

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUSTICE SYSTEM JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY

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March 12, 2018
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HELD AT: Council Chambers - City Hall

B E F O R E: RORY I. LANCMAN
Chairperson

DONOVAN J. RICHARDS
Co-Chair

COUNCIL MEMBERS:

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FERNANDO CABRERA
ANDREW COHEN
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ANDREW COHEN
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DEBORAH L. ROSE

COUNCIL MEMBERS:

ERIC A. ULRICH

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

Cyrus Vance
District Attorney of the New York County in New
York City, Manhattan

Darcel Clark
District Attorney of Bronx County in New York
City

Michael McMahon
District Attorney of Richmond County in New York
City

Eric Gonzalez
District Attorney of Kings County in Brooklyn

Bridget Brennan
New York City's Special Narcotics Prosecutor

Kevin Ryan
Communications Director of the Queens District
Attorney's Office at the Kew Gardens Headquarters

Jordan Dressler
Civil Justice Coordinator of Human Resource
Administration's Office of Civil Justice

Sonia Linn
General Counsel for the New York City Mayor's
Office of Immigrant Affairs

Tina Longo
Chief Defender of the Legal Aid Society's
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Stan German
Executive Director of New York County Defense
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A P P E A R A N C E S (CONTINUED)

Matt Knecht
Managing Attorney of the Criminal Defense
Practice of the Neighborhood Defender Service of
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Justine Olderman
Executive Director at the Bronx Defenders

Lisa Schreibersdorf
Executive Director at the Brooklyn Defenders

Amanda Berman
Project Director of the Red Hook Community
Justice Center

Jay Ackley
Treasurer and an Executive Committee Member of
The Legal Services Staff Association, Senior
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Raun Rasmussen
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Aid Society

Beth Goldman
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Legal Assistance Group

Ben McGregor Smyth
Executive Director of New York Lawyers for the
Public Interest

Jane Lee
Staff Attorney at the Community Development
Project of the Urban Justice Center

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

Rachel Braunstein
Managing Policy Attorney at Her Justice

Andrea Bowen
Consultant Working on Behalf of the Transgender
And Gender Non-Conforming Solutions Coalition

Cathy Cramer
CEO of Legal Information for Families Today, LIFT

Unidentified Male
In Litigation against Business Partner of HRA

Karen Friedman
Chief Assistant District Attorney for Manhattan

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[gavel]

CHAIRPERSON LANCMAN: Good afternoon, I'm Council Member Rory Lancman, Chair of the Committee on the Justice System and this phase of our budget hearing jointly held with the Committee on Public Safety we'll hear from the District Attorneys and the Special Narcotics Prosecutor. We are joined by Council Members Andy King who is a member of the Committee on the Justice System.. [cross-talk]

COUNCIL MEMBER COHEN: Cohen..

CHAIRPERSON LANCMAN: ...and... what, Oh sorry Andy Cohen. The, the Andy's from the Bronx will do it to you every time. He's lacking a bowtie that should have been my first signal, the Chairman of the Public Safety Committee said that. The fiscal 2019 preliminary plan includes little to no budget actions for the city's prosecutors and totals 375.6 million dollars with a budgeted head count of 3,655 positions. This includes 104.4 million dollars and 989 positions for the New York County District Attorney, 97.4 million dollars and 910 positions for the Kings County District Attorney, 72.7 million dollars and 880 positions for the Bronx County District Attorney only six...

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1
2 no, I don't... I'm not ready to add a total or, or
3 totalize yet... 64.1 million dollars and 530
4 positions for the Queens District Attorney, 14.3
5 million dollars and 133 positions for the Richmond
6 County District Attorney and 22.5 million dollars
7 and 213 positions for the Special Narcotics
8 Prosecutor. Budgeted head count across the six
9 offices includes an increase of five positions,
10 two in Richmond County and three in the Bronx to
11 implement the early victim engagement program with
12 the Mayor's Office to combat domestic violence in
13 the Mayor's Office of Criminal Justice in order to
14 enable victim's advocate to do early outreach and
15 engagement of victims of intimate partner
16 violence. I look forward to hearing each office's
17 budget priorities not included in the fiscal 2019
18 preliminary budget and more specifically on the
19 issues of salary parody, recruitment and
20 retention. And we also hope to follow up on the
21 baseline funds discussed and anticipated as
22 forfeiture funds and programs and initiatives your
23 offices are participating in. At the outset let me
24 thank our committee staff for their hard work;
25 Steve Riester and Sheila Johnson from the Finance

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1
2 Division and Brian Ko and Casey Addison from the
3 Legislative Division and my staff, my Chief of
4 Staff Rachel Kagan, Communications Director Josh
5 Levitt, my Operations Director Jordan Beberman and
6 my Budget Director Macise Sarkisian [sp?]. Now
7 we'd like to hear from the Chair of the Public
8 Safety Committee, Donovan Richards.

