potential misuse and

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2 security breaches, it is important to consider the
3 delicate balance that ensures public safety, upholds
4 the principles of transparency and preserves media's
5 access to timely information. This hearing revolves
6 around more than just technology. it touches on a
7 shared responsibly we all have to keep New Yorkers
8 safe as well as well-informed. Additionally, we will
9 explore the Mayor's Office of Media and Entertainment
10 criteria of approving press credentials and how MOME
11 prevents individuals with questionable journalistic
12 backgrounds from access credentials to safeguard
13 journalistic integrity. We will also be hearing--
14 Government Operations Committee will be hearing
15 Introduction 691 sponsored by Council Member Brewer,
16 which I'm in support of, that seeks to mandate the
17 Department of Records and Information Services to
18 establish publicly accessible and searchable online
19 database of official government social media
20 accounts. Today, we continue the dialogue at NYPD
21 radio encryption and media transparency, exploring
22 the implications, challenges and opportunities that
23 lie ahead. I look forward to the testimony with
24 NYPD, the Mayor's Office of Media and Entertainment,
25 and the New York City Department of Records and

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2 Information Services, Medias [sic] of the Media, and
3 public. Thank you so much for your participation in
4 this critical discussion. Thank you. And I will
5 turn it over the Chair Ung. Thank you.

6 CHAIRPERSON UNG: good afternoon. I'm
7 Council Member Sandra Ung, Chair of the Committee on
8 Governmental Operations. I'm thrilled to be
9 conducting today's hearing jointly of the Committee
10 on Public Safety and the Commission of Technology.
11 I'll begin by thanking our co-chairs, Council Member
12 Hanks and Council Member Gutiérrez and all their
13 teams of their hard work in putting this hearing
14 together. So many of my colleagues are here today,
15 use some type of social media to inform, educate, and
16 engage with their constituents. It's important that
17 these communications be maintained somewhere that's
18 accessible to both the press and the public. The
19 Department of Records Information Services, otherwise
20 known as DORIS, the agency charged with archiving the
21 City records. Only archived social media accounts are
22 mayoral agencies with the exception of the Mayor and
23 the Comptroller. It does not apply to official
24 social media accounts of any elected officials.
25 Today, the Committee will be hearing Intro 961,

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2 introduced by Council Member Brewer, that will create
3 a publicly accessible and searchable archive of
4 official governmental social media accounts. This
5 bill would expend DORIS existing archive to include
6 official social media accounts of additional elected
7 officials. [inaudible] I'd like to thank Jayasri
8 Ganapathy, and Erica Cohen, from the Central Staff,
9 for their work in putting this hearing together as
10 well as my own Chief of Staff, Alexander Hart, and
11 Communications Director Shane Miller for their
12 assistance. I know will turn it over to Council
13 Member Hanks.

14 CHAIRPERSON HANKS: Thank you so much,
15 and I'll send it over to call the credentials.

16 COMMITTEE COUNSEL: Thank you, Madam
17 Chair. I'll now swear in our panel of Administration
18 witnesses. With us from the NYPD, today we have
19 Chief Ruben Beltran, Managing Attorney Julianne
20 Farrugia, Director Scott Semone, from the Department
21 of Records and Information Services we have Pauline
22 Toole, and from the Mayor's Office of Media and
23 Entertainment we have Samer Nasser, and Stanislav
24 Skarbo. If you could each please raise your right
25 hands. Do you affirm to tell the truth, the whole

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2 truth and nothing but the truth before this committee
3 and respond honestly to Council Member questions?

4 Noting for the record that all witnesses answered
5 affirmatively. You may begin your testimony in
6 whichever order you choose.

7 CHIEF BELTRAN: Good afternoon Chair
8 Hanks, Chair Gutiérrez, Chair Ung and members of the
9 Council. I am Ruben Beltran, the Chief of the
10 Information Technology Bureau of the New York City
11 Police Department. I am joined today by Scott
12 Semone, Director of Life Safety Systems Division, and
13 Juliane Farruggia, the Managing Attorney of the
14 Department's Legislative Affairs Unit, as well as our
15 partners from the Department of Records and
16 Information Services and the Mayor's Office of Media
17 and Entertainment. On behalf of Police Commissioner
18 Edward Caban, I'd like to thank you for this
19 opportunity to discuss the importance of the
20 Department's radio infrastructure to public safety.
21 It is NYPD's mission to keep those who live in, work
22 in, and visit our city safe, and the number one tool
23 we have in accomplishing that goal is the skill,
24 passion and dedication of the men and women who put
25 on the NYPD uniform each day. To this end, the

2 Department remains committed to providing our
3 officers with the best technological tools to further
4 this objective. Leveraging the latest technology is
5 imperative, and there is no more important single
6 piece of equipment to keeping New Yorkers and
7 officers safe than the simple, every-day, police
8 radio. Without this lifeline to central dispatch and
9 other officers, the entire concept of how we provide
10 public safety would look very different. The radios
11 our officers carry and the infrastructure that
12 supports them are quite simply the backbone of
13 policing in the City and it has been that way for
14 decades. Now, I just said that radios are simple,
15 and they may seem that way to the uninitiated, but
16 that cannot be farther from the truth. In our
17 unflinching quest to remain at the cutting edge of
18 policing and technology, the NYPD is constantly
19 upgrading and adapting our communication systems, and
20 what we have now is a fully-integrated modern radio
21 systems which works seamlessly both above and below
22 ground in transit and tunnels. The system is current
23 comprised of over 300 radio antenna sites around the
24 City as well as hundreds of other forms of
25 transmission sites to support the 42,000 radios our

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2 members carry, as well as two independent and
3 redundant public safety answering centers or PSACs,
4 which field and route 911 calls for service. All of
5 this is necessary to ensure the millions of 911 calls
6 and radio runs our officers respond to every year are
7 relayed seamlessly, saving countless lives. To put
8 this in perspective, last year, there were 7.9
9 million of these radio runs, and year-to-date so far
10 we have 7.2 million. In each of these calls there
11 are many, many more individual radio transmissions
12 between central dispatch and uniform police officers
13 in the field. This is without mentioning the
14 millions upon millions of times radios are used in
15 other contexts every year. Our system really shows
16 the extent of its capabilities during large-scale
17 events such as New Year's Eve, parades and mass
18 protests where if officers are not able to
19 communicate with dispatch and each other, things
20 could spiral out of control quickly, and many lives
21 would be put in danger, but more can always be done.
22 As part of the Department's Technology Refresh
23 Project, the Information Technology Bureau is
24 upgrading our radio system with new radios,
25 transmitters, radio dispatch consoles, antenna

2 systems, and associated cables and components. We
3 are moving from conventional analog to public safety
4 P25 digital standard which requires the installation
5 of fiber optic Ethernet circuits and 300+ locations
6 throughout the City. By the end of 2024, the entire
7 system will be fully digital. Increasing the quality
8 and reliability of every aspect of the radio
9 communication systems citywide, and remaining in
10 compliance with FCC guidelines. This project is a
11 massive undertaking and is projected to cost \$390
12 million by the time it is completely with
13 approximately \$190 million going to infrastructure,
14 and approximately \$200 million to purchase and
15 replace existing portable devices. This is money
16 that has been budgeted for and is absolutely
17 necessary to ensure we stay ahead of the curve in
18 that aspect. Beginning this summer, the NYPD began
19 the transition to the new system in Brooklyn North
20 precincts, and as of today, Brooklyn North is fully
21 upgraded to the P25 digital system. This also has
22 the effect of fully encrypting the radio's
23 communications in these zones. This encryption is
24 necessary to ensure operational safety and security.
25 Criminal groups have been known to monitor the radio

3 in order to strike vulnerable areas when officers are
4 required to respond to events at other locations.

5 Encryption is also necessary to achieve the highest
6 level of authentication, network access control, and
7 informational security as well. The identities and
8 locations of victims and witnesses may be compromised
9 without securing our communications, putting people's
10 safety at risk. It would be irresponsible and a

11 dereliction of our duty not to do everything in our
12 power to prevent this information from getting to
13 people who would harass or harm our vulnerable
14 population. Importantly, this transition is

15 necessary because unfortunately, the one thing the
16 existing system is not immune to is unauthorized

17 interloper cyber-attacks in the form of electronic
18 warfare on our channels. Off-the-shelf portable

19 radio technology which enables people with malicious
20 intent to access our channels has become far more

21 sophisticated, while at the same time becoming far
22 more accessible and less expensive. In recent years

23 we've seen numerous incidents where interlopers have
24 used our radio frequencies to disrupt police

25 operations. Examples include: fake officer down
transmissions to draw officers away from a given

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2 area, officer's lives being threatened over the air,
3 fake bomb threats, or simply jamming our radio
4 frequencies temporarily disrupting our ability to
5 respond to legitimate communications. Several years
6 ago there was a concerted effort online to instruct
7 individuals on how to interfere with NYPD radio
8 communications, and these threats will only become
9 more common place. More broadly, we have no way of
10 knowing who was listening in on our radio
11 transmissions and tracking where our officers are
12 responding. The P25 digital system will allow us to
13 know exactly who is accessing the system and where
14 they are, because a special key is necessary to get
15 into the system. Notably, since these precinct
16 communications have been encrypted, there have been
17 zero instances of interloping on these channels.
18 Hundreds of Police Department and first responder
19 organizations encrypt their radio communications,
20 including federal law enforcement, the Port
21 Authority, major cities such as Chicago, Denver,
22 Washington, D.C., New Orleans, St. Louis, Las Vegas,
23 Albuquerque, Nashville, Fort Worth, Houston, San
24 Antonio, and Milwaukee, as well as our neighbors in
25 Nassau and Bergen Counties. A lack of encryption

2 presents a specific challenge when it comes to
3 federal law enforcement agencies such as the FBI.
4 New York is a city like no other, and the unique
5 threats our city faces requires unparalleled
6 collaboration between NYPD and federal law
7 enforcement, but because our current system is
8 unencrypted it does not enable radio interoperability
9 between the federal communication systems and ours.
10 The Department's use of the P25 digital standard
11 allows authorized roaming and network access between
12 neighboring land mobile radio networks where secure
13 joint operations can be unified across multiple
14 agencies. We have heard the concerns over
15 transparency, and some claim that the need for this
16 specific kind of broad exposure outweighs the many
17 downsides and dangers of remaining unnecessarily
18 vulnerable when the technology exists to prevent it.
19 We respectfully, but adamantly disagree. The NYPD is
20 the most transparent police force in the country and
21 we operate under numerous levels of oversight and
22 accountability, and allowing the status quo to
23 continue will unnecessarily put our city at risk and
24 prevent our dedicated officers from using the
25 advanced technology needed to allow them to fulfil

2 their public safety mandate. There are minimal
3 substantive gains in transparency to be made with
4 regards to every-day New Yorkers by remaining
5 unencrypted, which we believe would be insignificant
6 to non-existent as there are numerous other avenues
7 for people and elected officials to be kept abreast
8 of the going on's in their communities. Every police
9 radio communication is recorded and may be made
10 public through Freedom of Information Requests. The
11 Department often proactively publicizes radio calls
12 of notable incidents. The Department proactively
13 embraced a citizen's right to record our officers
14 from a safe distance, even prior to city and state
15 laws codifying that right. Last year, we began
16 allowing elected officials and other stakeholder's
17 access to our operations emails which alert
18 recipients in real-time of notable incidents. Each
19 precinct commander works to develop relationships and
20 open lines of communication with the community
21 stakeholders and the elected in their precincts and
22 are often in communication with them in short order
23 regarding incidents affecting their constituents.
24 What this encryption will not impact, except in a
25 positive way, is our ability to provide public

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3 safety. We have always coordinated with other public
4 safety agencies and organizations such as the Fire
5 Department, Homeless Services, Health + Hospitals,
6 Sea Gate [sic] Police Department in South Brooklyn,
7 as well as volunteer first responder organizations to
8 facilitate direct access to our radio waves. We have
9 not denied access to any public safety agency or
10 organization who has requested access and encryption.
11 It'll have no impact on our commitment to public
12 safety in all forms. We have also heard the concerns
13 expressed by the journalism community over encrypting
14 our radios. The NYPD understands the vital
15 importance responsible journalism has to keeping the
16 public aware of safety concerns in their
17 neighborhoods and the Department provides information
18 to reporters many times a day, every day. We look
19 forward to continuing the dialogue as to how this
20 information landscape will take shape in light of the
21 P25 digital implementation. And thank you for the
22 opportunity to speak with you today, and I'm pleased
23 to answer your questions.

24 CHAIRPERSON HANKS: Thank you so much for
25 your testimony. Before I introduce Council Member
Brewer to talk about her bill, I just want to

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2 acknowledge Council Member Paladino has joined us,
3 Council Member Schulman, and next we'll hear from
4 Council Member Brewer. Thank you.

5 COUNCIL MEMBER BREWER: Thank you very
6 much. My bill is not as controversial as your
7 encryption, just so you know. So anyway, Intro 961-
8 2023 creates an archive of official government social
9 media accounts. This is a bill that has to do-- and
10 you'll hear later from the municipal library, and the
11 amazing Commissioner Pauline Toole. The bill aims to
12 improve accountability and public engagement by
13 enhancing transparency and public access to
14 government social media posts. This is all about
15 making sure that we have good archives in the City of
16 New York. I'm a real archive fan. DORIS now
17 maintains the public accessible archive of official
18 social media accounts of all New York City agencies.
19 This legislation would mandate that DORIS-- which is
20 also the municipal library-- establish a publicly
21 accessible and searchable online database of
22 government social media accounts. It would apply to
23 all city agencies as well as the official accounts of
24 the Mayor, the Comptroller, Public Advocate, Borough
25 Presidents, and members of the City Council. Under

2 this legislation, city agencies and elected officials
3 would be required to annually report official social
4 media accounts at DORIS. I have-- when I was
5 previously City Council, I found that many elected
6 officials do not provide the information to the
7 municipal library upon completing their term, and it
8 means the historians will not have this information.
9 So I hope that this will meet the criteria of Pauline
10 Toole. I know she'll have some testimony later and
11 some tweaks that would make sense. Thank you very
12 much, and again, encryption is more controversial.
13 Thank you.

14 CHAIRPERSON HANKS: thank you so much
15 Council Member Brewer. So we're going to get into a
16 little bit of the first lien of questioning. Thank
17 you so much for your testimony. A lot of the
18 information that I was going to ask was backed into
19 your testimony, so we're just going to dig into some
20 other pieces if you don't mind. Okay. So first and
21 foremost, just for the public and everyone at this
22 hearing, I'm going to just back track a little. What
23 are the specific security concern that prompted the
24 decision for NYPD to encrypt the radio transmissions?

2 CHIEF BELTRAN: There's been a few
3 security concerns throughout the years. First of
4 all, there's going back to 9/11, right, the ability
5 to have interoperability and also to protect the City
6 from terrorism, right? So, this goes back-- and so
7 do it-- I guess back to that time period. But since
8 I was a police officer back in 1986, there's been
9 always problems with interlopers on the radio. So
10 the biggest security problem we have is that the
11 radio waves are in the clear, which means that people
12 can monitor and people can modify existing equipment
13 or buy radio equipment that can transmit on radio
14 frequencies that are reserved and licensed by the
15 Police Department. And that seems trivial at first
16 thought that someone can do that, but every
17 transmission that blocks a possible emergency
18 communication from a police officer who's responding
19 to an incident, who's putting a perimeter up around
20 an incident, who's trying to save a victim in a home
21 invasion, all those-- all that information can be
22 monitored by other people to be able to evade
23 capture, and it could also be used people to disrupt
24 our communications by putting in calls at other
25 locations to try to divert a police response. And

2 simply, they could just block us from communicating
3 at all, keeping us from being able to respond to an
4 incident in an organized and a safe way.

5 CHAIRPERSON HANKS: thank you so much for
6 that. I think what everybody wants to know is that
7 can you provide and concrete examples of incidents
8 where encrypted radio communications were served as a
9 security risk?

10 CHIEF BELTRAN: We have-- we have at
11 least 60 documented incidents going back to at least
12 2022. But most noteworthy really is an incident that
13 occurred yesterday more relevant earlier this year.
14 There was a burglary team that was out there, very
15 difficult burglary team to catch. It was a part of a
16 citywide burglary pattern, and when finally
17 apprehended, they did recover scanners in their
18 possession. And going back a little bit further in
19 terms of my experience as a precinct commander, back
20 in the 115 precinct in Jackson Heights, at one time I
21 was-- my community was being really devastated by
22 burglary, my community, the 109 precinct community.
23 And again, deployment we had out there was very
24 ineffective at being able to prevent and to be able
25 to capture them. We happened to get lucky on an

2 occasion and we got a call and my people were right
3 on the block, my burglary team, and we were able to
4 apprehend them, and then we found they also had radio
5 scanners in their possession. Also, during the
6 protests and some of the looting and rioting that
7 occurred in back in 2020, there was also a lot of
8 information about our deployment and where the cops
9 were going and where the cops were and where they
10 weren't in terms of when we were being redeployed
11 which was being also reposted on social media. So I
12 think part of the challenge that we face, that before
13 we had to worry about a few professional criminals
14 with some technical expertise to be able to access
15 and try to disrupt our operations or evade our
16 capture, but now that information can be rebroadcast
17 over social media and thousands of people could have
18 that information at the same time. So those are a
19 few example, recent examples that we have and some
20 anecdotal cases.

21 CHAIRPERSON HANKS: thank you so much. I
22 appreciate that. What would you say would be the
23 number one reason that the NYPD transmissions have
24 been compromised? Would you say that burglaries--
25 like, can you tell us what kinds of incidences that

2 really prompted the use of encrypted their radio--
3 NYPD encrypting their radio transmissions besides
4 burglary?

5 CHIEF BELTRAN: Well, I-- the reason for--
6 - first of all, there's' two parts. I don't think
7 that this hearing and a lot of the questions are
8 going to be focused on encryption, but part of the
9 problem is-- and why our system is so vulnerable, is
10 that as reliable as it was, it's also very old.
11 It's-- the same technology was being used when I was
12 transmitting, you know, to central back in 1986 for
13 the most part is the same analog technology that
14 we're upgrading from, and there's no protection there
15 in the analog world to be able to prevent other
16 people from transmitting on our air. And what
17 they're really doing is when-- first of all, it's
18 illegal, right? The FCC licenses ban, it's only for
19 police use. But really, it's the affect, the
20 consequence of that utilization. But when I
21 graduated the police academy, they told me the most
22 important piece of equipment that I have on my gun
23 belt is my radio, and that's because that's the way
24 we can summon help to an incident, and sometimes
25 that's the only thing that can save our lives.

2 Sometimes we're going to be out-gunned. Sometimes
3 we're not going to have, you know-- we're not going
4 to have the advantage of surprise. Usually they have
5 the advantage of surprise on us, but at least you can
6 call for help. And if we can't make that call for
7 help, and if someone can't receive that call for
8 help, police officers' lives are in danger. And
9 remember, usually we're in danger because we're
10 responding to a victim's call and a vulnerable
11 person's call for assistance of 911.

12 CHAIRPERSON HANKS: Thank you so much.
13 Thank you. So, look, you know, I'm a mom of four. I
14 depend on citizens. I depend on, you know-- my
15 colleagues and I, we depend on having that second
16 information when we need it. So, you know, how do
17 you plan on addressing the concerns that the media
18 organizations, volunteer groups and the public
19 regarding the loss of access to real-time
20 information?

21 CHIEF BELTRAN: So, I definitely-- I
22 understand their concerns. I've been in
23 communication with people that represent some of the
24 media's issues here. Our plan is to have a method in
25 which we can-- and how we're going to do our radio

2 operations, and who's going to be able to access
3 those radio operations by the time we're completed,
4 but I think the primary thing is really the safety
5 issues here. We have to evaluate the effectiveness
6 and so far it's been effective in the precincts that
7 we've upgraded in Brooklyn North and those zones.
8 We're looking at what's happening around the country
9 in terms of hundreds of police agencies that have
10 gone encrypted and what their experience is and how
11 that's impacting the media in those jurisdictions,
12 because that it doesn't appear that that's the case
13 in these other jurisdictions. So all that is part of
14 our evaluation and it's something that we consider,
15 and I already mentioned before in my testimony that
16 there's plenty of ways that we keep-- that we
17 distribute and disseminate information about police
18 incidents. And what wasn't in my testimony, we also
19 have hundreds of digital media officers assigned to
20 precincts that are also updating information on
21 social media in real-time. And if you look at the
22 way-- you ask like how have we changed? How have we
23 gone and what drove the change for us to do digital
24 and encrypted? But you know, likewise, I think the
25 whole media landscape, how they're informed, how they

2 get sources, how they get leads also has changed,
3 right? So I don't think there's a drastic impact. I
4 think they're going to lose a source of leads, but by
5 all means, the press that I know is very-- is very
6 resourceful in finding out leads and being able to
7 respond to locations. So we know their concerns. We
8 understand it. We intend to address them before we
9 complete our upgrade, but we also understand that our
10 priority right now is public safety, protecting
11 vulnerable residents of ours, and protecting police
12 officers.

13 CHAIRPERSON HANKS: Thank you so much.
14 I'll leave it to my colleague, Chair Gutiérrez, to
15 dig into the pilot and how that's transpired. So
16 just a few more questions. Have you studied-- and I
17 think you touched on this a little bit-- studied the
18 experiences of other police departments and other
19 jurisdictions and how they've implanted the radio
20 encryption? Have you-- is there any lessons learned?
21 Is there any challenges you foresee?

22 CHIEF BELTRAN: I mean, so far, I think
23 our experience has been similar, at least in our-- we
24 won't call it a pilot, but our initial roll-out of
25 encryption, and I think that what we have seen is

3 that some of the pressure, because there is pressure
4 in some of the jurisdictions, is more political than
5 it is in terms of substantive issues with information
6 dissemination to the press or to the public.

7 CHAIRPERSON HANKS: Thank you. So how
8 will this encryption impact other first-responders
9 like Fire Department, volunteer groups and community
10 organizations that also respond to incidents in real
11 time, and you know, how does NYPD radio
12 communications plan to address and symbiotically
13 speak with other first-responders that have typically
14 just overheard on your radio transmission?

15 CHIEF BELTRAN: I think you will find
16 that the people that are really radio enthusiasts and
17 radio professionals, they kind of like communicate
18 together. So, all those groups you talked about
19 before in terms of Fire Department, homeless
20 services, you know, Bed-Stuy, volunteer ambulance,
21 volunteer private ambulance services, they're all in
22 communications with our teams, and we've assisted
23 them with getting access to our air so they could
24 continue to provide those services. And by the way,
25 those same people also respond to us and help us and
help save our lives also, as well as the public.

2 CHAIRPERSON HANKS: So are you saying
3 that Fire and other first-responders, EMS, will have
4 access to this encryption, is that what you're
5 saying?

6 CHIEF BELTRAN: That's correct, and the
7 zone that we've upgraded to digital and where we've
8 enabled encryption, that's already the case.

9 CHAIRPERSON HANKS: So, is there any way
10 that-- are there any technological means you have to
11 prevent hacking, unauthorized access to your
12 encrypted radio channels?

13 CHIEF BELTRAN: Well, we're using a
14 national standard, which is more or less the 256 EAS
15 which is the standard that all other Police
16 Department and even the Federal Government in terms
17 of encryption. I'm also responsible for the
18 information security for the NYPD and the data that
19 we collect and that we process, and so we're going to
20 take the same means and methods, penetration testing,
21 all the-- everything that we do for data protection
22 and for-- and to protect against hacking and all the
23 tools that we have available we can also apply and we
24 are applying to the system also.

2 CHAIRPERSON HANKS: Thank you. So what
3 role with the public oversight play in the
4 transparency of this encryption process, and how can
5 they be, you know, insured? How can they be
6 protected?

7 CHIEF BELTRAN: So, I can say that that's
8 part of the public oversight, right? So I think
9 regularly we meet with our communities, with our
10 precinct community councils with our elected
11 officials. We have calls with our state elected
12 officials. I've already been invited to speak to the
13 100th precinct community council, and I'm going to go
14 and talk about the steps we're taking in terms of
15 technology including radio encryption. I've done
16 public safety forums where the Deputy Mayor of Public
17 Safety, where I've answered questions, talked about
18 encryption, and I've done press conferences also with
19 the press previously, and also recently I went to
20 Fordham University in Manhattan and talked about some
21 technology, cyber-related technology including radio
22 encryption.

23 CHAIRPERSON HANKS: so, yeah, I'm glad you
24 said that, because you know, all of these different
25 precincts, we haven't gotten any of the rollout

2 information, but how do you plan to roll this out
3 citywide and what's the timeline on that?

4 CHIEF BELTRAN: We have a timeline to
5 complete the project by December of next year. Part
6 of this in terms of what segments we're able bring up
7 is a little bit difficult to gauge, because we have
8 to work with our tel-co [sic] providers to upgrade
9 copper circuits to Ethernet and fiber optic circuits.
10 So we expect to have all that work done, most of it
11 if not all of it done by December, but we don't have
12 any firm timelines for any other specific patrol
13 boroughs or radio zone.

14 CHAIRPERSON HANKS: So, in your
15 testimony, you said this project is a massive
16 undertaking. It's projected to cost \$390 million by
17 the time it's completed with approximately \$190
18 million going to infrastructure and approximately
19 \$200 million to purchase and replace existing
20 portable devices. This is all included and that's
21 going to be done by the end of 2024?

22 CHIEF BELTRAN: That's correct.

23 CHAIRPERSON HANKS: Alright, okay. So,
24 okay, moving on. Is it being considered to grant
25 media outlets access to encrypted radio

2 communications on a time-delayed basis or on a-- is
3 there some type of recording that is on file so
4 people can access the radio transmissions for the
5 public or CCRB media public?

6 CHIEF BELTRAN: So, right now, we release
7 911 audio from call-takers and some of our dispatch
8 when required to the media under certain
9 circumstances and we're not changing the way we
10 process requests-- for requests for 911 calls.
11 That's going to be-- that's not going to change at
12 all. There was another part of your question?

13 CHAIRPERSON HANKS: And for the benefit of
14 the public, can you talk about the timeline it's
15 going to take you to provide these recordings to the
16 public as a FOIL request? Is there a timeline that
17 you can talk about? Does the media have to go
18 through that timeline? Or is there-- are they going
19 to have some sort of access? Because I think that
20 that's kind of like the point of this hearing, is
21 like, how are we the public, going to be able to
22 access and have this information in a timely manner?

23 CHIEF BELTRAN: I can't speak the FOIL
24 request. I don't know if our legal representatives
25 can that are here. The ability for us to-- we get

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2 subpoenas on 911 calls all the time, and we turn
3 those around very quickly, matter of days. So, I
4 don't think that it's--

5 CHAIRPERSON HANKS: [interposing] I don't
6 know.

7 CHIEF BELTRAN: Well, you know, I've
8 gotten comments and thank yous from some people
9 requesting them, so.

10 CHAIRPERSON HANKS: Yeah, well, I'm sure
11 that that will be another hearing when this is all,
12 you know, laid out by 2024, but I think that the
13 concern is going to be the accessibility and the
14 transparency to this. And that would lead me to my
15 last question. How will the encryption process
16 affect community engagement, especially in
17 neighborhoods in high-crime and neighborhoods of
18 color and how do you think this will affect that?

19 CHIEF BELTRAN: I think the effect is
20 going to be very positive. It has been in Brooklyn
21 North over these eight-- these precincts within
22 Brooklyn North and the five zones that have been
23 encrypted. Crime is drastically reduced, shooting
24 drastically reduced in Brooklyn North. I think other
25 people are testifying here for the audience. So, I

2 think that that is at least contributing to it.

3 There's a lot of community partnership going on also.

4 I know in Queens South I worked hand-in-hand with the

5 violence interrupters, and part of that was involving

6 them in real-time communications with us in terms of

7 what was happening over that weekend, and I'm sure

8 that those people that work in Queens South can

9 testify about how available and how timely they were

10 in communicating with them regarding shooting

11 incidents and possible violence that was going to

12 occur or shootings in those communities.

13 CHAIRPERSON HANKS: Thank you. And

14 sorry, final, one final question. Have you put

15 together a plan to evaluate the impact of radio

16 encryption and reporting to see, you know, is there a

17 breakdown news to the public? How is it working? Is

18 there any plans to have some sort of reporting or an

19 evaluation after this has been launched citywide?

20 CHIEF BELTRAN: Part of our-- we do

21 intend to do that and complete that evaluation before

22 recommending policy and what the methods of access

23 are going to be. That also includes, like I said

24 before, it includes evaluation of our implementation,

25 what's going on really throughout the country, and

2 I'm also evaluating from an information security
3 perspective, the data that's being communicated over
4 the radio, and right now that it can be monitored and
5 captured by people with scanners. Includes people,
6 victims, right? I said before that, lot of
7 information is subpoenaed, right, for court cases.
8 That information is being publicly right now-- it's
9 publicly accessible and to me is a risk, you know,
10 for as a person that lives in this community. If
11 someone in my house was a victim of a sex offense, I
12 don't necessarily want people to know that's what
13 happened in my house when the police came, right?
14 But right now, that's information that's available if
15 you're monitoring those police frequencies. So we
16 see that data. That data possibly can be-- there's
17 definitely personal identifying information, right,
18 that goes over that radio. Sometimes the results of
19 our NCIC checks go over that, and that's SEGIS [sic]
20 information and that's encrypted. So those are all--
21 those are all kind of, you know, things that we have
22 to evaluate and look at, how this landscape is
23 changing and how important is it for us to protect
24 this information for our victims, vulnerable people
25 and keep police officers safe.

2 CHAIRPERSON HANKS: thank you so much for
3 your testimony. I'm now going to recognize our
4 Public Advocate Mr. Jumaane Williams.

5 PUBLIC ADVOCATE WILLIAMS: Thank you,
6 Madam Chair. As was mentioned, my name is Jumaane
7 Williams and I'm Public Advocate for the City of New
8 York. I want to thank Chair Gutiérrez, Chair Ung,
9 Chair Hanks and the Committee members for holding
10 this hearing. This is actually the opening
11 statement. So some of it may have been addressed.
12 It's opening a little late. It is important that the
13 New York Police Department is able to conduct ongoing
14 investigations safely and responsibly. The Council
15 and we-- the council must do everything in its power
16 to assist the NYPD so there are no interferences into
17 ongoing investigations. With that said, we must also
18 balance the need for public safety with the need for
19 transparency. This past summer, the NYPD introduced
20 a \$500 million dollar radio system that encrypts
21 radio communications, a project which will take five
22 years to complete. Although several frequencies have
23 already been encrypted. The NYPD in my opinion has a
24 long history on pushing back on oversight and
25 accountability, which makes this move particularly

2 concerning. As of November 20th, 2023, there are 10
3 precincts using encrypted channels without any
4 accommodations for the press. This hurts the ability
5 for journalists to research criminal crises and
6 conduct proper journalist review, which has led to
7 evidence that exonerates formerly incarcerated
8 individuals. The NYPD argues that there will be an
9 accredited process for journalists at some point.
10 The issue still remains that if police radios are
11 encrypted, the accredited journalists will need to
12 submit FOIA requests just to hear deciphered
13 transcriptions of the radio. The City of New York
14 already struggles to answer FOIA requests in a timely
15 matter. That might be different than subpoenas, but
16 regular FOIA requests-- some requests take years to
17 process. Again, the NYPD in particular has a
18 difficulty when responding to requests for records
19 and body-worn camera footage taking months or even
20 years to fulfil the request. Sometimes folks haven't
21 received it at all. I would like to know if there's'
22 been an uptick in interruptions or threats that
23 haven't existed with the previous technology. My
24 guess is there have always been these kind of threats
25 that were-- these kind of threats have always

2 existed. What's changed specifically now? Not just
3 the technology, but actually something happened.
4 There all also civic reasons to keep the radios
5 available to the public as well. Cab drivers listen
6 to police radio because they want to avoid active
7 police or EMT events on the road. Additionally, some
8 local crimes are recorded over police radio that do
9 not get immediate attention, and is valuable to have
10 a live report about the crime. While there are some
11 issues around civilian community patrols, there are
12 those that utilize the police radio to help assist
13 NYPD. There were instances where community patrol
14 groups have stopped active crimes from occurring
15 before the police arrives because of open radio,
16 police radio. Additionally, access to police radio
17 transmission provide helpful information for
18 protestors allowing them to avoid some of the over-
19 policing that has occurred and arbitrary arrests.
20 Further, during the 2020 Black Lives Matter protests,
21 individuals monitoring heard officers policing
22 protests make unacceptable comments, including
23 telling each other to shoot those m-fers and run them
24 over. Furthermore, there may be alternatives to mass
25 encryption. During an active SWAT raid, officer and

2 EMT situations that may lead to HIPAA violations,
3 some municipalities require that radios are switched
4 to a different communication channel. Also and
5 lastly, when there's a sensitive coordination point
6 between police units, then there might be an option
7 for encrypted channels that can be used, but in cases
8 a main channel should be used. The NYPD can use the
9 latest technology to protect officers and
10 simultaneously protect the freedom of the press. It
11 should not be all or nothing. My hope is that in
12 this hearing we can understand if there is a
13 potential to do some of what I just requested. I am
14 concerned that the Administration, when it comes to
15 our law enforcement, whether it's Rikers, NYPD, it
16 seems to be a push toward less transparency that we
17 then have to push back for as opposed to more. So
18 hopefully we can get some answers from this hearing.
19 Thank you so much.

20 CHAIRPERSON GUTIÉRREZ: Thank you. Thank
21 you Public Advocate. And before I begin questions, I
22 want to ask if we have any other-- I know we have
23 other agencies here, so I just want to make sure if
24 you have testimony to read. Okay, so we'd like to
25

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2 start with DORIS. Yes. Thank you so much for being
3 here, by the way. Please, just make sure it's red.

4 COMMISSIONER TOOLE: Good afternoon. My
5 name is Pauline Toole, and I am the Commissioner of
6 the New York City Department of Records and
7 Information Services, known as DORIS. Thank you
8 Chairs Ung, Gutiérrez and Hanks, and the members of
9 the Committee on Government Operations, Technology,
10 and Public Safety for the opportunity to testify
11 before you today on the proposed local law to add
12 elected officials social media posts to government
13 social media content maintained by DORIS. This
14 Administration is committed to ensuring that
15 government is open, accessible, and transparent so
16 that residents of New York City can engage with city
17 government in a meaningful way. Providing access to
18 government records helps accomplish that goal. Intro
19 961 would amend the City Charter to require that
20 DORIS maintain publicly accessible and searchable
21 online database of the official social media posts
22 and websites of government officials and require the
23 City's elected officials and agencies to provide
24 DORIS with a list of each official social media
25 account annually. DORIS appreciates the Council's

2 focus on gathering and making available all city
3 government social media posts. We have one
4 suggestion to approve compliance, which is to require
5 the account holder and contact information be
6 provided. The charter gives DORIS three
7 responsibilities related to the City's records. The
8 Municipal Archives accessions [sic] preserves and
9 makes available city government's historical records
10 which are the unpublished records by in large of
11 government agencies and officials. The municipal
12 library preserves and makes available the published
13 records of City government and the records division
14 sets record retention policies and works with
15 agencies and government officials to modernize the
16 management of the records in all formats. Social
17 media posts and websites are official government
18 records, as defined by the City Charter. In 2017,
19 DORIS published a policy making the retention period
20 of these records permanent, because they are
21 published a long-- long-term retention is in the
22 municipal library collection and not the municipal
23 archives. We recognize the challenge for agencies to
24 transfer every post to the municipal library
25 collection, and we work with the Law Department and

2 city government's technology leaders to identify and
3 engage a vendor to harvest all official social media
4 posts from government offices. At that time, a
5 separate vendor also gathered content from government
6 websites. Both types of records document the
7 business of city government and will be invaluable
8 resources for future researchers. Currently, there
9 are 28,722,188 posts available in a searchable public
10 database. The site is constantly updated by the
11 vendor CivicPlus, formerly known as ArchiveSocial.
12 Content is pulled from Twitter, now known as X,
13 Facebook, Instagram, Flickr, LindedIn, Pinterest,
14 Vimeo, YouTube, and briefly from TikTok. Even though
15 this harvesting began officially in 2017, the
16 algorithm searches for all posts associated with an
17 account dating to its inception. So, as a result,
18 some social media posts available on the site date
19 back to 2002 which seems when city government started
20 using social media. For this reason, the requirement
21 that officials require DORIS with an annual list of
22 accounts suffices, because the application will crawl
23 for content created using the various social media
24 platforms. In our experience, the most challenging
25 aspect of preserving these government records is

2 locating the correct point of contact in an office
3 which frequently requires a little detective work.

4 Sorry, Chief. The list of accounts alone will not

5 allow DORIS to preserve that material. The name of a

6 designated person who has access to the long-in

7 credentials must be provided. I would be extremely

8 helpful to require that the offices and elected

9 officials provide the name and email address of the

10 account holder, the platform name, the name of the

11 account and if the account holder does not manage the

12 social media, the name of the person designated to

13 manage the content. Finally, we would like to

14 clarify that our system providing a link to the

15 online database of city government's social media, or

16 its successor on our agency website meets the intent

17 of the bill which requires that DORIS maintain a

18 publicly accessible and searchable online database

19 that contains all publicly viewable content and

20 metadata shared by an official government social

21 media account. Finally, we commend the City Council

22 for its focus on records retention and preservation,

23 and we'd be happy to take any questions you may have.

24 CHAIRPERSON GUTIÉRREZ: Thank you. And

25 next we'll ask for testimony from MOME.

2 EXECUTIVE DIRECTOR NASSER: Hi, good
3 afternoon Chairs Gutiérrez, Hanks and Ung, and
4 members of the New York City Council Committees on
5 Technology, Public Safety and Government Operations.
6 My name is Samer Nasser I'm the Executive Director
7 the Press Credentials Office with the Mayor's Office
8 of Media and Entertainment. I'm joined today with
9 MOMÉ, by MOMÉ's Senior Counsel Steph Scarborough
10 [sic]. Thank you for the opportunity to testify on
11 this important conversation on media transparency.
12 Journalism plays a critical role in maintaining a
13 healthy democracy and the Administration
14 unequivocally supports the freedom of press to do
15 their work. The press provides information that
16 educates, informs, and encourages civic engagement.
17 The ability of New Yorkers to express informed
18 opinions depends on their access to objective
19 information about what's happening in their community
20 and beyond. PCO's mission is to provide members of
21 the press with a timely, transparent, and equitable
22 press card applications process. Prior to joining
23 MOMÉ, I spent over two decades working as a
24 journalist right here in New York City. At MOMÉ, I
25 leverage my experience in understanding the needs and

2 challenges of news gathering to fully serve and
3 support members of the press to exercise their first
4 amendment rights and to inform the public. For me,
5 this is a professional and personal responsibility.
6 For over century, the City has been providing
7 qualified journalists with press credentials that
8 allow members to pass police and fire lines and
9 similar barriers as well as attend city government
10 press conferences and other city sponsored events
11 opened to the press. To be clear, a press card is
12 not a license, nor is it required to work as a
13 journalist in New York City. It merely allows access
14 to certain areas that would otherwise be restricted
15 to the public for the purpose of news gathering and
16 informing the public. Today, this key duty is MOME's
17 responsibility. In 2021 City Council passed Local
18 Law 46 which transferred the function of issuing
19 press credentials from NYPD to MOME. Local Law 46
20 also made the following changes. It requires a
21 hearing at the Office of Administrative Trials and
22 Hearings, also known as OATH prior to any suspension
23 or revocation of a press card. It also provides a
24 press card applicant with the opportunity to appeal a
25 denial of a press card application, also in front of

2 OATH, and it requires MOME to offer at least three
3 types of press cards, including the reserve,
4 standard, and a single-event press card. In addition,
5 Local Law 46 requires rule-making. As of January
6 20th, 2022, the PCO assumed responsibility for
7 issuing press cards. Soon after MOME issued
8 regulations covering press credentials after a public
9 hearing at which members of the press and first
10 amendment attorneys provided feedback on the proposed
11 regulations. The PCO is proud of the service is
12 provides to journalists. Since assuming this key
13 function, we work on ensuring the application process
14 is as smooth as possible and that language barriers
15 and other obstacles have been removed. Our biggest
16 accomplishment is the digitization of the press
17 credential application process. PCO developed an
18 online portal for both application and-- sorry--
19 application submission and application assessments.
20 Everything related to press credentialing is
21 centralized on a seamless and user-friendly portal
22 that's accessible from anywhere with internet access.
23 Applicants may apply, appeal, renew and report a
24 press card stolen or lost online anytime. The PCO is
25 also written in plain language and offers detailed

2 information and video tutorials to help journalists
3 navigate the new press credentialing portal. To
4 better serve and ensure accessibility for our
5 limited-English-proficient constituents, the PCO
6 provides materials in multiple languages. Our portal
7 is also available in all 10 citywide languages, and
8 journalists may submit media files in any language.
9 To better assist our ethnic and community news
10 outlets here in New York City, the PCO works with the
11 Center of Community Media at CUNY, Craig Newmark
12 Graduate School of Journalism which offers free
13 workshops to the New York City's Ethnic and Community
14 Media Group members. To-date the PCO has received
15 approximately 3,500 applications and has approved
16 about 70 percent. Our staff prides itself on being
17 available to guide members of the press on how to
18 obtain a press card in accordance with MOME's rules.
19 Our customer service survey provided excellent
20 feedback: 92 percent of applicants awarded the PCO
21 four and five stars ratings, describing it as very
22 well organized, fast and efficient; 80 percent of
23 applicants believe that the new process is better.
24 These numbers illustrate PCO's commitment to
25 facilitating the critical work that journalists do

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2 each and every day to keep our public informed, and
3 we hope to continue doing this great work. Thank you
4 for the opportunity to testify about the public
5 service we offer to New York City journalists. We
6 look forward to your questions.