9 COUNCIL MEMBER RICHARDS: Thank you Chair
10 Lancman and good afternoon and welcome again to
11 the joint Public Safety and Justice System
12 Committee hearing on district attorneys and
13 special narcotics prosecutor. As Council Member
14 Lancman indicated fiscal 2018 preliminary plan
15 included no significant budget actions for the
16 city's prosecutors. I know he went through the
17 numbers who's total budget equals approximately
18 375.6 million in a nearly unchanged head count. As
19 a result I look forward to hearing the challenges
20 and priorities faced by your offices that are not
21 reflected in the preliminary plan and in
22 particular some areas I'm really interested in
23 hearing about are obviously the opioid crisis on
24 how we're working diversion programs, special
25 narcotics prosecutor obviously on the work you're

1
2 doing around the opioid crisis and, and gang work,
3 body cameras and how is the NYPD truly working
4 with you all to make sure that program is
5 successful and lastly Raise the Age, the impact of
6 Raise the Age and how you're preparing for that.
7 So, thank you all for being here today and I will
8 turn it back over to Council Member... Chair
9 Lancman.

10 CHAIRPERSON LANCMAN: Thank you. Well
11 let's get to it, if you'd all raise your right
12 hands, so you can be sworn in. Do you swear or
13 affirm that the testimony you're about to give is
14 the truth, the whole truth and nothing but the
15 truth?

16 CYRUS VANCE: I do.

17 DARCEL CLARK: I do.

18 CHAIRPERSON LANCMAN: Thank you, you are
19 all encouraged to be brief so that you can get
20 onto what else you need to do today, and we could
21 all move forward. Well Mr. Vance since you're at
22 the end there I nominate you to go first.

23 CYRUS VANCE: Alright, thank you. Good
24 afternoon Chairman Richards and Lancman and
25 members of the Committees on Public Safety and the

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1
2 Justice System. Thanks so much for hearing from us
3 today and also for your support over the years,
4 it's been very important to all of us and to our
5 office. That support I think we can take stock of,
6 of really how incredible it has been, your support
7 has... and investments has led to record crime... low
8 crime levels in the five boroughs. Last year in
9 Manhattan there were 46 homicides which was a
10 slight increase since before 2000... since 2016 but
11 a far cry from 70 in 2010 when I took over and
12 keep in mind that in 2017 we had a tragic... a
13 terrorist attack in the Lower West side where
14 eight people were murdered at that time and that
15 sad attack was a reminder to all of us that
16 counterterrorism threats are real for this city
17 and its for that purpose in 2015 our office
18 created a counterterrorism program to handle
19 prosecutions against terrorists and working with
20 NYPD intel the office has applied the New York
21 State's terrorism statute into four prosecutions
22 two of which are pending and two of which have
23 been resolved by, by pleas and convictions. In
24 addition to contributing to record lows in violent
25 crime, our office as have my colleagues all made

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1
2 criminal justice reform in reducing unnecessary
3 incarceration among our high... my highest
4 priorities. As a result, we have drastically
5 reduced the number of prosecutions for low level
6 offenses in Manhattan. In 2010 my first year as
7 District Attorney there were 85,650 in misdemeanor
8 and violation arraignments in Manhattan Criminal
9 Court. Last year there were 55,980 arraignments
10 and that's a 35 percent reduction and by the end
11 of 2018 we expect to drive that number even lower
12 due to a number of policy changes and reforms that
13 I'd like to outline today. First as of February 1st
14 our office no longer prosecutes turnstile jumping
15 and unlicensed vending except where there's a
16 demonstrative public safety reason to do so. The
17 NYPD can and should continue enforcement on these
18 offenses through its routine enforcement and we
19 are monitoring this closely to ensure that anyone
20 who poses a public safety threat will continue to
21 be prosecuted by our office but for those who do
22 not present a public safety threat we think the...
23 those, those should be resolved with summonses as
24 opposed to summary arrests. Since these reforms
25 went into effect on February 1st, we have had an 88

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1
2 percent reduction in arraignments for theft of
3 services compared to the same time period last
4 year. Looking ahead, I support the campaign to
5 subsidize metro cards for the city's poorest
6 riders. Several members of your committee
7 including I believe both Chairs are also
8 supporters. I hope that the city council can
9 explore this idea further with the MTA. In January
10 my office also took a giant step towards reducing
11 unnecessary incarceration by no longer requesting
12 bail in the majority of misdemeanor cases. Under
13 this new policy which closely tracks one
14 implemented by Eric Gonzalez in Brooklyn last
15 year, Manhattan Prosecutors operate from the
16 presumption now that no bail should be requested
17 in misdemeanor and violation cases except to
18 limited circumstances such as cases involving a
19 victim or when... where a defendant injures a police
20 officer, fire fighter, or other public servant. A
21 victim case might be a stalking case or a domestic
22 violence case for example. To date bail requests
23 are down 25 percent as compared to 2017 and we are
24 now exploring ways to expand this policy to
25 categories of felony cases. We're also engaged in

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2 conversations with the Mayor's Office of Criminal
3 Justice and the city council about expanding the
4 eligibility criteria for supervised release.
5 Supervised release is that program where
6 individuals are maintained outside of, of pre-
7 trial detention subject to conditions imposed by
8 the court. Our office provided 13.8 million
9 dollars in asset forfeiture funding to expand this
10 supervised release program citywide in 2016 and I
11 strongly encourage the council to work with the
12 administration to secure additional funding for,
13 for supervised relief.. release. We believe that
14 these policies reducing reliance on monetary bail
15 an, an expansion of alternative to detention such
16 as supervised release support our goal of closing
17 Rikers Island one that I fully share with the
18 council. Third we continue to divert people from
19 the court system through Project Reset, our pre-
20 arraignment diversion program. To date we have
21 declined to prosecute 807 16 and 17-year olds
22 first time arrestees through this program and
23 another 42 percent.. participants are currently
24 enrolled. The program has a 98 percent completion
25 rate and early analysis indicate that its having

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1
2 an impact on recidivism too. Preliminary analysis
3 indicates that only six percent of Project Reset
4 participants were rearrested within six months
5 after completing the program compared to nine
6 percent... 19 percent, excuse me, of similarly
7 situated 16 and 17-year olds not participating in
8 the program. Beginning on February 1st, we expanded
9 the program to people of all ages charged with
10 nonviolent misdemeanors in Manhattan and we now
11 expect to divert more than 5,700 people from the
12 criminal justice system each year through this
13 program. We believe that these diversion options
14 provide critical, early interventions to New
15 Yorkers at their first point of contact with our
16 criminal justice system and will prevent thousands
17 of individuals from ever stepping foot at a
18 courtroom or, or heading on a trajectory that
19 leads to jail or perhaps even deportation.

20 Building off this portfolio of pre-arraignment
21 diversion programs and Staten Island's successful
22 pilot we're planning for the implementation of
23 Manhattan Hope which will come online later this
24 spring. The Manhattan Hope pilot which will serve
25 neighborhoods in the Manhattan North... in Manhattan

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2 North, excuse me, will serve approximately 300
3 people during its first year including those
4 arrested for possession of controlled substances
5 such as opioids, heroin, cocaine, ecstasy, LSD and
6 other drugs. Again, we believe there's an
7 opportunity to divert these cases as has been done
8 in Staten Island successfully while maintaining
9 public safety and reducing recidivism. Finally, in
10 August of 2017 alongside my DA colleagues in the
11 Bronx, Brooklyn, and Queens we collectively
12 dismissed roughly 645,000 old summons cases with
13 more than 240,000 of those vacated summons
14 warrants coming from Manhattan. Now one might
15 conclude that there is a reduced need for
16 prosecutors given the impact of our reform efforts
17 on our caseloads and I would like nothing more
18 than to put prosecutors out of business but the
19 reality is that we are busier than ever focusing
20 on more serious and emerging threats from
21 cybercrime, to counterterrorism as I mentioned as
22 well as more traditional violent crimes from
23 murder to hate crimes to sex trafficking to the
24 seemingly intractable problems around domestic
25 violence as well as crimes involving routing out