7 CHAIRPERSON HANKS: Thank you. Chair
8 Gutiérrez. We can hear from some of our colleagues
9 who have questions. Okay.

10 CHAIRPERSON GUTIÉRREZ: I have questions,
11 can I go? Sorry. I'm confused. I'll be fast,
12 because I know folks have been waiting for a while,
13 and then that'll be my way to keep you all here
14 longer, and we'll go to members. So, let me just
15 make sure I have your title. Chief, can you just re-
16 - and I know you answered this, but I'm still a
17 little bit-- I think there have been commitments from
18 a previous Administration and even Commissioner Caban
19 on the willingness to establish a system for even
20 under-encrypted radio communications to allow the
21 press, and I know we've seen it happen in other
22 cities where this is delay like Baltimore, Chicago
23 and other cities which I know are not as large, but I
24 would say comparable as far as, you know, with the
25 PD's expressing is a level of a concerns and threat.

2 So, I-- can you just one more time-- or just expand a
3 little bit. I'm unclear. What? Why not? What are we
4 thinking?

5 CHIEF BELTRAN: What we're thinking is
6 that it needs to be explored, like I said before,
7 because we need to consider everything into that
8 equation, right? So, things have changed--

9 CHAIRPERSON GUTIÉRREZ: [interposing]
10 Yeah.

11 CHIEF BELTRAN: in the country, right, in
12 terms of police communications. It's-- we're not the
13 first ones to do this. Hundreds of Police Departments
14 in the country have gone--

15 CHAIRPERSON GUTIÉRREZ: [interposing]
16 Yeah.

17 CHIEF BELTRAN: fully encrypted. We've
18 gone encrypted on some channels. Look at our
19 experience there, and look to see in terms of-- to
20 make sure that we can-- we're going to make those
21 commitments, and we have a legal position to stand on
22 in terms of this SEGIS data? Is this private
23 personal information? So, I think it's-- we're
24 looking at all of it. I think what the PC said and
25 what I said are very consistent. We're looking at the

2 whole situation, the different methods that are
3 available to allow access to radio communications,
4 and we're going to make a decision on that before we
5 complete our roll-out.

6 CHAIRPERSON GUTIÉRREZ: Sure, but even
7 you said we're not the first, and other cities that
8 have started before have already gotten to I think
9 what some folks would like to see the PD exhibit
10 which is yes, allowing for access for the media with
11 a delayed response, if that is what other cities are
12 doing. So for me, it just-- what is the-- what more
13 are you looking into if there is already a precedent?

14 CHIEF BELTRAN: I think I just mentioned
15 all of them. So, I-- that's in a sense of not
16 repeating them, what I just said, those are the three
17 items, three areas that we're looking at. It's the
18 experience of--

19 CHAIRPERSON GUTIÉRREZ: [interposing] I
20 mean, you can repeat it. It just-- I don't agree.

21 CHIEF BELTRAN: the country--

22 CHAIRPERSON HANKS: it feels really
23 incomplete. It feels like you are-- like the agency
24 is stalling, like the agency is like-- and in your
25 testimony I quite-- I found it comical for you to say

2 that PD is famously known for its transparency. I
3 would love for you to point that out to me when
4 that's happened, and we know that in the instance
5 here oftentimes it is the media that has provided
6 that level of transparency for which the PD has been
7 unable and unwilling to do. So you can repeat it,
8 but it doesn't change that there is precedent, and
9 you know, I think it's a stall tactic. I don't think
10 it's-- I don't think it's reflective of the values
11 that you say that you had in your testimony, but I
12 will certainly allow for the public testimony to
13 expand on that. Can I ask on the pilot of the
14 precincts in Brooklyn North, what was the thought
15 behind starting there?

16 CHIEF BELTRAN: The thought behind that
17 had to do more with some of the crime issues that we
18 were experiencing throughout the City.

19 CHAIRPERSON GUTIÉRREZ: They were
20 specific to the encryption?

21 CHIEF BELTRAN: They're going to mention--
22 - well, encrypt-- I'm going to show you how
23 encryption helped data [sic] roll [sic] and
24 addressing them. But we had crime convictions that
25 involved organized robbery crews, right, going around

2 and robbing smoke shops. We had car jacking's going
3 on and robbing multiple people, multiple
4 victimization, and going to different boroughs. So
5 one the recommendations that we came up with as part
6 of what technology tools do we have available that
7 can help reduce crime and reduce victimization that
8 we working on. One of them was the digital upgrade
9 and the encryption. Even though we're not ready to
10 go citywide, we weren't capable of upgrading the
11 systems in Brooklyn North. We did so first by doing
12 our citywide channel, our citywide four. That
13 citywide four assisted us early on after activating
14 that I believe early in the summer or late in the
15 spring of catching a robbery crew that was
16 victimizing many of these smoke shops, but we
17 couldn't catch them. And again, we were able to
18 finally catch them once we went encrypted, and we
19 also did, you know, recover-- find out that they were
20 using scanning equipment to evade apprehension so
21 that was the basis. Hey, it worked there, a citywide
22 one. Where else can we pay it so we can protect
23 people, respond to these incidents, and to be able to
24 really stop giving the bad guys our game plan in
25 terms of how we're trying to apprehend them?

2 CHAIRPERSON GUTIÉRREZ: Okay. And is
3 there any-- are there any other examples in Brooklyn
4 North that you can share? I guess I just want to
5 like create a scenario where--

6 CHIEF BELTRAN: [interposing] The problems
7 weren't [sic] specific Brooklyn North,

8 CHAIRPERSON GUTIÉRREZ: But you're-- I
9 just mean because you piloted there,--

10 CHIEF BELTRAN: citywide. Brooklyn
11 North--

12 CHAIRPERSON GUTIÉRREZ: [interposing]
13 and I represent it, so I'm like--

14 CHIEF BELTRAN: was selected because that
15 was the area that we had the most-- the least amount
16 of work to do to fully complete the upgrade for those
17 boroughs, geographically. We were focusing-- we have
18 to focus.

19 CHAIRPERSON GUTIÉRREZ: You mean like the
20 fiber installation?

21 CHIEF BELTRAN: Yeah, for the fiber
22 upgrades we got to work with Verizon to do that, so
23 we asked Verizon to prioritize so we can at least
24 finish one area, and that's where we started.

2 CHAIRPERSON GUTIÉRREZ: And what does
3 that-- the-- what does that look like, I guess in
4 communities that have a long way to go in the fiber
5 installation?

6 CHIEF BELTRAN: It's probably easier in
7 some communities. I think Staten Island it's a
8 little bit easier.

9 CHAIRPERSON GUTIÉRREZ: And it's just
10 Verizon that's responsible--

11 CHIEF BELTRAN: [inaudible] Verizon, and
12 Verizon has to come and complete the circuit and
13 upgrade that circuit from copper to Ethernet and to
14 bring fiber optic commissions to that site. We have
15 to deal with the site owners, because these are
16 usually properties that aren't owned by us, so we
17 have to coordinate and facilitate agreements with
18 those property owners to utilize their buildings and
19 due to the upgrade and renew memorandums of
20 understandings that we have with the building owners
21 and then we have to install the new P25 digital
22 equipment and test it before we can later on activate
23 it and to be able to communicate, and then we take
24 the other-- we take the older equipment offline, the
25 analog.

2 CHAIRPERSON GUTIÉRREZ: Okay. And I'm
3 going to just jump back one question. The
4 exploration phase that the agency is and how-- of
5 like figuring out a system, how long-- because, I
6 mean, it was set by the previous commissioner--
7 actually two commissioners ago, and I know at a
8 recent press conference that the Mayor had, I think
9 they brought it up again. So what is the-- you know,
10 I think we want to believe that there is an urgency,
11 because we do believe in the value of allowing
12 access, but what is the serious, the for-real
13 timeline that we're thinking, that you are all
14 thinking about?

15 CHIEF BELTRAN: Timeline was-- and since
16 I've been here the timeline has been upon-- before
17 the completion of the digital upgrade.

18 CHAIRPERSON GUTIÉRREZ: Which is supposed
19 to be for next year.

20 CHIEF BELTRAN: Before the end of next
21 year, 2024.

22 CHAIRPERSON GUTIÉRREZ: Okay. And then
23 my last question for you Chief is-- I believe this
24 was in your testimony, the special key to secure the

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2 P25 digital system, is it a-- like, is it a for real
3 key? I think if you can just--

4 CHIEF BELTRAN: [interposing] No, no.

5 CHAIRPERSON GUTIÉRREZ: I think what we
6 also want to understand is like, is this transition
7 actually more secure, and what-- how much can you
8 share about the security of said key.

9 CHIEF BELTRAN: Well, it's a 256-bit
10 encryption key. So that's really just a sequence of
11 numbers that has proven very difficult and impossible
12 for other people to be able to break right now, but
13 that's more or less the way that the system--
14 somebody's radio can decode. The message that's
15 going out, they need the key to decode the message
16 that's currently encrypted.

17 CHAIRPERSON GUTIÉRREZ: Okay, thank you.
18 I just have a couple questions for the Commissioner,
19 MOME Commissioner. Thank you so much for being here.
20 No, I apologize.

21 EXECUTIVE DIRECTOR NASSER: I'm actually
22 the Executive Director.

23 CHAIRPERSON GUTIÉRREZ: The Executive
24 Director, I apologize. Thank you for your testimony.
25 I caught at the end of it that you shared about 70

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2 percent of the applications are being approved. Do
3 you have a sense of when the transfer was made, what
4 was the rate that PD was denying or approving
5 credentials versus what MOME has been doing since it
6 transferred over?

7 EXECUTIVE DIRECTOR NASSER: I do not have
8 that.

9 CHAIRPERSON GUTIÉRREZ: Chief, do you
10 have that?

11 CHIEF BELTRAN: No, I don't.

12 CHAIRPERSON GUTIÉRREZ: No, you guys shut
13 it down, and you were like, we're done.

14 CHIEF BELTRAN: No, I'm not. Technology
15 doesn't do DCPI, so.

16 CHAIRPERSON GUTIÉRREZ: Alright. And
17 for-- in the instances where they are being denied,
18 can you share anything about-- what are some of the
19 things that you are all looking for and why they're
20 being denied?

21 EXECUTIVE DIRECTOR NASSER: Absolutely.
22 So, let's start off by saying thank you for the
23 question. Our rules-- our application process is
24 based on law. So law 46 required MOME to create a set
25 of criteria for applications, for suspensions, for

2 revocations. For applications there are several
3 reasons a person can be denied, and it really just
4 depends on whether or not they provide us with the
5 requirement of the application. The requirements of
6 the application, other than some personal identifying
7 information include the applicant is required to
8 submit six pieces of media, and they have to be very
9 specific pieces of media. They have to be defined--
10 they're defined as covered events. So these are
11 events where-- these are emergency events and non-
12 emergency events that happen on public space that
13 also require some city official restriction. For
14 instance, a metal barricade by NYPD or, you know,
15 crowd preservation because there's a fire, by fire
16 police-- or fire officials. It also entitles-- the
17 events also has to fall in-- can also fall into a
18 city-sponsored event. So there are three buckets:
19 breaking news, non-emergency on public space with
20 barricades in both of those incidents, and attending
21 city-sponsored events that are open to the press, for
22 example a press conference. So if they give us the
23 requirements, we approve them.

24 CHAIRPERSON GUTIÉRREZ: And how often are
25 they having to reapply for a press-- are they-- and

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2 are those credentials still equally applied while
3 they're seeking to renew that?

4 EXECUTIVE DIRECTOR NASSER: Can you
5 repeat the last part of the question?

6 CHAIRPERSON GUTIÉRREZ: I guess how often
7 do folks have to reapply for-- or do they have one
8 for life, and if that's the case where they are
9 reapplying, are you utilizing the same press-- are
10 you using the same credentials, or are you just kind
11 of renewing it because they've already had one?

12 EXECUTIVE DIRECTOR NASSER: Gotcha. So
13 each card is valid for two years. It expires January
14 15th of every odd year. So, when renewals come up--
15 we're actually coming up to a renewal season for 25--
16 they will need to submit a brand new application with
17 the same requirements.

18 CHAIRPERSON GUTIÉRREZ: thank you. And
19 then I just have one question for Commissioner Toole.
20 On-- can you explain a little bit on-- I know on
21 specifically Council Member Brewer's bill I know that
22 there's some hesitation on the level-- just like
23 capacity, is that what I understood from your
24 testimony or is the agency in support of the bill?

25 COMMISSIONER TOOLE: We support the bill.

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2 CHAIRPERSON GUTIÉRREZ: You support the
3 bill, okay, wonderful, wonderful. I'm sorry. Then I
4 misheard.

5 COMMISSIONER TOOLE: There's not a
6 capacity issue, it's just the elected officials
7 giving us their information so we can harvest, right?
8 Mandated or not we could do it.

9 CHAIRPERSON GUTIÉRREZ: Wonderful. Okay,
10 thank you. I think that's it. That's it for me for
11 questions.

12 CHAIRPERSON UNG: Thank you. My
13 questions are for Commissioner Toole. I have just
14 have a quick few follow-up questions about the
15 archives. How is the public able to access the
16 archives right now?

17 COMMISSIONER TOOLE: The public can-- do
18 you mean the social media archive--

19 CHAIRPERSON UNG: [interposing] Yes.

20 COMMISSIONER TOOLE: or the archives in
21 general?

22 CHAIRPERSON UNG: The social media
23 archives.

24

25

2 COMMISSIONER TOOLE: We have a URL that
3 can go to-- I think it's nyc.gov.archivesocial.com,
4 and they can browse all 18 million.

5 CHAIRPERSON UNG: Excellent. And how--
6 you know, I'm trying to understand the process a
7 little bit better. How is it you get the social
8 medias of the elected officials right now? Do we
9 [inaudible] give it to you, or do you ask us for it,
10 and then we give it to you?

11 COMMISSIONER TOOLE: So, every agency,
12 every official should have a record retention
13 schedule that lists how-- describes their records and
14 how long they're retained. In the instance of social
15 media, we get from offices the name of their social
16 media platform and the account name and the account
17 holder's information. We provide that to our vendor.
18 The vendor has developed its own technology to
19 interact with the APIs for all these different social
20 media platforms and gather the content. So if,
21 Council Member, you had a social media account and
22 you provided us with that information, we would
23 provide to our vendor and they would start harvesting
24 all of your official social content immediately.

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2 CHAIRPERSON UNG: So what if I don't
3 provide you with that account? What's the-- so right
4 now it's a--

5 COMMISSIONER TOOLE: Well, we wouldn't--
6 how would we know, right?

7 CHAIRPERSON UNG: Right, so it's a
8 voluntarily just giving the information over?

9 COMMISSIONER TOOLE: I think-- yes, but
10 it is this policy-- the records policy of this city
11 is that these are official records and they are--
12 they should be retained because the charter requires
13 that. So, while there is an element of volunteerism,
14 one would imagine there would be some compliance.

15 CHAIRPERSON UNG: Agree. And just one
16 last question about Council Member Brewer's bill.
17 Other than the challenge you were seeing about having
18 a correct point of contact, I see that. Is there any
19 other challenges to this bill? I know you're
20 generally in agreement with it, but is there any
21 other challenge this bill?

22 COMMISSIONER TOOLE: No, no. We just--
23 once we have the information, we'll give it to the
24 harvester. They do the work and it's out there for
25 the public to see. And most importantly, 50 years

2 from now, it's where people are going to find a
3 record of the work that has been accomplished.

4 CHAIRPERSON UNG: Great. Thank you so
5 much. I'm done with my questions. Thank you.

6 CHAIRPERSON HANKS: Thank you so much
7 Chair Ung. I'd like to recognize Council Member
8 Botcher has joined us. I just have a few questions
9 regarding-- I want to circle back to the delay. I
10 kind of feel fuzzy about the delay. Will there-- do
11 we have a concrete answer on how that's going to
12 happen, whether it's going to-- there's going to be a
13 delay, or if there's not going to be a delay for
14 press that have the credentials or the encryption key
15 to listen in to the encrypting? You got to put your
16 microphone on so we can hear you.

17 CHIEF BELTRAN: I had it on before, I
18 just had it on too long. We haven't made that
19 decision yet. That's all under evaluation and
20 consideration.

21 CHAIRPERSON HANKS: do you know when
22 you're going to be able to make-- when you have the
23 decision on like what would influence your decision?
24 Can you just kind of elaborate a little bit? I think

2 that's what folks want to kind of understand. How
3 long is the encryption encrypted?

4 CHIEF BELTRAN: It's going to be based on
5 the experienced of other cities. The experience that
6 we have in our-- on our encrypted channels, and also
7 the considerations for data security and SEGIS and
8 FCC compliance.

9 CHAIRPERSON HANKS: DO you foresee us,
10 the public, knowing what that delay will be prior to
11 the release, the launch in 2024?

12 CHIEF BELTRAN: Sure. Once we make a
13 decision, that will be made public.

14 CHAIRPERSON HANKS: One more for NYPD.
15 Will there be any down time while they're going to
16 the conversion? Will each percent-- is there any
17 kind of delay or down time when they do from the old
18 to the new?

19 CHIEF BELTRAN: No, we actually-- a lot
20 of the work that we do is to ensure. We're kind of
21 running parallel systems at the same time when we're
22 testing. And even when we upgraded to Brooklyn
23 North, we had both of them active, both the channels,
24 both the clear and the encrypted active for a
25 significant period of time to ensure that people that

2 were on vacation got their radios switched or
3 reprogrammed. We put notices out there to inform
4 people of the changes we were making and what they
5 needed to do, and so we go through a real painstaking
6 process of step-by-step to make sure that we're not
7 going to leave a police officer out there with the
8 radio that's monitoring an open channel or a clear
9 channel while we're operating in encrypted.

10 CHAIRPERSON HANKS: is there any plans to
11 have-- I know that you testified that you'll be
12 going-- that you do talks and kind of update. So are
13 you going to-- is there going to be a percent by
14 precinct. This is going to be the new system for the
15 police councils, for the community boards, for the CMS
16 workers. Is there-- will there be any kind of
17 tutorial or this is happening and this is what it
18 means precinct by precinct?

19 CHIEF BELTRAN: No I mean like I said
20 before as a Borough Commander of Queens South and
21 same thing on Staten Island. I'm a Staten Island
22 resident now. We have-- you know, we communicate
23 with the public, with the elected officials, so we'll
24 make sure we keep everyone informed in that process
25 in terms of changes that are happening.

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2 CHAIRPERSON HANKS: Welcome to the Rock.

3 How do you foresee, you know, the crisis management
4 workers, Cure Violence workers working in this space?
5 Have you thought about it, of how CMS workers will--
6 not that they ever had access but, how do you -- is
7 there-- will there be any change or anything with our
8 crisis management and Cure Violence workers?

9 CHIEF BELTRAN: Well, I mean, I have a
10 broader team, but that really want's on my radar
11 until I read it in the-- til I read it in the-- I
12 believe it was in the Times. And the reason why it
13 wasn't is because I work with the Cure Violence
14 people and we had real-time communications with them,
15 and chat groups and everything else, so maybe those
16 issues never really-- and by the way, Erica Ford
17 [sp?] has my number, right? So and she hasn't-- you
18 know, she hasn't been calling me, so I'm assuming
19 we're in a good place but it's good to know that's
20 one of the considerations we should be looking at in
21 terms of community partners, right?

22 CHAIRPERSON HANKS: Yeah, 100 percent. I
23 mean the community part of there is the media aspect
24 of it, but those are also the community partner
25 aspect of it as well. And I think that I would-- I

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2 look forward to kind of hearing and digging a little
3 deeper in how that partnership will look like.

4 Thank you so much. My next question's for MOME. So

5 I don't know if this was gone over. Thank you so

6 much. Is there any reason why we would deny

7 applications, and does MOME conduct criminal

8 background checks for press credentials, although not

9 expressly authorized by Local Law 46?