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1
2 financial fraud and corruption. Criminal activity,
3 members of the council has become significantly
4 more sophisticated and requires far greater
5 emphasis on proactive investigation and pre-trial
6 litigation. Accordingly, prosecutors must decide...
7 must... excuse me, must dedicate a significantly
8 larger amount of time to each case to adequately
9 serve the interest of justice. The proliferation
10 of digital evidence associated with almost every
11 case from video footage to emails and text
12 messages requires substantial resources and staff
13 time to retrieve, analyze and store. In response
14 to one of the... I can't think of the, the, the
15 Chair's question, the NYPD body worn camera
16 initiative is a good example of this challenge.
17 Our office has actively participated with the NYPD
18 pilot since it began, and we are learning a great
19 deal regarding resources we need to effectively
20 implement body worn cameras in our borough. For
21 example, my staff needs to download and organize
22 the video evidence which can be especially time
23 consuming because many videos are shared without
24 clear identifiers that link the video to a
25 specific arrest. Staff must also determine if

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2 video should have been shared but was not and that
3 attempt to secure the missing video from the NYPD.
4 Finally, almost all video files will need
5 redactions performed before they are shared with
6 the defense and the court and despite advancements
7 in technology it is an incredibly resource and
8 time intensive process. Given the expected volume
9 of arrest videos my staff cannot assume this new
10 responsibility into their current workload. Once
11 fully implemented we will require 14 additional
12 staffers with a total annual funding need of
13 650,000 dollars. Each day the evidence on a
14 serious crime languishes is another day a crime
15 victim has to await justice, or a defendant has to
16 spend at Rikers Island. In addition to handling an
17 ever more complicated caseload ADAs must staff an
18 average of 1,100 institutional assignments per
19 month. This means we are obligated to assign
20 prosecutors to courtrooms every day regardless of
21 whether there are two cases in that courtroom or
22 200. Institutional assignments include night and
23 weekend intake and arraignment assignments as well
24 as regular and non-trial court appearances and
25 unfortunately it is becoming increasingly

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2 difficult to recruit law school graduates to
3 accept positions as assistant district attorneys
4 given the relatively low starting salaries we can
5 offer them. The starting salary of an assistant
6 district attorney in my office is 63,000 dollars a
7 year which is considerably lower than other public
8 service lawyers including those in other city
9 agencies like the Law Department and the Mayor's
10 Office of Criminal Justice. Given the twin burdens
11 of tremendous law school debt and the cost of
12 living in New York City many young people simply
13 can't afford to accept the position despite their
14 interest. We are disappointed that the Mayor has
15 not addressed this unfair salary parody, but we
16 will continue to work with the Mayor's Office and
17 the Office of Management and Budget to address
18 what I believe is a critical issue and I ask for
19 this council's support. The last thing any of our
20 offices want is a class of prosecutors comprised
21 only of individuals with independent means or wealth,
22 prosecutors need to be reflective of the diverse
23 populations they are seeking to serve. Thank you
24 very much for the opportunity to speak today and
25

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thank you for your continued support of all our
offices.

CHAIRPERSON LANCMAN: Thank you, Judge
Clark.

DARCEL CLARK: Good afternoon Chairman
Lancman and members of the Justice System
Committee and Chairman Richards and members of the
Public Safety Committee. It is an honor to appear
before you today. The Bronx is my lifelong home
but it's not just the place where I live and serve
with, within the... within the criminal justice
system, it is also a borough that identifies with
struggle and survival. The Bronx continues to
experience high poverty rates, unemployment,
homelessness, substance abuse and language
barriers that often bar access to opportunity. All
the while my county also bears an inordinate share
of the city's crime. In 2017 a third of the
murders in New York City occurred in the Bronx. So
far this year we have the most shootings and
shooting victims of all five boroughs. We have 25
percent of violent crime, yet we only receive
about 20 percent of the city's funding for
District Attorneys Offices. Members of the city