10 EXECUTIVE DIRECTOR NASSER: So, okay. So

11 all applications are reviewed according to the same

12 set of standards that are prescribed by the MOME

13 rules. The MOME rules set forth procedures and

14 certain criteria by which we would analyze the

15 application. As I mentioned before, if the

16 requirements that we request are submitted as

17 requested, then that person would be awarded or

18 approved for a press card. In terms of criminal

19 background, our application does include three

20 criminal history background questions, and our office

21 has the discretion to conduct background check if

22 necessary.

23 CHAIRPERSON HANKS: For the purpose of

24 the public regarding the rule on criminal records,

25 specifically arrests with misdemeanors will news-

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2 gathering, what was the justification behind
3 including such a question in the application process?

4 EXECUTIVE DIRECTOR NASSER: I think MOME
5 Senior Counsel Stan Skarbo can better answer that
6 question for you.

7 SENIOR COUNSEL SKARBO: Good afternoon
8 everyone. My name is Stan Skarbo, I'm Senior Counsel
9 at the Press Credentials Office of Mayor's Office of
10 Media Entertainment. And would you please repeat the
11 question?

12 CHAIRPERSON HANKS: So we were just kind
13 of talking about the criminal background checks for
14 press credentials, but testified that there are
15 questions on the application that speak to that. So,
16 my question is, as part of the application, an
17 applicant-- sorry, I apologize, I crossed it out.
18 Regarding the rule on criminal records, specifically
19 arrests for misdemeanors while news-gathering was--
20 what was the justification for including these
21 questions as part of the application process?

22 SENIOR COUNSEL SKARBO: I do not have
23 that information right now. I will be able to get
24 back to you.

25 CHAIRPERSON HANKS: Okay.

2 SENIOR COUNSEL SKARBO: After the
3 hearing.

4 CHAIRPERSON HANKS: I would like to know
5 that. Thank you. So, as part of the application,
6 the applicant must submit six publications that they
7 have authorized in the past 24 months. Why was this
8 a specific requirement and why require six
9 publications instead of 10 or two?

10 EXECUTIVE DIRECTOR NASSER: It's a great
11 question. We adopted the same criteria as NYPD's
12 criteria, essentially. Applicants may submit six.
13 They're not limited to six. They can submit more if
14 they'd like, increase their chances, but we do
15 require six at minimum.

16 CHAIRPERSON HANKS: so, this is a
17 question for the newly graduated, you know, people in
18 the public who want to-- who are aspiring
19 journalists, and so does this requirement account for
20 newly graduated journalists who may not meet this
21 requirement?

22 EXECUTIVE DIRECTOR NASSER: Absolutely.
23 We have different pathways. One pathway would be for
24 them to use a reserve press card that's issued to
25 their employer. They can go to their assignment and

2 say hey, can I borrow a reserve card for this
3 assignment, and they can go and cover their story.
4 Or this also applies for not just graduates, but
5 folks who are coming out-- coming from out of state
6 who may not have the New York media requirement.
7 They may take the single event pathway in which they
8 would-- it's a two-step process. They would submit
9 an applications, and it's called a pre-- single event
10 pre-registration that would give-- if they get
11 approved, then they would have the ability to cover
12 as many single event-- as many single events as they
13 would like within a two-year period. For each event
14 they would like to cover they have to then take a
15 second step, which is the second step of the process,
16 and apply for the actual event, and that event needs
17 to be defined-- needs to be a covered event as we
18 define it. Again, that is emergency and non-
19 emergency public events that are newsworthy as well
20 as city-sponsored events open to the press.

21 CHAIRPERSON HANKS: Thank you so much for
22 answering my questions. I'm going to pass it on to my
23 colleague Council Member-- oh, excuse me. The Public
24 Advocate, he has questions we'll start with first.

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2 And I would like to recognize Council Member Mealy
3 has joined us.

4 PUBLIC ADVOCATE WILLIAMS: Thank you,
5 Madam Chair. Just quickly for MOME, just I wanted to
6 understand how that works for social media. You may
7 have said it and I missed it, but social media
8 journalists, they have the same publication
9 requirements?

10 EXECUTIVE DIRECTOR NASSER: Yes, digital
11 landscape is considered to be a publication as is
12 print and broadcast and cable-cast.

13 PUBLIC ADVOCATE WILLIAMS: it has nothing
14 to do with how many followers you have, it's all
15 about publication?

16 EXECUTIVE DIRECTOR NASSER: Absolutely
17 not. It's about publication.

18 PUBLIC ADVOCATE WILLIAMS: Thank you.

19 EXECUTIVE DIRECTOR NASSER: You're
20 welcome.

21 PUBLIC ADVOCATE WILLIAMS: And for PD, I
22 just want to better understand, were there safety
23 issues before this change? Were there safety issues
24 of people getting information from radio scanners?
25

2 CHIEF BELTRAN: Yeah, that was a-- I
3 think that's a part of the question that I didn't
4 answer before for someone. I think the issue's
5 always been there. I think it was for many years we
6 would just switch people over the frequency to
7 another frequency, but they start following us to
8 those other frequencies, and it just was something
9 that we didn't really have a solution for, because
10 the equipment to be able to track and the length of
11 the transmissions and the frequencies of the
12 transmissions to track and unidentified radio device,
13 it's a very futile effort to try to identify where it
14 was. So I think the things that really changed is
15 number one, the capabilities of the technology to be
16 able to make sure that our transmissions are more or
17 less encoded and encrypted so they don't become
18 available. I think that's part of the biggest change,
19 is the capability, and also the evolution of social
20 media and its impact on-- before we just had to worry
21 about a trained, skilled adversary, but that skilled
22 adversary could be working for a group or a criminal
23 group, and that information can become available to
24 hundreds if not thousands of users.

2 PUBLIC ADVOCATE WILLIAMS: so, I get
3 that. I want to make sure police can do their job
4 safely and effectively, so I don't want it to be
5 unnecessarily impeded. I'm also thinking about the
6 ability to have transparency. So I'm trying to
7 figure out were there an increase in threats that
8 occurred because of social media? Is this
9 anticipatory? I'm trying to figure out what else
10 besides--

11 CHIEF BELTRAN: [interposing] Definitely
12 increases in 2016.

13 PUBLIC ADVOCATE WILLIAMS: okay.

14 CHIEF BELTRAN: Increase in numbers of
15 threats. As a matter of fact, there was male, J.
16 Peralta that was arrested and also charged by the FCC
17 for making multiple threats, disruptions and so
18 forth.

19 PUBLIC ADVOCATE WILLIAMS: I'm sorry, was
20 it threats based on information that they got from
21 the radio scans?

22 CHIEF BELTRAN: Yes, they were
23 transmitting on Police Department radio.

24 PUBLIC ADVOCATE WILLIAMS: Oh, so they
25 were threatening-- they were transmitting themselves.

2 CHIEF BELTRAN: Right. They were
3 monitoring and transmitting, and that was six
4 incidents, and a matter of fact the media reported on
5 it back then because it was going on frequently, and
6 again, over the elongated period, and also the
7 threats were targeted towards a specific captain or
8 member of the Police Department. So I think that was
9 one, and just our whole experience during the
10 protests which were less of an issue, but some of the
11 looting and rioting and crime that occurred, also
12 social media and the radio-- our radio operations,
13 our operations that were transmitted over the radio
14 were being put over social media. As a matter of
15 fact, also around that time there was also
16 publications on social media, on the internet, on
17 hacker sites on how to circumvent and disrupt NYPD
18 communications.

19 PUBLIC ADVOCATE WILLIAMS: And then like I
20 mentioned during some SWAT raids or certain EMT
21 situations that lead to a HIPAA violations, some
22 municipalities can switch at that point, to different
23 forms of communication. So is that something the
24 NYPD can do as opposed to switching the whole thing
25 over time.

2 CHIEF BELTRAN: At first glance, again, to
3 the un-initiated [sic], that sounds like a good idea.
4 We just talked about 6.8 million jobs. We talked
5 about-- unlike these other Police Departments that
6 maybe just have a handful of police officers, tens of
7 thousands of police officers, thousands of call-
8 takers and dispatchers that would have to make
9 decisions on a transmission of whether or not it's
10 going to be require to be encrypted, and then we have
11 to get everyone on the channel to change, because if
12 they don't and they call for help, no one's going to
13 hear them.

14 PUBLIC ADVOCATE WILLIAMS: Alright, my
15 last question-- it's being done, so I don't want to
16 put a pin in that. I understand what you're saying,
17 but this I can't go further. The other part is, so
18 that concerns the public at large. Do you have the
19 same concern with press?

20 CHIEF BELTRAN: I think the issues with
21 press I think would be more right now in terms of
22 would be more the security, personal identifying
23 information and SEGIS, SEGIS compliance.

24 PUBLIC ADVOCATE WILLIAMS: Well, that
25 existed before. That-- all of this--

2 CHIEF BELTRAN: [interposing] But as we
3 upgraded our-- as we're upgrading this, our system,
4 and as SEGIS changes their requirements for security,
5 I believe this information, this data, comes under
6 the purview of that requirement for encryption. So,
7 but we need to look at it.

8 PUBLIC ADVOCATE WILLIAMS: Yeah.

9 CHIEF BELTRAN: I'm not a lawyer, so we
10 need lawyers to--

11 PUBLIC ADVOCATE WILLIAMS: [interposing]
12 Well, I understand some of it with the public--

13 CHIEF BELTRAN: [interposing] make
14 recommendations.

15 PUBLIC ADVOCATE WILLIAMS: I still want
16 to kind of digest, but the press, I'm not-- I don't
17 fully understand why we would want to exclude them
18 the way that we are. So I just have concerns. I'm
19 also concerned that some of it is-- there are some
20 things that have been heard that I think didn't make
21 the NYPD look the best, so I'm concerned that that is
22 part of the consideration, so I'm trying to figure
23 out what is the biggest reasons moving forward. So
24 thank you for letting me know about the increase in
25 threats--

2 CHIEF BELTRAN: [interposing] You're
3 welcome.

4 PUBLIC ADVOCATE WILLIAMS: that happened
5 in 2016. Thank you.

6 CHAIRPERSON HANKS: Thank you so much,
7 Mr. Public Advocate. Next, we'll hear from Council
8 Member Holden.

9 COUNCIL MEMBER HOLDEN: Thank you. Thank
10 you all for your testimony. Thank you, Chief. Nice
11 seeing you again.

12 CHIEF BELTRAN: Nice to see you.

13 COUNCIL MEMBER HOLDEN: As somebody who as
14 a civic leader for years, decades, actually, I
15 listened to the police scanner, and I discovered a
16 lot of thing son it, though. I discovered how many
17 units were out there. I discovered how many jobs
18 they're holding. Most of them were holding five jobs
19 in my precincts, which I think is the limit, even
20 though that's too much. I discovered many times if
21 they went into backlog. I discovered-- which I
22 wouldn't have found out ordinarily, if they went into
23 alert, and I would find out how busy they are. So I
24 could see how in the wrong hands-- if a crook can
25 tell how many units are out working that night, and

2 sometimes there's only three in my very large
3 precinct, it's a problem. And so you said that some
4 of the bad guys were listening to your conversations
5 sometimes, right? How-- was that quite often or was
6 it a certain percentage that you have of how many
7 people you caught with the scanner who were up to no
8 good?

9 CHIEF BELTRAN: Well, that's one thing
10 that we can't tell in a clear channel is how many
11 people--

12 COUNCIL MEMBER HOLDEN: [interposing] No,
13 if they were arrested, they might have the portable.

14 CHIEF BELTRAN: are monitoring. But my
15 experience, I've been involved with many arrests
16 throughout my career where we caught career criminals
17 with scanners.

18 COUNCIL MEMBER HOLDEN: And it was mostly
19 for what I understood burglary because they would
20 know if a unit has been called.

21 CHIEF BELTRAN: burglaries, if you're a
22 professional robber and you're robbing a bank, you're
23 robbing a drug dealer-- what's most common is-- and
24 you've probably heard about this in some of your
25 complaints and updates to crime is criminal police

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2 impersonators. They notoriously carry police radios
3 all the time, or scanners that look like police
4 radios, I should say.

5 COUNCIL MEMBER HOLDEN: Right. I know
6 the scanner I had I couldn't transmit, though. I
7 couldn't break-in. I mean, they figured that out, to
8 break in to police--

9 CHIEF BELTRAN: [interposing] well some
10 people who have radio knowledge--

11 COUNCIL MEMBER HOLDEN: [interposing] I
12 could only listen in--

13 CHIEF BELTRAN: [interposing] Right,
14 right.

15 COUNCIL MEMBER HOLDEN: Like citizen
16 does, citizen, you listen in.

17 CHIEF BELTRAN: Right, but once you know
18 the channel and know certain information about where
19 we're transmitting, if you have access to a radio
20 transmitter, you can transmit on that.

21 COUNCIL MEMBER HOLDEN: and you know the
22 codes also.

23 CHIEF BELTRAN: Correct.

24 COUNCIL MEMBER HOLDEN: But does the
25 technology exist where like the press could have a

2 license and a number that they could track, that you
3 could actually track how many-- you know, the
4 organization and how many licenses they have were
5 they on that? You know, could-- does that technology
6 exist today?

7 CHIEF BELTRAN: the technology exists so
8 we can know whose transmitting, I'm not sure that
9 same technology can track who's listening.

10 COUNCIL MEMBER HOLDEN: So we don't' know
11 that. And you aid other cities have done this? Do
12 they have certain restrictions or they press access?
13 Do they allow that? You said Chic-- I think you said
14 Chicago.

15 CHIEF BELTRAN: Right, Chicago's one of
16 them. I think some of them are considering delayed
17 transmission. Some are not re-transmitting at all.
18 Nassau's not retransmitting. So different people
19 have-- most of them that we saw are not doing
20 retransmitting. They're just transmitting in
21 encrypted, but not retransmitting.

22 COUNCIL MEMBER HOLDEN: right, but the--
23 are there any restrictions or do they allow the press
24 to have it, let's say, and only the press where they
25

2 don't allow other groups to have it other than
3 emergency access?

4 CHIEF BELTRAN: My information is no,
5 that's not a-- that they're-- that most of those
6 jurisdictions are not allowing a carve-out for press.

7 COUNCIL MEMBER HOLDEN: alright, so
8 there's no-- but you can see how the transparency,
9 people would question that, because I discovered a
10 lot about my precinct that I didn't-- like I said, I
11 could-- and I would use that, go to the civic
12 meetings and say, you know what, we have three units
13 out and it's ridiculous. I can see that police can
14 circle the wagons, and we're headed in that
15 direction, by the way. Because we're going to have
16 29-28,000 whatever police officers, the lowest that I
17 could remember. You know that-- we did go through a
18 period in the 70s where we couldn't even answer 911
19 calls. We did have that bad period and crime was
20 very, very high. So I'm just wondering, in the
21 precincts that you started in Brooklyn north, has
22 there been a reduction in crime?

23 CHIEF BELTRAN: Yes.

24

25

2 COUNCIL MEMBER HOLDEN: And only in north
3 or south, too? Because I think south has a
4 reduction.

5 CHIEF BELTRAN: haven't been--

6 COUNCIL MEMBER HOLDEN: [interposing]
7 About the same.

8 CHIEF BELTRAN: I haven't seen the
9 Brooklyn South CompStat.

10 COUNCIL MEMBER HOLDEN: No, I did, and
11 it's the same. It's the same. So I'm not sure-- it
12 depends on how many of the bad guys-- by the way, if
13 you're caught with a radio, one of those portable
14 radios, meaning you're caught with a scanner, were
15 you-- is that against the law?

16 CHIEF BELTRAN: Not-- unless you're
17 committing a crime, no,

18 COUNCIL MEMBER HOLDEN: so you could ride
19 around with a scanner in your car and not be press.

20 CHIEF BELTRAN: That's correct.

21 COUNCIL MEMBER HOLDEN: because I was
22 always-- you know, I was told that you had to-- I
23 mean, years ago. This is 30 years ago. I was told
24 that if you got caught with one and you weren't
25

2 press, that you can get in trouble. But you can't,
3 you said.

4 CHIEF BELTRAN: That's correct.

5 COUNCIL MEMBER HOLDEN: Okay. Thank you.
6 Thank you, Chair.

7 CHAIRPERSON HANKS: Thank you so much,
8 and thank you so much, Council Member Holden. One
9 quick question circling back to what Council Member
10 Holden said. How does this affect if it's an
11 application like a citizens app? Like, you know, as a
12 parent, you know, you look on that and, you know,
13 you're petrified, but at least you know. You know,
14 oh my God, you know. So how does-- is there going to
15 be a carve-out for legitimate app-- people who have,
16 you know, apps that kind of do that service?

17 CHIEF BELTRAN: We do know that they
18 currently-- those services current scan our radio
19 channels, so we are considering that. We haven't
20 decided a carve-out for anyone yet, because of the
21 reasons I expressed before, but we definitely
22 consider it. We understand it. I spoke to Simcha
23 Weisman, the 102 Precinct Community Council President
24 after the announcement on encryption, so I understand
25 that certain community people and definitely elected

2 officials have that concern, and that's definitely
3 part of our consideration.

4 CHAIRPERSON HANKS: Yes, I would hope
5 that that would be a consideration, especially as an
6 elected official. I mean, we very much need that
7 kind of information, and we appreciate it. So next,
8 Council Member Joseph?

9 COUNCIL MEMBER JOSEPH: Yes, thank you,
10 Chairs. My question is what steps is the NYPD taking
11 to balance the need for operational security with the
12 right to public information, transparency, especially
13 regarding radio encryption?

14 CHIEF BELTRAN: Well, I think I mentioned
15 before the different ways that NYPD demonstrates its
16 transparency, and a lot of that has to do both
17 locally from precinct commanders, and how they
18 communicate to their community partners in each
19 sector to the Precinct Community Council President
20 and their board to their elected officials. There's
21 real-time communication on incidents, and I know it
22 because when it doesn't happen I used to get the
23 calls as a Borough Commander. That's a channel of
24 information that's going to continue, and each of
25 those precincts have digital media officers that are

2 also posting information and updates to police
3 incidents as they're occurring.

4 COUNCIL MEMBER JOSEPH: Does that also
5 apply to your voluntary ambulance and your fire
6 departments, as well?

7 CHIEF BELTRAN: Yeah, that--

8 COUNCIL MEMBER JOSEPH: [interposing] Do
9 they have access to your--

10 CHIEF BELTRAN: [interposing] That's all
11 open to the public.

12 COUNCIL MEMBER JOSEPH: It's all open to
13 the public?

14 CHIEF BELTRAN: And also, in addition to
15 that, operations in the last few years also is
16 sharing information on real-time incidents that we
17 send out to police executives on incidents as they're
18 occurring, and that's to state elected officials and
19 city elected officials, also. And we have our DCPI.
20 We have a whole office that deals on relationships
21 with the press and informing the press, and I get
22 requests at least a couple days a week from the press
23 through DCPI asking for information, and we supply.

24 COUNCIL MEMBER JOSEPH: And do you
25 provide updated information to journalists about

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2 changes in NYPD policies related to press access, and
3 what mechanisms are in place to address concerns or
4 disputes?

5 CHIEF BELTRAN: We're talking about radio
6 access or talking about-- yes, access to crime--

7 COUNCIL MEMBER JOSEPH: [interposing]
8 Information, right.

9 CHIEF BELTRAN: information. Yeah, I
10 really don't have the answer to that question.

11 COUNCIL MEMBER JOSEPH: I hope you can
12 email me back the answer.

13 CHIEF BELTRAN: Well get someone to email
14 you back.

15 COUNCIL MEMBER JOSEPH: Alright. In
16 terms of government social media archiving, what
17 policies and procedures are in place to ensure
18 transparency, accountability, accessibility of
19 archived contents?

20 COMMISSIONER TOOLE: Whatever is posted
21 by the official account is harvested and made
22 available.

23 COUNCIL MEMBER JOSEPH: How do they have
24 access to it? Does the general public have access to
25 it?

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2 COMMISSIONER TOOLE: Yes, yes.

3 COUNCIL MEMBER JOSEPH: How would they
4 access that?

5 COMMISSIONER TOOLE: There's a website at
6 archive social that's focused solely on New York City
7 government official social media. It has-- there's
8 28 million posts. It's all there.

9 COUNCIL MEMBER JOSEPH: Thank you. So
10 what efforts are also being made to educate both
11 media and public about the reasons behind encryption
12 NYPD radio communication and how does it align with
13 law enforcement goals?

14 CHIEF BELTRAN: what was that? I missed
15 the beginning of the question.

16 COUNCIL MEMBER JOSEPH: What efforts are
17 being made to educate both the media and the public
18 about the reasons behind encryption of the NYPD radio
19 communications and how does it align with your law
20 enforcement goals?