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1
2 council I am sick and tired of the Bronx being the
3 first in all that is bad and last in all that is
4 good. Given this reality we are asking this body
5 to increase funding for salary parody, raises,
6 criminal justice reform and a new unit to address
7 human trafficking. On average our assistant
8 district attorneys are the lowest paid of all the
9 district attorney's offices in the city. No
10 prosecutor expects to get rich from what he or she
11 is doing but they should expect equal pay, the
12 ability to earn a salary equal to their
13 counterparts in New York City. These assistants
14 work days, nights, weekends, holidays and are on
15 24 hour call for some of the duties. Without
16 question my assistants are dedicated public
17 servants, they have risen to the challenge despite
18 being stretched and fatigued but still the quality
19 of prosecution has improved along with efficiency.
20 We continue to reduce the backlog, we continue to
21 cut arrests to disposition time, but this will not
22 be sustainable without retaining experienced
23 prosecutors. Ultimately, we are making a
24 reasonable request for equitable distribution of
25 funding to raise salaries to achieve parody with

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1
2 the other New York City district attorney's
3 offices and I'm asking for the money and I'm
4 asking for it to happen now. We estimate that it
5 would cost 6.3 million dollars to achieve salary
6 parody. The average salary for assistants within
7 New York City district attorney's office is 95,906
8 dollars, the highest is Manhattan at 106,039
9 dollars following by special, special narcotics,
10 Queens, Staten Island and Brooklyn. In the Bronx
11 the average salary is 83,521 which is 12,385 less
12 pay than our colleagues in the other counties. If
13 we compare the... compare Bronx ADA salaries to
14 other state agents... or city agencies we see for
15 example the starting salary in the Bronx is 61,200
16 dollars while the starting salary at the New York
17 City Law Department is 68,494, this 68,494 dollar
18 salary is even a thousand dollars more than a
19 Bronx ADA that has four years' experience in my
20 office so a first year in the city law department
21 makes the same as a four year assistant in my
22 office. If we do not address the salary parody now
23 the pay gap will only continue to widen. Last year
24 the average Bronx ADA salary was 8,600 dollars
25 less than the salary of all the other New York

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1
2 City district attorney's offices now it is over
3 12,000 dollars less. It is no wonder that 78 ADAs
4 left the office in 2017, many of them were
5 seasoned prosecutors. We hired 120 first year
6 assistants to stop the bleed however all of those
7 ADAs are inexperienced. This leads to two
8 problems, first the tenure at the office is
9 shrinking, the average tenure at the time of
10 resignation now is five and a half years and the
11 average experience level of an assistance DA
12 working in the Bronx is now three years and eight
13 months. We must retain the people in whom we have
14 invested training and opportunity otherwise we do
15 not reap the benefits of the substantial
16 investment of training which is skill and
17 experience. As far as raises are concerned as
18 demonstrated attrition is on the rise, we
19 addressed this last year requesting an increase in
20 salary and raises but we did not receive the
21 funding and so far, there's no funding now in the
22 budget by the Mayor. As a direct result we
23 continue to suffer from high attrition which
24 adversely effects the efficiency of the criminal
25 justice system and public safety. Last year we

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1
2 reassigned 1,896 cases of those ADAs who resigned,
3 the total cost of duplicating work to bring all
4 these cases to trial ready status is more than
5 four million dollars in loss productivity.
6 Consequently, this has the effect of undermining
7 the vertical prosecution model that we instituted
8 in the office. After salary parity raises will
9 provide the financial incentive for experienced
10 assistants to remain in service of the office and
11 will maximize the efficiency of the training of
12 these assistants. Next, I'd like to turn to
13 criminal justice reform, the timing could not be
14 more crucial for addressing parity and raises. We
15 are in the midst of a landmark moment in criminal
16 justice reform, we support sensible reforms that
17 promote fairness and build confidence in the
18 justice system for the communities we serve. We
19 prosecutors are increasing our obligation to do
20 more to ensure justice. My office has stepped up
21 and embraced changes to both bail and discovery.
22 These areas of criminal justice reform align with
23 my philosophy and practice of pursuing justice
24 with integrity. As to bail reform I have stated
25 before that if we are not asking for jail we

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1
2 should not be asking for bail. In other words,
3 bail and jail should not be used as a tool for
4 leverage and accused financial hardship should not
5 be the sole reason for loss of freedom. Our bail
6 policy ensures that we give each case a fair
7 evaluation at arraignments and on every
8 adjournment date throughout the life of the case.
9 As with all my policies, initiatives and new
10 practices I am thorough, deliberate and
11 transparent. Training and forums are being
12 conducted throughout the office before the
13 official roll out of any of these policies and I
14 will be doing that in the next couple of weeks.
15 The benefits of bail reform transcend fundamental
16 fairness, there are collateral consequences like
17 reductions in the population at Rikers Island and
18 an increased demand for alternatives to
19 incarceration. My office has been at the forefront
20 of meeting these challenges by responding to
21 programs like Hope which we have been promised is
22 going to be coming to the Bronx this year as well
23 as what I call OAR, the Overdose, Avoidance and
24 Recovery Program as well as Project Reset which
25 will be formulated in the Bronx by way of a

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1
2 neighborhood justice circles. Our alternatives to
3 incarceration bureau staffs these programs and
4 assesses the needs of low level offenders
5 struggling with mental illness, substance abuse,
6 and homelessness while addressing low level crimes
7 with diversion and assisting with reentry after
8 incarceration. The ATI Bureau initiated OAR that
9 was New York City's first court program to divert
10 substance abuse users into treatment without the
11 necessity of pleading guilty to a crime. This
12 effort focuses on the population of long time
13 substance abusers who commit petty crimes in
14 relation to their addiction and helps end the
15 cycle of coming in and out of the system by
16 providing them with treatment, to this point OAR
17 is saving lives. Thus far we've had 95 people
18 screened in our court for OAR and the program now
19 has 50 people in treatment. The ATI Bureau
20 currently only has two ADAs, we need three more as
21 well as five clinicians at a cost of 539,000
22 dollars. ATI's diversion programs are saving the
23 city money on, on multiple fronts; in the court
24 system and Rikers Island. These programs continue
25 toward the goal of closing Rikers Island. These

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1
2 reforms are positively affecting public safety and
3 the quality of life in our community which is
4 always our top priority. Most importantly our ATI
5 initiatives are saving lives. As to discovery
6 reform, another important priority is discovery
7 reform, we believe that collecting and disclosing
8 discovery material earlier in the life of a
9 criminal case will improve the quality of our
10 prosecutions and ultimately reduce the number of
11 wrongful convictions. These are lessons learned
12 from my conviction integrity unit, early discovery
13 practices will enable us to come to terms with the
14 strengths and challenges of our cases to make more
15 realistic and more appropriate plea offers and to
16 be ready for trial sooner. We need trial
17 preparation assistants or TPAs to support our
18 prosecutor's effort to turn over documents timely.
19 We are asking for funding to hire 26 new TPAs at a
20 cost of 1,066,936 dollars. The current ratio of
21 ADAs to TPAs in my office is 10 to one, other New
22 York City district attorney's offices have a ratio
23 of three ADAs to one TPA, we would like to bring
24 our ration to five to one. Increasing the speed
25 and scope of discovery cannot occur without an

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1
2 increase in resources to facilitate expanding
3 disclosure obligations. The office has to gather,
4 copy, review, and assess all documents deemed in
5 our custody and control while simultaneously
6 reviewing the tidal wave of video from body worn
7 cameras and surveillance cameras. In order to
8 process NYPD's body worn camera footage where we
9 are anticipating an increase of 860 percent
10 increase from one tour or one shift in five
11 precincts to 48 tours covering all 16 Bronx
12 commands. The office will need four body worn
13 camera coordinators at a cost of 170,000 dollars
14 and six video technicians at a cost of 300,018
15 dollars. Further we need detective investigators
16 to retrieve the expanding category of video
17 available from surveillance cameras and as you may
18 have heard from the defense bar during your
19 hearing on criminal discovery this is an area that
20 causes the greatest delay. As such we are
21 requesting 530,440 dollars for ten additional
22 detective investigators. In addition, you must
23 consider that video and technology come with all
24 the formatting and tech, technological hiccups
25 that are currently addressed by IT. we need IT