21 CHIEF BELTRAN: I've done a press
22 conference. I did a forum on public safety with
23 Deputy Mayor Banks where that was discussed. We're
24 going around talking to universities. This weekend--
25 last weekend I was out of commission, so my Captain

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2 went out on my behalf, but two weeks before that I
3 was speaking at Fordham University, and we discussed
4 radio encryption, cyber security and technology
5 initiatives that we have ongoing.

6 COUNCIL MEMBER JOSEPH: And this is
7 borough wide-- city wide?

8 CHIEF BELTRAN: Yes.

9 COUNCIL MEMBER JOSEPH: And how many
10 boroughs have you visited so far?

11 CHIEF BELTRAN: Well, the ones that I
12 just mentioned that were specific, and there were--
13 but they were publicized throughout the whole city,
14 so.

15 COUNCIL MEMBER JOSEPH: What boroughs
16 have you visited--

17 CHIEF BELTRAN: [interposing] they were--

18 COUNCIL MEMBER JOSEPH: [interposing] so
19 far?

20 CHIEF BELTRAN: They were all streamed.

21 COUNCIL MEMBER JOSEPH: Yes, okay. What
22 boroughs have you visited?

23 CHIEF BELTRAN: Visited for what, for
24 what purpose?

25

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2 COUNCIL MEMBER JOSEPH: To do your
3 education of the public?

4 CHIEF BELTRAN: I'm scheduled to go to
5 the 100th precinct in January.

6 COUNCIL MEMBER JOSEPH: And where's that
7 located for the general public who doesn't know where
8 that is?

9 CHIEF BELTRAN: Rockaways, the Rockaways.

10 COUNCIL MEMBER JOSEPH: In Queens.

11 CHIEF BELTRAN: Yes.

12 COUNCIL MEMBER JOSEPH: And have you been
13 to Brooklyn?

14 CHIEF BELTRAN: I have not been to
15 Brooklyn to talk about radio encryption.

16 COUNCIL MEMBER JOSEPH: Okay, so Brooklyn
17 is waiting for you.

18 CHIEF BELTRAN: Alright.

19 COUNCIL MEMBER JOSEPH: Thank you. Thank
20 you very much.

21 CHAIRPERSON HANKS: Thank you so much.
22 Any further? Council Member Mealy now has questions.

23 COUNCIL MEMBER MEALY: I just want to be
24 quick on this. How will the encryption impact the
25

2 ability of the volunteer groups and community
3 organizations? Like, I still don't hear it?

4 CHIEF BELTRAN: I heard your question.

5 COUNCIL MEMBER MEALY: [inaudible]

6 Because when they usually find out what's going on,
7 we call them ambulance chasers. You aware of them,
8 right?

9 CHIEF BELTRAN: Right, so that's part of
10 the problem and probably another justification for
11 encryption, right?

12 COUNCIL MEMBER MEALY: You said that you
13 have the 81st, and I believe the only elected
14 official with Brooklyn South and North, and you just
15 said that you haven't come to Brooklyn North as of
16 yet. We definitely would need to have you come to
17 Brooklyn as soon as possible. And you saying that we
18 can go on this website and find out the archives of
19 all the transcripts of--

20 CHIEF BELTRAN: [interposing] Yeah. It's
21 on YouTube. I'll go home and watch it on YouTube.
22 But by the way, I'm not the only person that speaks.
23 The-- we train all executives on our technologies and
24 hat we're doing, and those executives work I
25 precincts, and they have forums with the community on

2 a regular basis. But I will-- I'll definitely go out
3 to Brooklyn.

4 COUNCIL MEMBER MEALY: thank you.

5 CHIEF BELTRAN: I did-- I worked the
6 beginning of my career in Brooklyn North, so.

7 COUNCIL MEMBER MEALY: So how soon has
8 this been in place, the encryption? I'm sorry, I
9 came--

10 CHIEF BELTRAN: [interposing] The
11 encryption for citywide four probably started in the
12 spring, and we completed the upgrade to Brooklyn
13 North in September.

14 COUNCIL MEMBER MEALY: Oh, in September,
15 so that was just recent. With the [inaudible], the--
16 it was two couples and one of the young men stabbed
17 the lady-- no, stabbed the young man, and he passed
18 away, and I was driving by 81st precinct going to
19 work, and I saw the press out there. So I said what
20 is going on? I stopped going to work to go back to
21 find out. How was the press notified so soon that
22 the perpetrator had been captures, and they were set
23 up right in front of the 81st precinct. So, how did
24 you get in contact with them so fast? Or how did the
25 press know of that--

2 CHIEF BELTRAN: [interposing] No, the
3 press is pretty good about finding out about things,
4 especially by monitoring--

5 COUNCIL MEMBER MEALY: [interposing] But
6 I--

7 CHIEF BELTRAN: by mon-- it's-- oh, you
8 mean from Brooklyn?

9 COUNCIL MEMBER MEALY: Yeah, on the 81st,
10 this is an incident.

11 CHIEF BELTRAN: Like I said before,
12 that's just one source of information for the press.
13 So, social media, I don't know if you guys look--

14 COUNCIL MEMBER MEALY: [interposing] You
15 told me the Police Department put it on social media
16 before they let the--

17 CHIEF BELTRAN: [interposing] I don't know
18 how they got there. What I'm trying to--

19 COUNCIL MEMBER MEALY: [interposing]
20 That's what I'm trying to understand how if it's
21 encrypted, how does the press know so soon?

22 CHIEF BELTRAN: Yeah, I don't know the
23 answer to that. I know that there's information
24 available to the press that can assist them to
25 responding to incidents, apart--

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2 COUNCIL MEMBER MEALY: [interposing] So,
3 is it really--

4 CHIEF BELTRAN: [interposing] apart from
5 the police radio.

6 COUNCIL MEMBER MEALY: necessary?
7 Shouldn't you just inform the press?

8 CHIEF BELTRAN: Police-- we're not-- we
9 didn't set up this system to stop the press from
10 doing their job.

11 COUNCIL MEMBER MEALY: We definitely
12 don't want--

13 CHIEF BELTRAN: [interposing] we set up
14 this system so that way-- because it needed to be
15 upgraded, and because other bad actors use our radio
16 systems against us.

17 COUNCIL MEMBER MEALY: so, are you
18 putting the press in that group?

19 CHIEF BELTRAN: No.

20 COUNCIL MEMBER MEALY: They're separate.

21 CHIEF BELTRAN: No, right, exactly.

22 COUNCIL MEMBER MEALY: They are separate.

23 CHIEF BELTRAN: They are separate,
24 correct.

25

2 COUNCIL MEMBER MEALY: So, an incident
3 happened, it is an outlet that the press would be
4 informed.

5 CHIEF BELTRAN: Well, we haven't made that
6 decision yet. That's the considerations that we're
7 evaluating, but we do not group in the press,
8 legitimate press, with interlopers.

9 COUNCIL MEMBER MEALY: Have any insurance
10 carriers been arrested in regards to getting the
11 information off the scanner and going straight to the
12 hospital and asking someone who has been in an
13 accident to sign up with their insurance? Have
14 anyone--

15 CHIEF BELTRAN: [interposing] Throughout
16 my career--

17 COUNCIL MEMBER MEALY: [inaudible] on
18 that?

19 CHIEF BELTRAN: Throughout my career,
20 there's been many investigations and arrests
21 regarding insurance fraud. I'm not sure how much of
22 those are really-- were caused by monitoring the
23 police radio. But we do know, right, there's a term
24 called ambulance chasers. There's tow trucks, right,
25 also that chase accidents, right? So that's another

2 big problem that we have is that sometimes people
3 that-- they have a different agenda. People trying
4 to make money off the radio, and they got to be
5 careful about those people and their response,
6 because they create a dangerous situation for
7 traffic, and possibly committing other crimes like
8 fraud.

9 COUNCIL MEMBER MEALY: so you will be
10 putting them in categories?

11 CHIEF BELTRAN: Yeah, that-- yeah. Well,
12 they're all use cases. They're all people that we
13 would consider for who would be eligible for access
14 to encrypted radio channels.

15 COUNCIL MEMBER MEALY: When do you think
16 you'll have that in place?

17 CHIEF BELTRAN: By the end of the
18 project, which is the end of 2024.

19 COUNCIL MEMBER MEALY: 24. Thank you so
20 much.

21 CHIEF BELTRAN: Thank you.

22 CHAIRPERSON HANKS: Thank you, Council
23 Member Mealy. We have some follow-up questions by
24 our Public Advocate.

2 PUBLIC ADVOCATE WILLIAMS: Thank you,
3 Madam Chair. Just really quick, because I think--
4 and by the way, when you have Council Member Holden
5 and myself with some of the similar concerns--

6 [laughter]

7 PUBLIC ADVOCATE WILLIAMS: But yes.
8 Something you said, you had a lot of arrests during
9 your tenure where you found people with radio device.
10 So, and that is before the encryption has occurred,
11 so this has always been an issue. I mean, I heard
12 you mention that there's been an uptick in 2016. You
13 mentioned one case. Sometimes we use the worst case
14 scenario to impact people's emotion, but I want to
15 make sure that we're talking about a much bigger
16 threat than was there before, and I don't know that
17 I've heard that. Like, I'm worried about is this--
18 like you've mentioned that you've switched channels
19 to try to run away. Is this-- you're trying to avoid
20 what was a nuisance by having something that's
21 easier. So I'm very concerned about that, and I just
22 wanted to put that on the record and I'm concerned
23 that this is happening unilaterally and then having
24 discussions as opposed to discussions happening
25 before this is done, because there seems to be a lot

2 of questions that are unanswered for the public in
3 general. I think I still want to get some more, but I
4 can understand some concerns there with the press in
5 particular. I think I'm even more concerned about
6 why we're going to be encrypting them, and it sounded
7 like there's been a drop. I know there's been a drop
8 in Brooklyn in general, in Brooklyn South. They're
9 on a 10-year safety record. Shout out to a lot of
10 folks that are working on that. And it doesn't seem
11 like there's a discernable difference between the
12 places that have the encryption and the places that
13 don't. So, why are we doing it?

14 CHIEF BELTRAN: Sir, we're not trying to
15 exaggerate the severity of the problem, but when you
16 say there aren't that many, every single one is an
17 opportunity for-- to stop an emergency communication
18 form a police officer requesting help. On January
19 9th-- in November 9th, 1989, I was shot at by three
20 people in Fort Greene in Ingersoll Houses, and I was
21 able to get on my radio and say "call for
22 assistance," and within 30 seconds I had police
23 officers there that helped save my life. If somebody
24 was transmitting that one time during that
25 transmission, I would be dead.

2 PUBLIC ADVOCATE WILLIAMS: I get-- exact-
3 - first of all, I'm glad you're not, and I'm glad it
4 worked. That's the excuse every time, though.
5 There's always-- if we keep everybody in the house,
6 we'll have an actual safe city, that's just the
7 truth.

8 CHIEF BELTRAN: I disagree with you. I
9 think that's a valid excuse.

10 PUBLIC ADVOCATE WILLIAMS: No, no. No,
11 no, no, wait, wait, wait. Let me finish--

12 CHIEF BELTRAN: [interposing] Protecting
13 our cops from--

14 PUBLIC ADVOCATE WILLIAMS: Let me finish.
15 Let me finish. I'm just saying, every time there's a
16 question we'll point out the time that it could work
17 regardless of the impact. So there's' a lot of
18 things that we can always say if we had done it this
19 one time. I always say, if we stop people coming out
20 of the banks, and look in their briefcases, we can
21 stop a lot of financial crimes, but we will never do
22 it, and for several reasons. And so I'm not saying
23 there's not an issue, and that each one of those
24 issues aren't real. I'm asking if something has
25 changed since 1989 to now that has dramatically

2 changed what was occurring there. That's the issue
3 that I'm bringing up. And there's always issues.
4 The question I also have, does the answer to the
5 issue create bigger problems now than the issues
6 themselves? And so I don't want to downplay what
7 happened to you, and I don't want to downplay what is
8 happening in real-time to officers who have to make
9 quick decisions in a very stressful time period. I
10 don't want to downplay it all, but I just want to
11 make sure that we sometimes push things that our get
12 our emotions to override our intelligence. So I just
13 want to make sure we're not doing that in this case,
14 and have a conversation about these. And again, the
15 fact that NYPD is moving kind of unilaterally is
16 another concern. Thank you.

17 CHIEF BELTRAN: Thank you.

18 CHAIRPERSON HANKS: Council Member
19 Gutiérrez? Chair Gutiérrez?

20 CHAIRPERSON GUTIÉRREZ: Thank you. Thank
21 you Public Advocate. Thank you, Chair. I just had
22 just a couple more questions for MOME specifically,
23 and I know Chair hanks asked this, but if you could
24 expand on the background checks. Are applicants
25 being informed that background checks are being done?

2 Like, is there a level of consent that they have to
3 provide? And on like the criminal background check,
4 what are-- what is the difference in the case of a
5 conviction or an arrest? Like, what is like the
6 rubric that you are all looking at to approve or deny
7 an application?

8 EXECUTIVE DIRECTOR NASSER: Okay.

9 Applicants-- all applicants are well aware that the
10 criminal questions are present. They're present,
11 they're part of the application, so it's clear,
12 because they have to ask for them.

13 CHAIRPERSON GUTIÉRREZ: And the
14 background check, how do they know? Everyone gets a
15 background check, or just when they admit to having
16 an arrest?

17 EXECUTIVE DIRECTOR NASSER: So we have a
18 procedure in place where if there's an-- if a person
19 answers yes to one of the questions, it goes to the
20 legal team for review, and they make that
21 determination whether or not any-- they will assess
22 it from a legal standpoint.

23 CHAIRPERSON GUTIÉRREZ: Okay. And in
24 that instance, the applicant is giving consent to
25 said background check?

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2 EXECUTIVE DIRECTOR NASSER: Yes. No.

3 Yes. Here why don't you-- our Senior Counsel

4 [inaudible]

5 CHAIRPERSON GUTIÉRREZ: Do you want me to
6 repeat it, the question?

7 SENIOR COUNSEL SKARBO: Yes. [inaudible]

8 CHAIRPERSON GUTIÉRREZ: So, in the
9 instance--

10 SENIOR COUNSEL SKARBO: Stan Skarbo
11 Senior Counsel, so first I want to clarify that we
12 don't do-- what the background check actually means.
13 So we ask very specific questions about specific
14 types of arrests, and certain specific types of
15 convictions, and if there is a-- and if an applicant
16 answers yes to any of those questions, then the next
17 step is we follow up with the applicant and we send a
18 request for additional information. So this is how
19 our process operates.

20 CHAIRPERSON GUTIÉRREZ: Great. And then
21 in the instance where in this background check, and
22 even the applicant themselves disclose an arrest or a
23 conviction of some sort, how do you all weigh that in
24 the application? What are you looking for?

25

2 SENIOR COUNSEL SKARBO: so, for an--
3 first, it's not-- it's definitely not an automatic
4 denial. It's merely a reason for us to ask for
5 additional information. In cases of conviction
6 before-- when we make these decisions, we will have
7 to weigh a state law that actually addresses concerns
8 of convicted individuals seeking licensure or
9 employment.

10 CHAIRPERSON GUTIÉRREZ: Okay. And are
11 they being informed in the instances where an
12 application is denied because of something in the
13 background check? Are they being-- are they being
14 informed why they're being denied and if it's related
15 to anything in their [inaudible]

16 SENIOR COUNSEL SKARBO: Every time an
17 application is denied, we inform the applicant in
18 writing, and that also automatically triggers their
19 right to request an appeal of the denial at OATH.

20 CHAIRPERSON GUTIÉRREZ: Okay. Yeah, do
21 they know why they're being denied, or is it just
22 directions on how to appeal?

23 SENIOR COUNSEL SKARBO: Of course. No,
24 no, our denial-- our denial notice is pretty
25 detailed.

2 CHAIRPERSON GUTIÉRREZ: I see, okay.

3 SENIOR COUNSEL SKARBO: It's-- you know,
4 it's several pages long, and I know about that
5 because I'm the person who's issuing every denial
6 that ever came out of our office.

7 CHAIRPERSON GUTIÉRREZ: Got it. So
8 you're like, I'm air [sic] tight [sic].

9 SENIOR COUNSEL SKARBO: I know exactly
10 what is going on there, yes.

11 CHAIRPERSON GUTIÉRREZ: And so since the
12 transition to MOME, and I know you had mentioned
13 about 70 percent are approved. Do you have a number
14 not a percentage for how many applications are being
15 denied or have been denied to-date?

16 EXECUTIVE DIRECTOR NASSER: I have
17 [inaudible]

18 CHAIRPERSON GUTIÉRREZ: Okay. And then
19 while you're doing that, can I also just ask, in the
20 application process, and you also shared that there's
21 a number of personal information that you're asking,
22 obviously name, criminal history, number. What is
23 the agency doing to-- like, how long do you hold on
24 to that information, and what are you doing to ensure
25

2 safety and security of applicant's personal
3 identifying information in those instances?

4 EXECUTIVE DIRECTOR NASSER: First, to
5 answer your question, about 70 percent of approved,
6 that's approximately 2,500.

7 CHAIRPERSON GUTIÉRREZ: That are
8 approved, and so--

9 EXECUTIVE DIRECTOR NASSER: [interposing]
10 That are approved, and so denied-- so it's not-- it's
11 not 30 percent that's been denied, right? It's 10
12 percent. The rest, the remaining 20 were either
13 withdrawals or voids which were due to technical
14 glitches. Again, we've start-- we've just digitized
15 everything, so we have been spending time enhancing
16 our portal and sort of, you know, correcting any
17 technical glitches. So, 10 percent, it's a-- it's
18 about 300 and something.

19 CHAIRPERSON GUTIÉRREZ: that are denied?

20 EXECUTIVE DIRECTOR NASSER: That are
21 denied, yeah.

22 CHAIRPERSON GUTIÉRREZ: Okay, okay.
23 That's pretty good.

24 EXECUTIVE DIRECTOR NASSER: I can get you
25 an exact figure.

2 CHAIRPERSON GUTIÉRREZ: Sure. I mean,
3 and just on the last question about ensuring the
4 security and safety of the personal information from
5 applicants, is there something that you all do, or
6 looking to do to ensure that there's no-- you know,
7 since you're 100 percent digital, there could be a
8 breach of, you know, all these folks' personal
9 identifying information. What system do you have in
10 place to protect that?

11 EXECUTIVE DIRECTOR NASSER: I think
12 currently we're using Sales Force as our developer
13 for the portal, and we are in constant communication
14 with them. we actually have a managed service team
15 that we can rely on in case any glitches come up, but
16 in terms of personal identifying information, we work
17 with-- Sales Force, our office and OTI works together
18 to make sure that our system is fully secure and that
19 no, you know, information is compromised.

20 CHAIRPERSON GUTIÉRREZ: Okay. We can
21 also touch base with OTI to just get more information
22 on what that'd look like.

23 EXECUTIVE DIRECTOR NASSER: sure. No
24 problem.

2 CHAIRPERSON GUTIÉRREZ: I've got more
3 question for the team [sic]. I'm not sure if you're
4 aware of the New York State Senate bill called Keep
5 Police Radio Public Act. Are you familiar with that?
6 Yeah? Are you-- and so I'll just expand for
7 everyone. the bill would require any law enforcement
8 agency in the state which chooses to encrypt its
9 radio communications to establish a written policy
10 which allows authorized members of the press and
11 emergency services organizations real-time access to
12 communications, and no more than 10-minute delay for
13 members of the public. Obviously, you're in the
14 exploratory phase, still looking into it, but are you
15 all looking to work with the sponsors of this bill?
16 What has been the agency's response to whether--
17 like, the timeliness. I know you all are looking for
18 a decision by the end of-- to make a decision by the
19 end of next year. Just curious if you have any
20 immediate concerns about that. Is it working against
21 your timeline?

22 EXECUTIVE DIRECTOR NASSER: The bill was
23 just introduced on Friday, so we're still reviewing,
24 and we will work with the sponsors if they're
25 willing.

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2 CHAIRPERSON GUTIÉRREZ: thank you.

3 CHAIRPERSON HANKS: Thank you so much,
4 Chair. And lastly, we'll hear form Council Member
5 Paladino.

6 COUNCIL MEMBER PALADINO: Good afternoon
7 everybody. Thank you very much for your time and
8 your patience. The questioning has been quite long
9 and your statements have been very, very good. I
10 just want to say this. I cut to the meat and the
11 potatoes all the time, so I'm not going to shock
12 anybody here. This is 40-year-old antiquated system
13 that must be fixed. This is necessary for the safety
14 of our New York City Police Department. We have
15 stripped them of just about everything they've got.
16 So now we're going to talk about how things changed
17 since 1989? The world has changed ten times over
18 since 1989. They need their radios to be encrypted.
19 We have got enough people out there today doing the
20 wrong thing, listening in on messages. This is a
21 security breach. In turn, with a security breach,
22 what does that mean? That means you put our 32,000
23 police officers at risk. We already have them with
24 body cameras. We already have their immunity taken
25 away, so anybody could sue them. They become docked,

2 an open book. What more do we want? Aren't they
3 entitled to make that call that they need help
4 without 20 different people listening in on the call?
5 As an elected official, I keep very close contact
6 with my precincts, the 109 and the 111th.
7 Information is given freely. Transparency? How much
8 more transparency does anybody want? Really. Before
9 it's all lost. We are going downhill here. Now you
10 want this as well? Their one piece of equipment left
11 that can guarantee them safety, and we want to take
12 it away? The answer to that question is no,
13 absolutely not. They are entitled to that much.
14 Simple, okay? That's about it. Thank you.

15 CHAIRPERSON HANKS: Thank you, Council
16 Member Paladino. So that concludes-- do I have any
17 Council Members that have questions? I just want to
18 say this was great, great testimony. It was clear.
19 You came prepared. And so thank you very much, and
20 we look forward to getting some of the answers to the
21 questions that we did ask offline. And I appreciate
22 all of you coming in today to testify for this
23 important hearing. I'd like to thank my colleagues
24 Chair Ung and Chair Gutiérrez and the Public Advocate

2 Jumaane Williams and staff. So, now we'll go into
3 the public testimony.

4 COMMITTEE COUNSEL: Okay, while the
5 Administration is exiting, I just want to make a
6 quick announcement. We're going to turn to public
7 testimony next. For in-person panelists, please come
8 up. Excuse me. For in-person panelists, please come
9 up to the dais once your name is called. For virtual
10 panelists, we will be calling individuals one-by-one
11 to testify. We will be limiting testimony today to
12 three minutes each. Please begin once the Sergeant
13 has started the timer. For virtual panelists, once
14 your name is called, a member of our staff will
15 unmute you and the Sergeant at Arms will set a timer
16 and give you the go-ahead to begin. Please wait for
17 the Sergeant to announce that you may begin before
18 delivering your testimony. We're just going to pause
19 for a second before starting public testimony. Okay,
20 I'm going to call up the first panel. We'll hear
21 from Mickey Osterreicher, and I apologize if I get
22 names wrong along the way here. David Donovan, Diane
23 Kennedy, Bruce Cotler, and Jeremy Chase. And we'll
24 also on this panel hear from Todd Maisel via Zoom.
25 If those panelists can go up to the dais. I

2 apologize, Andrew Frame, as well. We'll start with
3 Mr. Osterreicher.

4 MICKEY OSTERREICHER: should I start?

5 Okay. Good afternoon. Thank you for the opportunity
6 to testify regarding press access to encrypted NYPD
7 radio transmissions. My name is Mickey Osterreicher
8 and I'm the General Counsel of the National Press
9 Photographers Association, NPPA. We commend the
10 Council Members, particularly those in the Committee
11 of Public Safety, Committee on Technology, and the
12 Committee on Governmental Operations for exercising
13 oversight regarding media transparency where the NYPD
14 is already encrypted and intends to further encrypt
15 its radio frequencies. Our goal is to ensure that
16 the First Amendment right of the public to receive
17 information about what their government is doing is
18 upheld through continuing and crucial real-time
19 access by the press radio transmissions involving
20 matters of public concern. As a visual journalist
21 with over 40 years' experience in both print and
22 broadcast, I cannot overstate the importance of
23 journalists being able to monitor in real-time public
24 safety and law enforcement radio transmissions.

25 During my career I was only able to get to fires,

2 accidents, and breaking news stories in a timely
3 manner and with a better understanding of the
4 situation I was going to cover by having heard those
5 radio calls. As NPPA's General Counsel, I have been
6 dealing with radio encryption on a national basis.
7 In New York City, we are part of a New York media
8 consortium whose members met with the NYPD at the
9 beginning of this year to express our concerns
10 regarding this issue. During that meeting we were
11 assured that no NYPD frequencies had yet been
12 encrypted, and that NYPD was just in the testing
13 phase. We were also asked by the NYPD to brief our
14 major concerns and possible solutions, which we did
15 in a six page memorandum. To-date, NYPD has
16 encrypted at least 10 frequencies. Despite our
17 efforts to work cooperatively, the NYPD has not been
18 forthcoming in any meaningful way or been willing to
19 share its encryption plans or articulate its
20 intentions to provide journalists with access to such
21 crucial communications and information in real-time.
22 It's clear that the NYPD wasn't interested in hearing
23 us as they just all left. As the US Department of
24 Justice, DOJ, noted, transparency is essential for
25 positive police community relationships. When a

2 critical incident occurs, agencies should try to
3 release as much information as possible, as soon as
4 possible, so that the community will not feel that
5 information is being purposely withheld from them.

6 Visual journalists have far more in common with NYPD
7 than it first appears. While police protect and
8 serve, journalists inform and serve. Those in both

9 professions rush towards critical incidents while
10 others run in the opposite direction, neither group
11 can work from home, and both are often attacked or
12 criticized for doing their jobs, recognizing that
13 community support is a critical factor for the NYPD

14 and the press to effectively perform their societal
15 functions. It really should be kept in mind that
16 information, critical information delayed is

17 information denied. I appreciate the opportunity to
18 submit this testimony and look forward to

19 cooperatively working with you and the NYPD regarding
20 police radio encryption to help build public trust to
21 improve transparency and ensured accountability.

22 Thank you for your attention in this important issue.

23 I will be submitting more detailed written testimony
24 before the item period is up, and I'm happy to answer
25 any questions. Thank you.

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2 CHAIRPERSON GUTIÉRREZ: Thank you. I do
3 actually have a question.

4 GENERAL COUNSEL OSTERREICHER: Sure.

5 CHAIRPERSON GUTIÉRREZ: You said you
6 submitted something to NYPD.

7 GENERAL COUNSEL OSTERREICHER: We did.

8 CHAIRPERSON GUTIÉRREZ: What was that?

9 GENERAL COUNSEL OSTERREICHER: It was a
10 six-page memorandum. David's holding it up. We never
11 really got a response.

12 CHAIRPERSON GUTIÉRREZ: I would love to
13 see it.

14 GENERAL COUNSEL OSTERREICHER: it will be
15 part of the--

16 CHAIRPERSON GUTIÉRREZ: [interposing] I
17 think--

18 GENERAL COUNSEL OSTERREICHER: submission
19 that I'll be making. It'll be an appendix.

20 CHAIRPERSON GUTIÉRREZ: Thank you so
21 much.

22 GENERAL COUNSEL OSTERREICHER: Sure.

23 CHAIRPERSON GUTIÉRREZ: David Donovan?

24 DAVID DONOVAN: Thank you very much. I'd
25 like to thank Chairperson Gutiérrez, Ung, and Hanks

2 for this important hearing. My name is David
3 Donovan. I'm President of the New York State
4 Broadcaster's Association. I rep-- my members
5 include every television station in the City of New
6 York, most of the radio stations, and indeed, most of
7 the media across the New York. My background, just
8 by way so you understand. I was an attorney at the
9 Federal Communications Commission for 10 years. I
10 served on the Department of Commerce's Spectrum
11 Management Advisory Committee which dealt with
12 frequency use. I was also very much involved in the
13 engineering, shifting the entire television industry
14 from analog to digital and right now I also serve as
15 a coordinator for the Emergency Broadcast System in
16 New York State. Let's-- you know, without going--
17 what I'd like to do is engage in a conversation if
18 that's okay, and I have two minutes left. Where we
19 are right now in Brooklyn is broadcasters even under
20 the Stafford Act are recognized as first informers.
21 We are there when an emergency happens, when there's
22 criminal activity to inform the public immediately
23 get out of here. Don't come down here. That's not
24 where you are in Brooklyn right now. In Brooklyn,
25 the only real-time information that you're going to

2 get about activity is from bystanders using
3 cellphones and posting on social media or to the
4 police using their social media. I would submit the
5 worst situation you could have is relying on
6 bystander's social media. Whether intentionally or
7 unintentionally, you're spreading out misinformation
8 to millions of New Yorkers which then forces NY-- and
9 it could be that the NYPD's doing a great job, but
10 the bystander, just in the way you're cutting the
11 video may make them look bad. So we don't want to
12 force New Yorkers to that platform to learn about
13 information. Now, journalists in general or
14 broadcasting journalists have been rated by-- go to
15 the research, Pew Research what have you-- as the
16 most-trusted source in local media, but we won't be
17 given access. And if you go through this whole
18 issue, you've seen a lot of conflating issues. The
19 need to upgrade communications, understandable. The
20 need to encrypt to keep bad guys away, absolutely
21 understandable, and then reporter's access which is a
22 third part of this issue. Chief Beltran which it was
23 great saying crime went down in-- you know, I have no
24 idea whether it went down in Brooklyn or not, but
25 let's assume it did. What does any of that have to

2 do with denying reporters access? I'm sure he isn't
3 saying that denying reporters access is the reason
4 crime went down. It is the communications systems
5 itself. If I just may indulge you just for a few more
6 minutes. I want to address some of the key points
7 that have been made today. First, technical
8 interference. I've tracked down interfering guys for
9 most of my life on police frequencies and broadcast
10 frequencies. Technical interference only occurs when
11 you are transmitting. Broadcasters and reporters are
12 not asking for transmitters. We're asking for
13 receivers. It's a catcher's mitt. It's a glove. I
14 can't cause interference if I have a receiver.
15 Secondly, the idea that we don't know under a digital
16 system who's turned it on or not, that is precisely
17 why you have a digital system, because you can have
18 conditional access. Some of you have Sirius XM in
19 your car. Some of you haven't subscribed, don't.
20 That signal's going down the whole city. The reason
21 why some of you can get it and some of you can't is
22 because the technology exists to have receivers
23 conditionally-- some can access and some can't. it
24 proves the point that NYPD could very well have a
25 system very much like Las Vegas, where the media is

2 allowed access, while at the same time trying to
3 figure out whether the general public should retain
4 it. Protecting officers, I have family that's in law
5 enforcement, not in this state, but they're in law
6 encryption. Nowhere in any of this testimony have we
7 every heard that access to information by a
8 journalist had caused harm to a police officers.
9 We're not the bad guys. We're the one that have
10 responsibilities to broadcasters to serve the public
11 interest or print journalists to serve their
12 communities real-time. Look, we wall live in New
13 York, right? We've all driven in New York. If you
14 delay access to information by 30 minutes, that means
15 you're access is delayed an hour to an hour and a
16 half, and if it rains you're going to miss the event
17 altogether, and the only people who have real-time
18 access are the bystanders that have their cellphones
19 that may be sending out information. So real-time
20 access, if we're going to serve the public during
21 emergencies, is absolutely essential. Whether
22 Baltimore delays it or not, that's really irrelevant
23 to New York to be honest with you, or Chicago. Las
24 Vegas has made this work for a number of years. I
25 think we really should explore it. The final thing,

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2 and I'll wrap up because I've been too long here, the
3 idea that let's wait and we will study this, and once
4 we study it, then we can make a decision. Number
5 one, I've dealt with technology for years. What you
6 do is you set the policy goal and then you develop
7 the technology to meet the policy goal. You don't
8 sit back and wait. Two, we have been waiting since
9 last January when we first met, and all we ever hear
10 is we're going to look at this, we're going to look
11 at this, and you heard that today. But while we're
12 waiting, all of a sudden precincts are getting
13 blacked out with no alternative in terms of providing
14 reporter access to this information. The dominoes
15 have started to fall, and based on testimony here
16 today, it's going to be completed in 2024, and you
17 all are going to be faced with the fait accompli.
18 How about this for a thought? If this is all an
19 experiment in Brooklyn, why not concurrently test
20 reporter's access in those areas where you're
21 deciding to black out. That would make sense to do
22 it simultaneously, but that's not what you're seeing
23 here. What you're seeing here is systematically
24 we're denying access across New York City, and by the
25 end of the year our biggest fear is that you'll have

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2 been-- you'll be presented with a fait accompli. Look
3 at, NYPD has a tough job. They are the-- they keep
4 civilization in place, we understand that. we have
5 always worked with the Police Departments, but what
6 you're seeing right now is in zeal to develop a
7 digital system you are now conflating issues saying
8 that oh, because we have bad guys we're going to deny
9 reporters access. I think that's not where you want
10 to go, and I'd be happy to answer any questions.

11 CHAIRPERSON GUTIÉRREZ: Thank you so
12 much.

13 COMMITTEE COUNSEL: Thanks. Diane
14 Kennedy?

15 DIANE KENNEDY: Thank you very much for
16 the opportunity to testify here. My name is Diane
17 Kennedy, and I'm the President of the New York News
18 Publishers Association, and I'm a former newspaper
19 reporter quite a while ago. I'm going to throw away
20 most of my testimony, because my colleagues have
21 already said a lot of what I was going to say, so
22 thank you for saving me the effort, because there's
23 some other points to bring up. One is that lack of
24 access to scanner communications is a public safety
25 issue for journalists as well as members of the

2 public. Journalists are running towards an event,
3 and they may not know what they're running toward.
4 So to the extent that they can maintain their own
5 personal safety, it's helpful for them to know what
6 they're running toward, but they're also letting
7 members of the public know what's going on so that
8 they know that they need to avoid a certain area of
9 the City because there's a structural collapse or an
10 attack or a bombing, something along those lines.
11 For example, while we were sitting here, I was
12 looking to see the effect in Chicago of the time
13 delay, and I was looking at FOX 32, the television in
14 Chicago. There were in incidents including an
15 incident where a number of people were firing
16 gunshots. There were 40 shots fired in a public area
17 around a courthouse and a police station. The media
18 didn't find out about that until well after it
19 happened, so they couldn't warn members of the public
20 that just was taking place. There was another
21 incident where there was an individual with a rifle
22 walking down a residential street. They found out
23 much later, and this person was walking down the
24 street at dinner time when there were families
25 outside. They couldn't let anyone know. So that's

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2 why real-time access is vital for the press. It's not
3 impossible to find a way to define journalists for
4 granting secure access to radio communications.

5 Obviously, you've just heard from the Mayor's Office
6 of Media and Entertainment. They have a definition
7 that they can use, but New York State law provides us
8 with a definition. It's under 79H of the New York
9 State Civil Rights Law, and David and I used it when
10 we were working with the New York State Department of
11 State to craft regulations regarding the purchase of
12 body armor by journalists. There was a new gun law
13 passed in New York State after the horrific racist's
14 shootings in Buffalo where the legislature was in a
15 hurry to do something and they did a lot of things,
16 but sometimes when legislation is crafted quickly, it
17 has to be fixed up a little bit later on. So they
18 prohibited the purchase of body armor by anyone who's
19 not law enforcement or military. But there are other
20 professions like ours that need body armor.

21 Journalists are frequently in harm's way, not just in
22 overseas war zones, but here in New York City. And
23 with that I will finish up. I'll be happy to provide
24 that definition from 79H of Civil Rights Law to you.
25 Thank you, and of course, happy to answer questions.

2 COMMITTEE COUNSEL: Thank you. Next
3 we'll turn to Bruce Cotler.

4 BRUCE COTLER: my name is Bruce Cotler.
5 I'm the President of the New York Press
6 Photographer's Association, also known as the NYPPA.
7 I'm here on behalf of our organization to make our
8 stance on this matter clear. NYPPA is opposed to a
9 blanket police encryption effort. We are sympathetic
10 to the issues that the NYPD face; however, we are
11 concerned about the matters of transparency. Should
12 total encryption come to pass, the public has a right
13 to know what occurs when a crime is committed, and
14 the media is necessary to check to ensure some
15 measures of that aforementioned transparency. In
16 cases such as Amadu Dialo [sp?], Sean Bell [sp?], and
17 Eric Gardner, the media was vital in providing
18 insight as to what really occurred at the time of the
19 incidents. Should this encryption measure pass, it
20 would be negatively affecting the media and run
21 counter to Mayor Adams' stated vision for a
22 transparent administration. We believe that this
23 situation can be remedied by allowing media access to
24 monitor encrypted channels in order to continue to
25 serve the public good. We certainly respect the

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2 concerns of city police for security, but that must
3 not come at the cost of transparency to those that
4 must-- they must protect. Thank you.

5 COMMITTEE COUNSEL: Thank you. Next,
6 Jeremy Chase.

7 JEREMY CHASE: Thank you very much. My
8 name is Jeremy Chase, and I'm a partner in the media
9 and entertainment group at the law firm Davis Wright,
10 Tremaine LLP. My firm represents many members of the
11 New York News Publisher's Association, the New York
12 State Broadcasters Association, and the National
13 Press Photographer's Association, and advise them on
14 all manner of news-gathering issues. So I echo and
15 endorse the testimony of my colleagues up here today.
16 Today I appear, though, on behalf of WABC and ABC
17 News, two of the largest and most-trusted news
18 organizations in the City and in the country at-
19 large. ABC has profound concerns about the NYPD's
20 encryption of its police dispatch communications.
21 For decades, police dispatch communications have
22 served as a critical source of braking news around
23 the City. ABC's newsrooms as well as the newsrooms at
24 various news organizations in the City listen to and
25 deploy their resources in response to these

2 communications, and do so for a variety of reasons,
3 to inform the public in a timely and accurate manner
4 of criminal activity occurring in the City, to
5 communicate critical public safety information to the
6 public at-large, to provide on-the-scene reporting to
7 ensure that the NYPD is doing its job in securing
8 crime scenes and serving the public and performing
9 its duties, and also to ensure the safety of our
10 reporters covering these events. Transparency via
11 contemporaneous access to police dispatch
12 communications is essential to these aims. While ABC
13 acknowledges that there may well be a need to update
14 and/or upgrade the NYPD's communication system, it
15 must not do so at the expense of an informed citizen.
16 Just as Louis Brandice [sp?] once said that sunlight
17 is said to be the best of disinfectants. Encryption
18 of police dispatch communication without appropriate
19 accommodations for continued and uninterrupted press
20 access would cast appall [sic] of darkness on the
21 public's understanding of crime and the NYPD's
22 response there, too. It would be a disservice to the
23 citizens of New York and would result in harm to the
24 public at-large. We strongly urge the council to
25 take measure to ensure that the press maintains

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2 contemporaneous access to this vital source of timely
3 public information. WABC and ABC News look forward
4 to working with the Council, the NYPD and all the
5 other stakeholders on this issue of the highest
6 importance. Thank you very much.

7 COMMITTEE COUNSEL: Thank you. Next,
8 Andrew Frame.

9 ANDREW FRAME: Good afternoon. My name
10 is Andrew Frame and I am the Founder and CEO of the
11 Citizen App, and I'm honored to be here to talk about
12 a product and a company that I started right here in
13 New York City. I came up for the idea for Citizen
14 and built a prototype about a mile away from here
15 many years ago. The threat in proposed introduction
16 of radio encryption by the New York Police Department
17 is a critical turning point for safety in New York
18 city. It threatens to shut down and erase years of
19 extraordinary technological in public safety progress
20 that our New York City Citizen team has made, which
21 is working to keep New York City and most importantly
22 our most under-served communities safe. First, a
23 little background. I came up with the idea to build a
24 global safety network powered by the every-day
25 citizens of the world, the 6.5 billion+ smartphones

2 that we collectively own, and our strong will and
3 desire for our own personal safety as well as the
4 love for our community. My premise was to
5 democratize all real-time crime and fire information
6 and give it directly to the people, the citizens
7 themselves. When there's a fire in your building,
8 why wouldn't you give people more time to get out
9 safely? When a child is kidnapped, why wouldn't we
10 immediately activate the tens of thousands of nearby
11 people to be on the lookout? The vision was to make
12 kidnapping nearly impossible. I saw my idea before
13 we had a single user or even started developing the
14 product as timely, necessary, and inevitable. Fast-
15 forward to now, since that day we have signed up more
16 than 15 million users across our major national
17 cities. We've issued more than 10 billion real-time
18 location-based critical safety notifications, and
19 we've helped save countless lives. Our over 15
20 million citizen users have received real-time, hyper-
21 local safety notifications for over 30,000 fires,
22 over 28,000 assaults, and over 50,000 events
23 involving weapons. We could not be more proud. It's
24 hard to measure the impact that this transparency
25 creates, because we don't always hear in the moment

2 how it might have saved a life. But you don't have
3 to search far to find a New Yorker who has a story
4 about how Citizen helped save them or somebody they
5 know. Our biggest and most important market is the
6 one we started in, right here in New York City.

7 Citizen's impact on New York City has been beyond
8 anything we could have imagined the day that it hit
9 Apple's App Store. More than 3.5 million New Yorkers

10 have signed up to Citizen and we have become an
11 essential component of the day-to-day life here in

12 New York City. The New York Police Department

13 clearly sees value in our service, which might be why

14 they created their own competitive app to Citizen.

15 It unfortunately did not gain any traction. Citizen

16 has been developed by proven technologists. We've

17 raised over \$100 million in venture capital to

18 develop Citizen in order to protect every-day people

19 and save lives. Citizens should be working in

20 cooperation with the NYPD, not in competition or

21 against. We have spoken about the stats and

22 statistics. Now, let's take a moment to talk about

23 the Citizen user base. Most technology companies

24 have as their earliest user's technology early

25 adapters and high-income earners, not Citizen. Our

2 strongest communities in densest user concentrations
3 are among the most under-served communities that are
4 hardest hit by crimes and tragedies. When we
5 activate a city, the under-served neighborhoods
6 explode and get to scale the fastest. In some of
7 these communities here in New York, we have an over
8 60 percent adoption rate of our product. These are
9 not communities in people who want Citizen, these are
10 communities who need and require Citizen. Why is
11 that? There are longstanding inequities in public
12 safety which we're helping to address. For example,
13 when a child is kidnapped or goes missing, if the
14 child happens to be from the Upper Eastside, often
15 times the search can quickly become national or
16 international headlines, building up global interest
17 in finding the child. When a child is kidnapped or
18 goes missing in an underserved community in Brooklyn,
19 Queens, or the Bronx, this almost never happens.
20 Because Citizen was designed as a fully-democratized
21 system with equal access for all, every kidnapping
22 gets the same exact treatment regardless of zip code
23 or skin color. We often deal with families from
24 underserved communities who plead for but are unable
25 to get amber alerts or much interest at all in their

2 missing child. We operate a missing person desk at
3 Citizen which works tirelessly around the clock
4 powered by technology and community to get the
5 children back to their families. Our missing person
6 and children desk has initiated over 2,000 activation
7 and searches with a sizable percentage of them being
8 successful. And right when the need for Citizen and
9 our product has never been greater, Citizen's very
10 existence is at-risk. If the New York Police
11 Department carries forward with their intention of
12 encryption, it will shut down our largest and most
13 important American market, depriving the people of
14 New York from our product and service. This dangerous
15 policy change represents the destruction of our
16 popular public service in the platform here in New
17 York, putting New Yorkers, and most importantly, our
18 under-served New Yorkers directly in harm's way.
19 While the rationale for encryption is improving
20 safety for officers, a goal we are deeply aligned
21 with, multiple peer-reviewed, independent academic
22 studies have proven that Citizen saves lives and is
23 not linked to any harm to the police force or the
24 public. We've developed extensive policies which are
25 followed in order to help keep officers safe, such as

2 never publishing any sort of private tactical
3 coordination which could jeopardize officer's safety.
4 So in order to continue to provide New Yorkers with
5 this vital connective tissue between our communities
6 and public safety agencies, we are advocating for two
7 potential solutions. One, adjust the encryption
8 policies so we can continue to get open access to
9 critical safety time, real-time safety data in New
10 York City, or give Citizen access to the encrypted
11 radio system in real-time which we need in order to
12 continue providing our safety product to the 2.4
13 million New Yorkers who use and depend on it 24/7.
14 Thank you for your consideration, your time and your
15 service to us all. I look forward to your question
16 and working with you to develop a solution that will
17 continue ensuring and improving the safety of our
18 fellow New York City residents.

19 COMMITTEE COUNSEL: thank you. Next
20 we'll go to Todd Maisel who's with us via Zoom, and
21 I'd just like to remind everyone that public
22 testimony is limited to three minutes each. Thank
23 you.

24 TODD MAISEL: Okay. I'm Todd Maisel. I'm
25 Founder of the New York Media Consortium that brought

2 together all the organizations, and I have 40 years
3 in the media business, and I've been chasing radios
4 for that long. I've always been a friend of the
5 Police Department, but what they've been doing is for
6 us, the media, is a real betrayal. It's not about
7 radio encryption. It's whether you trust the NYPD
8 controlling the narrative. Do you trust the police
9 to be 100 percent honest, fair, transparent with the
10 most regressive transparency policy in this history
11 of New York City? They claim encryption is about
12 safety and will give some sort of access to media.
13 The entire Brooklyn North area is dark. 2.5 million
14 Citizen App followers no longer get information
15 there. The press has been locked out with no set
16 date for getting access, despite their promises.
17 Instead of making the public safe, the public is less
18 safe, and the NYPD fails to report crime in the
19 highest crime areas. They do send emails. One
20 double-homicide in Brooklyn on September 9th wasn't
21 reported until Saturday morning, September 14th.
22 Other crimes have taken up to a day before anything
23 is known. The Eric Garner video has been-- would
24 have been gone if the Daily News photographer hadn't
25 heard the radio calls. Pantaleo took five years to

2 be fired by the NYPD. Do you trust the police?

3 Remember Josh Luvolti [sp?], what did he do with a
4 plunger [sic] to [inaudible] precinct station house?

5 A cop doesn't have to be particular color. Witnessed
6 the five Tennessee cops who killed Tyre Nichols.

7 Cops are cops. They [inaudible] because they're

8 armed and have incredible power. They need checks

9 and balances, something encryption eliminates. We'll

10 only know what they want you to know. Four years ago

11 I covered a crash in Flatbush in which an alleged

12 drunk driver killed a young woman, injured her

13 friend. The driver was a cop. Nobody did a

14 breathalyzer. The reports were hidden. The DA

15 refused to prosecute. Do you trust the cops? If you

16 give them this power, not require them to explain

17 what they plan, when they will give press access and

18 to what frequencies, you can't trust them. Their

19 plan was to give us nothing. Otherwise, in six years

20 that they've been working on this, where is it? The

21 plan was to have no plan. The NYPD fails to honor

22 legal FOIA requests because there are no personal

23 repercussions. I have more than a dozen FOIA

24 requests rejected or put off for years. We changed

25 the MOME credentialing, something the NYPD is now

2 using against us. All the work you've done on the
3 BLM banner, all the efforts you made on the POST Act
4 that they fail to abide, all you've done to make the
5 NYPD a great Department will be for naught if you
6 drop the ball.

7 COMMITTEE COUNSEL: Thank you for your
8 testimony.

9 TODD MAISEL: Well, I'm done.

10 COMMITTEE COUNSEL: Thank you.

11 CHAIRPERSON HANKS: Council Member
12 Holden, I know you have questions to the panel.

13 COUNCIL MEMBER HOLDEN: Yes, thank you,
14 Chair. You know, I totally agree with what every one
15 of you said from the media. We're the media capital
16 of the world. If we just cut off the media to any--
17 I mean to this encryption completely, it would be
18 really counterproductive, but really a crime in
19 itself. Because-- and I wanted to tell the Citizen
20 person-- I think he left, but I wanted to say that it
21 was-- I have the Citizen App. Obviously I paid extra
22 for-- to hear the whole commentary from the police,
23 and I-- my wife was out and there was somebody, a man
24 with a knife on 79th Street, and she was on the next
25 block. So I was able to get to her and tell her

2 that, look, stay away, get away from there. Very
3 important that we have that information in New York
4 City, because we're really confined here. And we're--
5 - we could avoid trouble. But I just wanted to ask
6 some-- anyone on the panel here. We heard about Las
7 Vegas being a good model, and we heard about Chicago,
8 not a good model. I'd like to know the differences
9 that you might-- that you can tell us what's been
10 happening in Chicago versus Las Vegas or any other
11 city.

12 DAVID DONOVAN: If you-- thank you for
13 the question. If you look at a number of cities
14 where this is being examined, all of it is being done
15 in the context of shifting from analog to digital.
16 Now, in Las Vegas and in Clark County there was a
17 decision that we will allow the media access, but
18 that essentially is where it stops at this point.
19 They're looking at further analysis there. When you
20 go to Baltimore, Baltimore is looking at a 15-minute
21 delay. In Chicago it's very interesting because
22 during the election, both candidates said we want to
23 open this up to immediate access, but then after the
24 election they now, I believe-- although that's still
25 being debated right now, that has been reverted back

2 to 30 minutes. Which whatever happens in these other
3 cities, New York is unique. New York is different.
4 Even if you're looking at a matter-- if you want to
5 get technical about it, the topography of Chicago is
6 different from New York, is different from New
7 Orleans. New Orleans, for example, is a bowl. So
8 you put police communications in the middle, and when
9 the floods come you have no more police
10 communications and that's what happened in Katrina.
11 So I understand the architecture, but I think what's
12 really important here and is being missed, it is the
13 policy decision, who you want to have access. We all
14 want to not have the bad guys. Now, we want to have
15 the press and maybe other groups, but that is a
16 policy decision, and once you make the policy
17 decision, that should guide how the technology is
18 deployed. That's why we ask for this meeting way
19 back in January and beforehand. And in our
20 discussions, it is our understanding that the
21 technology being deployed will not preclude
22 reporters' access. So the only issue is whether or
23 not you want a reporter to arrive close to on-time
24 given traffic or late. And that's pretty
25 straightforward. The other issue that I think-- and

2 Diane alluded to it, we're not asking information for
3 all police communications. There are issues where
4 you can use other channels. We're asking for basic
5 dispatch information about where an event is
6 occurring, and the distinction also as to who can get
7 it and how can't was addressed by New York State.
8 The Department of State in adopting the body armor
9 rules set a set of rules that say who should have
10 access and who shouldn't. Ironically, the entity
11 that enforces that, that makes the decision who can
12 sell body armor to whom is the New York Police
13 Department. So our position is from day one, let's
14 use the body armor analysis that New York State has
15 already crafted and use that as a model and build on
16 that, and that's what was asked well for over a year.

17 COUNCIL MEMBER HOLDEN: Yeah, and just a
18 follow-up Chair for a second. As an elected
19 official, I have to know what's going on in my
20 community immediately, because I get constituents
21 calling me, and that's why I ask the CO's of the
22 precincts many times and each one's different,
23 obviously. I'll get-- I have to read about it
24 sometimes in the paper, which I get very upset at. I
25 don't like that. I said you need to-- when something

2 major is happening in my community, I need to know--
3 I have to stay one step ahead of constituents. I
4 know the gentleman from Citizen-- you're from
5 Citizen, yeah. Because I have-- I just wanted to
6 tell you, you mentioned that you hear some stories
7 about how people avoid areas. My wife was on 79th--
8 80th Street, and a knifing came over, because I have
9 the subscription to the extra, you know, so I can
10 hear the whole conversation, and I found out there
11 was a gentleman with a knife, waving it at people on
12 79th Street, and she was on 80th. So I said stay
13 away, so she went the other way. We need to have
14 you. Are you considered press, by the way? No, but
15 you get-- you don't have the credentials then? So
16 you would be shut-- you would need credentials, which
17 I think Citizen gives-- as an elected official, I get
18 a lot of information from Citizen, and I stay one
19 step ahead since I got the expanded version of it.
20 So, I need-- I don't need my constituents calling me
21 and saying, you know, what happened on 79th Street?
22 What happened over there? And that's what I think we
23 have to protect here, that we need the free press.
24 We need a press that could have access, but we also
25 need valuable services like yours that can do it in

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2 real-time. And what-- you know, not having the bad
3 guys having the information, that's what we have to
4 figure out. Thank you. Thank you, Chairs.

5 COUNCIL MEMBER PALADINO: Very

6 interesting, and I do agree 100 percent as Bob said.

7 Really, really curious, though. How do you make this

8 work? I mean, what you just said here today was

9 crystal clear. You have access because we need-- the

10 people need to know. You're not looking for full

11 access, you're looking for where and when and what's

12 going on, which seems simple enough to me. So, why

13 isn't there a channel that-- what went wrong here

14 that they have the one antiquated system that's 40

15 years old that now they want to change which in turn

16 will block you out. Do I understand that correctly?

17 Okay. So, now, why-- while we're redoing things,

18 make it so that you as part of the press can get

19 access to what's needed. I, on the other hand, with

20 Citizen App, because you're app it's completely

21 different than the press. You're not even in the

22 category in the press. You're an app that people

23 download onto their phone, and not to say anything

24 against you so don't come at me, just to let you

25 know, a lot of things that come on my Citizen App is

2 exaggerated and false information, but I live in
3 Queens, so that might be very different than
4 Brooklyn. But if you would please answer my question
5 that would be great.

6 GENERAL COUNSEL OSTERREICHER: So if I
7 could for just a second. I know Chief Beltran was
8 talking about the encryption key.

9 COUNCIL MEMBER PALADINO: Yes.

10 GENERAL COUNSEL OSTERREICHER: so,
11 basically if you go through the process that David
12 explained in term of who might qualify getting that
13 encryption key, that's all that needs to be done.

14 COUNCIL MEMBER PALADINO: well, we have
15 to talk some more about that. This needs more
16 conversation. Because there should be never a
17 blackout of the press, ever.

18 DAVID DONOVAN: Let me add, what you see
19 happening here, are the problems that existed in the
20 analog system where we could not control who was
21 receiving our information being transposed into a
22 digital system where that issue goes away, because
23 you're encrypted. Essentially you can do two things,
24 as Mickey indicated. Over the air, you can send out-
25 - be; you're sending out on multiple channels, you're

2 sending out little packets of information. You're
3 putting encryption instructions on each packet, and
4 you can have through an applications process, through
5 NYPD or through the Mayor's Press Office, saying
6 these are the people who are qualified to get an
7 encryption key, and that way that information goes
8 only to those people over the air. The other way to
9 do it is right now you have online services such as
10 Broadcastify [sic], is instead of doing it over the
11 air, you actually do it through an online service,
12 but give each "subscriber" or entity to that the
13 access code, password, what have you. And if you
14 violate that, if you do something bad, then you can
15 set up an administrative process to take that access
16 away.

17 CHAIRPERSON HANKS: Thank you. Thank
18 you. You guys can talk offline. Thank you.

19 DAVID DONOVAN: Thank you.

20 CHAIRPERSON HANKS: That's okay.

21 COMMITTEE COUNSEL: Thank you to this
22 panel. I'll now call up the next panel which will
23 include Usman Chohan, Oliya Scootercaster, Briana
24 Lipp [sp?], and Christopher Leon Johnson.

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2 CHRISTOPHER LEON JOHNSON: I'll go first.

3 I got up here. You, can I go?

4 COMMITTEE COUNSEL: Ready to start.

5 CHRISTOPHER LEON JOHNSON: Ready? Hey,

6 what's up, chairwoman Hanks, Chair Gutiérrez,

7 Honorary Mr. bob Holden who's the GOAT, a real dude

8 in the City Council. I hope you run for Mayor, bro.

9 Alright, I'm going say this right now. You know that

10 Beltran guy, the officer, he's a clown. He don't

11 know what he's talking about. This is basically

12 censorship with the members of the media, because

13 what's going on is clowns like Beltran who should

14 lose his job-- he shouldn't be part of DCPI. He

15 should be working on the beat in the 75th precinct

16 serving-- dealing with the clowns who shoot each

17 other all the time, because he don't know what he's

18 doing. He's nothing but a shill to this fake

19 Commissioner Caban, who's not even a real

20 commissioner. He's the-- like, he's nothing but a

21 fraud. All this is about is making sure that guys

22 like Scooter, people like Scooter, Usman-- you have

23 what's his name, Lloyd Mitchell [sp?] and all the big

24 time media people, members of the NYPPA, this guy

25 right here only cover these corrupt nonprofits for

2 free. That's all they care about. We don't see not
3 one nonprofit here. You don't see people Stop Spying
4 [sic]. You don't see people from CPR. None of these
5 nonprofit are here, because they want people like us
6 to cover these guys for free, because they don't--
7 they get mad that we're covering the shootings to get
8 paid, instead of us covering the nonprofits to get
9 paid. So I'ma [sic] say this right now. I know
10 there's a lot the City Council can't really do.
11 Shout to Senator Gianaris for introducing that bill
12 in the State Senate to make sure that this doesn't
13 happen in New York City with the encryptions. But I
14 think members of the City Council-- no disrespect Mr.
15 Bob Holden, I think you should enter this bill to
16 City Council to make sure this doesn't happen, but we
17 all know this is about is that none of these Council
18 Members don't' want to piss off the PBA and all these
19 other-- the PBA and these unions, so they don't want
20 to introduce it, and I get it, but don't jeopardize
21 our living and our work to appease these corrupt
22 police unions, because these unions don't give a crap
23 about none of you guys, because all they see you guys
24 expendable. You guys screw up, piss them off, they
25 can get another batch of Council Members and state

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2 members to take over and do y'all work. So don't
3 jeopardize our living to appease these PD inept, out
4 of touch unions. And that's the truth. Like I said,
5 Beltran's a clown. He got to go. He need to get
6 fired. He need to go just retire and sit in the
7 retirement home, because that's all he should be
8 doing. He's a joke. He don't know what he's doing.
9 Like I said, go to the 75th precinct and go deal with
10 the guys shooting each other all the time, all over
11 Brownsville, because you don't deserve to be DCPI.
12 You don't know what you're doing. You're nothing but
13 a shill to Caban, who's another clown in the NYPD.
14 So, that's all I got to say, and that's it. Thank
15 you.

16 COMMITTEE COUNSEL: Thank you.

17 USMAN CHOCHAN: I'm sorry. My first time.
18 Good afternoon members of this community. My name is
19 Usman Chohan. I work as a freelance news
20 photographer for Loudlabs News. After hearing this
21 testimony from NYPD's Chief Information Officer Ruben
22 Beltran on the rollout of the encryption process, I
23 have more questions than answers. I find that Chief
24 Beltran's remarks to be atrocious and a dagger to the
25 press and journalism community in New York City. The

2 use of police radios have given local journalists and
3 photographers a window to show New Yorkers what's
4 happening in their communities. Encryption will
5 inevitably cause access to transparent information on
6 important news stories in a day to be controlled by a
7 government agency. This will cause us merely to be
8 stenographers for government bureaucrats. In an age
9 of growing misinformation and polarization, the
10 public and the press must have a form of access to
11 listen in to what our tax-funded Police Department
12 and government agencies are doing. Chief Beltran
13 claims that the planned rollout will keep our
14 officers and the public safe. I respectfully
15 disagree. This'll be a shot in the foot situation.
16 Moreover, the public will distrust whatever the
17 police say. No one is against the improvement of
18 technology. We don't use VHS tapes or cassette
19 players anymore. This is not an excuse to stymie the
20 public's right to know. Thank you very much.

21 BRIANNA LIPP: Okay. A lot of what I was
22 going to say have already been said, but the NYPD has
23 started sharing their frequencies with the press
24 since the 1930s and provided media outlets with
25 information about things from 9/11 to Sandy Hook and

2 hunt [sic] and flights [sic] and massive fires. What
3 I was going to say about the Citizen App has already
4 been said, about how important that information is
5 used to find missing people. The statement from the
6 Police Commissioner here today that claims to-- that
7 gave the statement claims to give the statement to
8 the media-- that claims that the police gives the
9 statement to the media all the time in response to
10 how this will affect journalist's ability to be first
11 responders on the scene is not a comforting statement
12 but concerning. As the police should never be the
13 voice of reporting on the job of what the journalists
14 should. The ability to listen to police radios has
15 enabled for the media to serve as checks and balances
16 on the NYPD, allowing independent coverage stories
17 from the chokehold of Eric Garner as he was arrested
18 for selling cigarettes in Staten Island in 2014, the
19 shooting of-- sorry-- Abdul Diano [sp?], in the
20 Bronx, as he was shot 41 times by an officer who
21 thought he had a gun when he was pulling out his
22 wallet, and of the police shooting of Sean Bell in
23 his car in Queens on the eve of his wedding in 2006.
24 These are three examples that journalists use the
25 radio scanners to be able to investigate the truth of

2 what happens. The NYPD representative failed to
3 acknowledge that sometimes the "bad actors" creating
4 terrorism in communities of New York City are the
5 police. Journalists offer checks and balances for
6 those bad actors. The claim that they're the most
7 transparent Police Department in the country is a
8 blatant lie, as the NYPD notoriously has a budgeting
9 of over \$200 million every year for settlements
10 related to police misconduct, and that's already
11 budgeted for. Journalists are first informers, front
12 line workers, that race to give the breaking news and
13 are truth-seekers of the truth. That is not the job
14 of the NYPD, and it could-- and all this idea of like
15 not-- encryption can create really dangerous
16 blackouts form everything from natural disasters to
17 the truth of police corruption. They should not have
18 control of the dissemination of information. Thank
19 you.

20 OLIYA SCOOTERCASTER: Hi. My name is
21 Oliya Peden [sic] Scootercaster, and I'm a founder of
22 New York City-based news agency called FNTV, Freedom
23 News TV. First after hearing and just seeing NYPD
24 leave before journalist got to testify was quite
25 telling and unfortunate because we have a lot to say

2 to them about this issue. Our team which consists of
3 a group of freelance media journalists works
4 tirelessly day and night to bring the news straight
5 from the source to the public, community and local
6 TV. We have worked for years filming crime scenes,
7 accident scenes that otherwise may slip through the
8 cracks and never see the light of day. Without
9 access to what has always been the public airwaves,
10 we cannot do our work. Without immediate information
11 that directly involves the citizens of our city, we
12 will only be able to use information from a single
13 source, the NYPD. Reports from DCPI public NYPD
14 representative are often very delayed and majority of
15 incidents are never reported to the press. Some are
16 delays hours. Some are delayed a week. Sometimes,
17 most the small incidents we don't get any. I know
18 they use that as an example that they're already
19 sending out information to the press, but that's
20 nowhere nearly sufficient. Encryption without access
21 for journalists would hinder our ability to deliver
22 coverage of important news and events. The public
23 must have access to report via an independent press
24 of what is going on in the city. We cannot rely on
25 the police or any government agency to be the sole

2 source of information. It is the foundational right
3 and an important service for journalists to
4 independently observe, document and publish the
5 details that we find rather than relay a third-party
6 statement which would be NYPD in this case. I
7 attended the first press conference on encryption at
8 the Police Academy and we were told that the reason
9 for encryption was for the safety of the police
10 officers, which they also repeated today. I'm still
11 trying to understand how giving credentialed press
12 access to what has always been public information
13 endangers officers. For my work and the work of my
14 team, accuracy, speed, and accountability are
15 extremely important. even with a 30-minute delay on
16 police radio transmissions, our work of providing
17 breaking news to our community would be severely
18 hindered as most scenes are gone within an hour.
19 Victim's families often rely on our coverage to make
20 sense of what happened to their loved ones. The
21 public relies on our reports to evaluate their
22 safety, blocking out press from access to vital
23 information will not keep officers safe. Quite
24 possibly, it will have the opposite effect. Please
25 stop using safety as an excuse to hide vital and

2 important information from members of the pres. And
3 I wanted to thank those who stayed for our testimony.
4 I really appreciate it.

5 CHAIRPERSON HANKS: Thank you so much. I
6 just want to say for the record, often the officers,
7 the higher ranking officers will leave because it's
8 just really difficult to be here that time, but we do
9 have a representative from the NYPD that we have
10 always request to stay, because I understand how
11 important it is that your testimony is recognized by
12 the people you wanted to hear, not just me, but also
13 the NYPD. Thank you so much. Chris--

14 CHRISTOPHER LEON JOHNSON: [interposing]
15 No, no. I mean, we ask for a quick thing. Why is
16 here-- I'm not trying to be rude to this guy. I know
17 he have a job to do but what's the point of people
18 like him being here, [inaudible] at the NYPD, and
19 he's going to give us vague answers. Like, he should
20 just leave. Like, he shouldn't be here. That's my
21 thing. If he's going to be a potted plant for the
22 NYPD, and just give us vague answers and just walk
23 away like a coward, he shouldn't just be here. Just
24 to back to [inaudible] Plaza and sit in the nice
25 heat. That's my suggestion.

2 CHAIRPERSON HANKS: I respect what you're
3 saying, but this is your opportunity to testify to
4 us.

5 CHRISTOPHER LEON JOHNSON: Yeah.

6 CHAIRPERSON HANKS: And it is their
7 opportunity to sit and listen so they can take it
8 back.

9 CHRISTOPHER LEON JOHNSON: These guys
10 will listen. Cops, they don't listen, so it don't
11 matter. I mean, I'm not trying to be rude. I'm just-

12 -

13 CHAIRPERSON HANKS: [interposing] I know.
14 I appreciate you all coming out and testifying.
15 Thank you so much. We're going to go to the next
16 panel of people.

17 CHRISTOPHER LEON JOHNSON: Thank you.
18 Thank you, Chair. Thank you.

19 COMMITTEE COUNSEL: Thank you to this
20 panel. The final panel will have Dakota Santiago
21 [sp?], Lloyd Mitchell [sp?], Time Shelled [sp?], Mark
22 Harrigan Masey [sp?], and on Zoom we'll have Aviv
23 Sintran [sp?], and Erica Price. Is I have not called
24 your name and you do wish to testify, please see the

2 Sergeant at arms in the back to fill out a witness
3 slip.

4 UNIDENTIFIED: Want me to start off, guys?

5 COMMITTEE COUNSEL: Yeah, whoever would
6 like to begin?

7 UNIDENTIFIED: I'll start off by saying,
8 as 12 years of being a photo journalist covering
9 pretty much Brooklyn and Queens, I've seen a lot, but
10 it's important and paramount that you guys understand
11 what it is that we see when we're covering these
12 stories. I want to reassure for fact that we don't
13 ever wish ill-will on cops at all. In fact, we
14 reassure-- we would like to reassure you guys that we
15 want officers to get home at the end of their tour,
16 and I also want you guys to know that we're not
17 against officer safety. We need you guys to also
18 know that we don't want the NYPD to be able to
19 control the narrative. Radio encryption affects
20 people from disadvantaged communities the most and
21 foremost, and within the precincts that are dark now,
22 it's the 10 hard-hitting areas of areas that are
23 riddled with crime, unfortunately, and that's where
24 all of our action is. And you have to understand
25 that this will lead to heartache for families and

2 people involved in these communities that don't
3 understand why this happened to their loved one or
4 what's going on with their loved one. On August
5 21st, there was a 24-year-old male that was shot and
6 killed by a 15-year-old. A 15-year-old pulled a
7 trigger on a 24-year-old. The only reason that was
8 ever a story is because I was the first photographer
9 on the scene. It happened a mile and a half away
10 from me, and a story never really made all the other
11 local outlets. It was just one of those things. It
12 came and went. It's our job to keep information out
13 there for public and for these communities. other
14 than that, it wouldn't be known of what's going on,
15 and reporters re supposed to help the police get the
16 word out on these stories and understand how they're
17 affecting the police officers, how they're affecting
18 the communities, and how they're affecting us as
19 reporters. We have to also tell those stories on the
20 back end. It would be most paramount if we can get
21 that information in real-time and not over a 30-
22 minute delay. I've talked to reporters in Chicago and
23 that information, it takes them forever to get to,
24 and sometimes Chicago Police Department works the
25 situation really fast. And it's important that we

2 can equally divide up the money within the city
3 government to allocate maybe that money goes to
4 schools, maybe it goes to mental health, because
5 that's how you keep crime down on the back end of
6 things, you know. And thank you for your time.

7 CHAIRPERSON HANKS: Thank you so much for
8 your testimony. I appreciate it.

9 UNIDENTIFIED: You're welcome.

10 DAKOTA SANTIAGO: Alright, good
11 afternoon. My name is Dakota Santiago. I'm a
12 photojournalists who currently works overnights as a
13 news stringer for broadcast media and print. My
14 sense of purpose workwise lives and dies with the
15 scanning. The scanning is the equalizer of my field
16 and I would love to be a staffer somewhere, but
17 sometimes when it's not your time yet, it's not. And
18 so I depend on the scanner to deliver the details
19 needed before committing and jetting off to what
20 members of the public should happened overnight while
21 they slept. Was someone shoved into-- you know,
22 shoved into a moving train? Were innocent children
23 shot a holiday barbeque at a park? Were swastikas
24 painted in the ground of the local park in Brooklyn,
25 or were people senselessly assaulted on the basis of

2 hate on the street for a conflict happening thousands
3 of miles away? All these samples I just gave are all
4 stories I've run on at least once in my years
5 covering the beat. All those samples would not be
6 news on the day of their occurrence if at all, if the
7 police radios were allowed to be encrypted. As
8 things stand currently, the NYPD does not announce
9 most newsworthy events that occur throughout a day
10 unless we're talking events like confirmed homicides,
11 which most of the time reach our desks anywhere from
12 six hours to several weeks after the incident
13 occurred, leaving us most often with no evidence of a
14 scene, an old photograph. This is why we can ill
15 afford to lose real-time access to police radios.
16 There is nothing easy about witnessing most of the
17 mayhem that occurs in the town that often can lead to
18 the loss of life. What's easy is the ability to
19 evoke a sense of false security when there is no
20 visual evidence of the violence that goes on daily on
21 our streets. You rob the community of the power to
22 demand patrols, more funding and changes in the
23 strategy or the Police Department itself when the
24 public is not properly informed en masse of things
25 that may be going sour on their streets. The

2 invitation from this information is also given the
3 green light when only one entity is allowed to
4 dictate the events in the matter. If Harlem had been
5 encrypted in July, instead of Brooklyn, we would know
6 to ask DCPI about a 13-year-old shot in the predawn
7 hours of July 4th this year. It came over as a 1013.
8 This was the NYPD code for back-up officer in
9 distress. In this case, a call for crowd control at
10 310 West 143rd Street. The 1013 was broadcasted on
11 still open citywide frequencies, but you had to be
12 listening the division radio, in this case, the
13 confines of the 32nd precinct to have heard the
14 reason for the commotion was a young teacher,
15 innocent victim shot in the leg. No citywide channel
16 like the special operations divisions that we depend
17 on for the majority of the calls we respond to and
18 repeated a level one mobilization for a person shot,
19 let alone confirmed shots fired. There wouldn't have
20 been a child shot in the community that night-- that
21 morning, and no one but who was there would have
22 known because he was going-- year going to survey his
23 injuries. Citywide 4 used to be a frequency that we
24 could listen to before it was encrypted over the
25 spring which featured robbery division of the NYPD

2 that had the okay to conduct extended high-speed
3 pursuits across the City that often caused crashes or
4 pedestrian strikes. We can't hear anything from them
5 anymore. It's only two more paragraphs. I just got
6 back from--

7 CHAIRPERSON HANKS: [interposing] Thank
8 you. We have-- hold on. Thank you so much. We have
9 lots of people who want to testify. You can submit
10 it to me, and we will have it on record. I have to
11 go to the next person, thank you so much.

12 DAKOTA SANTIAGO: Alright, thank you.

13 TIM SCHELD: Thank you for your time. My
14 name is Tim Scheld and I am the Chair, National Chair
15 of the Radio Television Digital News Association, the
16 RTDNA we're known as. It's the world largest
17 organization, advocacy group made up of digital and
18 broadcast journalists. We speak for the people that
19 run the newsrooms in cities all across America.
20 We've been dealing with encryption from city to city.
21 I know we've heard about Chicago and Las Vegas. I
22 would ask you to look at Palo Alto, and I would
23 invite you to look up Palo Alto with the NYPD brass.
24 It's a city that went down the route of encryption
25 and then pulled back when a new administration came.

2 They changed their mind because they did a thoughtful
3 process of digging into it, and they realized that
4 they could accomplish some of the thing that you need
5 to accomplish. And thank you for being here, by the
6 way, and we appreciate you being here. It is a
7 worth-while example of changing your mind. That's
8 what life is about. My testimony most people have
9 already said what I have written and you can read
10 what I had written, but what I want to tell you other
11 than thank you for being here is I have great
12 optimism about this city with the passion of people
13 like this up in front of me, passion of the panel
14 that was before you. These are people that want to
15 serve this city and the good offices of this city,
16 and we're doing them a disservice with all due
17 respect to the NYPD. We are raising them to be our
18 adversaries, to be your adversaries. They're not
19 your adversaries, they're your partner. They serve
20 the city just the way you do, and I think the NYPD
21 needs to hear that. They need to hear the passion.
22 It's not just about my pocketbook. I'm losing money.
23 I'm losing the ability to do my job. They're losing
24 the trust. They've lost the trust of young people.
25 We need to find a way to win it back. Imagine the

2 success story that we could write in this city if
3 together we came up with some sort of a process that
4 we could find a middle ground that would win back the
5 trust of young people that are covering the city with
6 this kind of passion. To me, that's going to be the
7 success story that the City Council might be able to
8 help author. And so the other thing that I would say
9 to you with all due respect to the Chief who came
10 here, and I understood he was sort of fed to the
11 lions as they say. That was his job. It's fine. He
12 did a fine job. But he said the most important thing
13 that was said here today in my ears. He said
14 technology is not DCPI. You know what that means?
15 That his office is working on the concepts of how
16 these radios will work. We need DCPI to the table.
17 Public information is who needs to sit and meet with
18 us, not to do anything for us, but to sit. We're
19 halfway there. Come to us, read our papers, sit with
20 us, and together we'll find a solution to this. So
21 thank you for your time.

22 CHAIRPERSON HANKS: Thank you so much.
23 Can you just state for the record your name so we
24 have it-- and anyone who's testifying after, just

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2 state your name first for the record and then you can
3 continue with your testimony.

4 TIM SCHELD: Can I also just add in the
5 20 seconds that I gave back--

6 CHAIRPERSON HANKS: [interposing] Go
7 ahead.

8 TIM SCHELD: I was also on the streets of
9 New York. I was a reporter at WCBS News Radio 880
10 for 20 years, ABC News in this city, and I was the
11 news director at WCBS News Radio 800, so I speak from
12 the experience of covering the streets like these
13 young people are doing today.

14 CHAIRPERSON HANKS: Thank you.

15 FLOYD MITCHELL: My name's Floyd
16 Mitchell, I'm a freelance photographer.

17 DAKOTA SANTIAGO: Freelance photographer.

18 CHAIRPERSON HANKS: thank you so much.
19 Thank you all. So we have Andrew next?

20 ANDREW: Hello City Council, ladies and
21 gentleman. I'm here to talk about NYPD and what they
22 have been doing to me for years. Now, first, I'd
23 like to say I appreciate having law enforcement
24 protect the city from harm and from the criminals
25

2 that we have existing here in New York City.

3 However,--

4 CHAIRPERSON HANKS: Red means go. Is it
5 red?

6 UNIDENTIFIED: Here, use this one.

7 ANDREW: On? Okay. Alright, can you
8 reset my three minutes, please? Okay, thank you.
9 So, my name is Andrew, and first I would like to say
10 I do appreciate how law enforcement, NYPD, protects
11 the City from harm from the criminals that we have
12 here in New York City. However, law enforcement,
13 some of them like to be come up and they have been
14 attacking me for years, and I have been writing
15 government officials. For example, this news program
16 radio 99.5 FM they had mentioned on the radio how law
17 enforcement make people homeless and get people fired
18 from jobs like Colin Kaepernick. He's a football
19 player. Also, just a flier I have that shows the
20 same thing, how law enforcement terrorize people, not
21 only New York City but throughout America. I am told
22 I'm a victim of law enforcement terrorizing me as
23 well. So, law enforcement had got me fired from my
24 job. I don't know why they did that, but that's the
25 court case. They got me fired. I've been writing

2 government officials allowing them to know what's
3 going on, and law enforcement like to cover up
4 things. So they say that they have transparency.
5 When they attacked me in 2022, I had asked them for
6 the body cam. They refused to issue me the body came
7 when they attacked me, because they knew what they
8 were doing was incorrect. This body cam, March 5th,
9 2022. They attacked me on Roosevelt Avenue, and that
10 don't even-- does law enforcement attack me, but they
11 attack members from their own Police Department.
12 They [inaudible] inside the sidewalk because had
13 exposed the corruption and terrorism. They did the
14 same thing to Nemi Gomez [sp?], a New York Police
15 Detective as well. So when people have evidence
16 against-- corrupt people at law enforcement, they
17 toss them side the sidewalk against their will just
18 to shut them up. So this is a tool that law
19 enforcement has in their arsenal to terrorize people,
20 and they have been doing this to me for years,
21 because I put this online in 2013 that they have been
22 attacking me. That's why I have a charge [sic] that
23 says law enforcement assaulted me in two states. So
24 every time I go to different lawyers in different
25 states, they have been blocking me from hiring

2 lawyers to sue them in court. For example, excuse
3 me, police brutality that's against the law.
4 Violating civil rights. That's against the law. When
5 agent [inaudible] didn't-- New York Police Officer
6 that exposed corruption and terrorism, they through
7 him in the sidewalk. He sued. They threw me in the
8 sidewalk, I can't sue. So like in two different
9 states, they keep violating my rights. I can't speak
10 English no more. They keep violating my rights, and
11 like I can't sue them. So I came here to ask the
12 sitting members for assistance, somebody to
13 investigate what's going on with law enforcement.
14 Why is that they're attacking me, but they're
15 attacking people throughout New York and throughout
16 America?

17 CHAIRPERSON HANKS: thank you so much.

18 ANDREW: Sure. I have fliers as well.

19 CHAIRPERSON HANKS: Okay, you can pass
20 them to me.

21 ANDREW: Anybody needs fliers?

22 CHAIRPERSON HANKS: Kevin Downs?

23 KEVIN DOWNS: Yes, my name is Kevin
24 Downs. I'm a freelance photographer. I've worked
25 with several newspapers here in New York, and also

2 I'm with Redux [sic] Photo Agency. I just am-- I
3 don't like encryption. I just want to put that out
4 there. I think it's bad for New York and also
5 marginalized communities here in New York. I cover
6 mainly immigrants and Hispanic communities and also
7 my own community in Middle Village. And I just want
8 us to be able to provide that service to New Yorkers.
9 The police also when I'm working at night and I ride
10 up onto a police crime scene, the police are actually
11 happy to see us there. You know, they are literally
12 happy to see us walk up there with our cameras, and
13 these guys want us to tell their story of them doing
14 their job, and without us there, we can't tell our
15 story. We can't tell the story of the person who was
16 killed that night. You know, I rolled up onto two
17 people in Upper Manhattan who were shot, plus their
18 dog, by a neighbor. The police were actually happy
19 to see me there, and they come up and talk to you and
20 tell you what they-- what not to do and stuff like
21 that, and you say, yes, and then when you leave you
22 say, be safe, guys. And I don't want us to lose that
23 in New York City. The press is a vital part of
24 telling the story about this town. Otherwise, I would

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2 have stayed home and I would be covering the border
3 all the time.

4 CHAIRPERSON HANKS: Thank you so much,
5 Kevin.

6 KEVIN DOWNS: You're welcome.

7 CHAIRPERSON HANKS: It's a very good
8 perspective for us to hear. I appreciate that. I
9 appreciate you both.

10 ANDREW: I'd like to mention my email--

11 CHAIRPERSON HANKS: [interposing] Next we
12 have Todd--

13 ANDREW: for people to contact me in case
14 they [inaudible] law enforcement attacking me before
15 they murder me.

16 CHAIRPERSON HANKS: No, sir. Sir?

17 ANDREW: Before they murder me. Corrupt
18 cops attacking me at YouTube. That's the YouTube
19 channel and the email, corrupt cops attacking me
20 before they murder me. Thank you.

21 CHAIRPERSON HANKS: Todd, we have you
22 online? Aviv, I'm sorry, Aviv Sitran [sp?].

23 COMMITTEE COUNSEL: Mr. Sitran, you can
24 begin. Looks like we're having a problem with your
25 audio. Mr. Sitran, we're going to have to come back

2 to you. Is there anybody else in the room that
3 wishes to testify that's name has not been called
4 yet? If so, please see the Sergeant at Arms in the
5 back. But I believe Mr. Sitran is our last panelist.
6 Can you select a different microphone, Mr. Sitran?
7 Should be on the bottom left of your Zoom window.

8 CHAIRPERSON HANKS: Hi, Mr. Sitran, we
9 can accept your written testimony, because we can't
10 seem-- we seem to have technical difficulties. Would
11 you like to log off and log back on and see if that
12 works? We'll be here. Hi, Erica, are you ready to
13 testify? You're muted. Okay, please hold. Erica,
14 let's see if Mr. Sitran is ready. You want to unmute
15 yourself and see if you've got it. We can't hear
16 you. Do we have Robert Roth, if you want to unmute
17 yourself, do we have you?

18 ROBERT ROTH: I am at home recuperating
19 from an accident and I have asked Council to receive
20 my testimony in writing.

21 CHAIRPERSON HANKS: Okay, thank you so
22 much. Thank you for your testimony. So, Mr. Sitran
23 and anyone else on the line, it seems like we may
24 have a little difficulties hearing you. You can
25 submit your testimonies online. So I want to thank

2 everyone for coming out here today for this very
3 important hearing, and with that, this hearing is
4 adjourned.

5 [gavel]

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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 November 30, 2023