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1
2 developers and programmers to meet these
3 technological challenges, we ask for five new
4 staffers at a cost of 650,000 dollars plus 50,000
5 to retain veteran programmers. As to my request
6 for a human trafficking unit I would note that the
7 despicable crime of human trafficking is on the
8 rise in the Bronx. Currently we have two DAs
9 specifically working on these cases and there are
10 100 pending investigations into human trafficking
11 and sex trafficking. I am asking for funding to
12 establish a human trafficking unit with a
13 director, four ADAs and a social worker, we have
14 funding for two ADAs, but we need funding for the
15 other positions at a cost of 320,000 dollars.
16 While the cost is significant we believe that the
17 Bronx deserves every effort made to stamp out
18 slavery of women and children. The Bronx DA's
19 office has had a number of novel accomplishments
20 over the past year and continues to good steward...
21 be a good steward of the taxpayer's money. We
22 created the first of a kind domestic violence
23 complaint room and expanded the hours to nights
24 and weekends to serve more of these victims more
25 compassionately and efficiently. We are the first

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 borough in the city to have the strangulation
3 initiative, a unique partnership with NYPD to help
4 prevent domestic violence homicides because
5 strangulation is the bell weather of escalating
6 abuse. We are the first office in the city to
7 offer treatment before entering a guilty plea
8 through the OAR program as I mentioned earlier
9 which Chief Judge Janet DiFiore praised in her
10 state of the judiciary speech and she wanted to
11 see it duplicated in other counties. We created
12 the property release unit which oversaw 3,500
13 requests for the return of property seized and
14 ensured an office wide rate of compliance at 99.6
15 percent. The success of the property release unit
16 has become a model for other district attorney's
17 offices. Other accomplishments that reflect our
18 judicious use of resources to implement a 21st
19 century prosecutor admission of public safety,
20 diverting people from criminal justice system and
21 community outreach includes dismissing of 160,000
22 summonses, summons warrants that were over ten
23 years old as was mentioned by DA Vance, hosting
24 the Another Chance event which was a warrant
25 forgiveness program where 226 summonses were

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 dismissed and providing the first child safety
3 fair. All of these accomplishments are due in part
4 to an extraordinary support staff and ADAs who
5 continue to work tirelessly and act on the
6 criminal justice reforms along with meeting the
7 extending obligations required by a 21st century
8 model of prosecution. As my assistants continue to
9 prosecute cases with integrity as I expect of them
10 at minimum I am certain that you agree that they
11 should be compensated fairly, equitably and with
12 parity. In closing I just want to stress that we
13 cannot underestimate the impact that funding this
14 office has on the Bronx community. People of the
15 Bronx understand struggle, they survive and
16 overcome the odds every day, I cannot let the
17 people of the Bronx down. I cannot emphasize
18 enough the importance of salary parity, I only ask
19 what, what the people of the Bronx deserve, a fair
20 pay for my staff, funding for criminal justice
21 reforms and the creation of a human trafficking
22 unit. thank you for your consideration.

23 CHAIRPERSON LANCMAN: Thank you, Mr.
24 McMahan.
25

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 MICHAEL MCMAHON: Good afternoon and
3 thank you for having us. Its indeed an honor and a
4 pleasure for me to sort of come home to the city
5 council and see so many former and current
6 colleagues if you will and we thank you all for
7 your interest in our work. I want to thank in
8 particular the Chair of the Committee on Justice
9 System, Rory Lancman and the Chair of the
10 Committee on Public Safety, Donovan Richards and
11 for those of you who are here today for your hard
12 work and time in presiding over today's
13 preliminary budget hearing. I also want to
14 acknowledge and thank the new Speaker of the city
15 council, Corey Johnson for his leadership. We all
16 look forward to working with each of you to
17 improve our criminal justice system and better
18 protect and serve the people of the city of New
19 York. I also want to give a shout out and thank
20 Staten Island's delegation led by Council Member
21 Debi Rose, Minority Leader Steven Matteo and
22 Council Member Joe Borelli for their ongoing
23 advocacy on behalf of the people of Staten Island
24 and their continued support of the Richmond County
25 District Attorneys Office. Now just halfway

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ON JUSTICE SYSTEM

1
2 through my first term or... I mean my term, I didn't
3 mean to say first term, I reflect with great pride
4 on the work we've accomplished in revitalizing the
5 Richmond County DA's Office in the last two years.
6 As you may remember and certainly the staff does
7 because we hectored them every day, when we came
8 in we were facing a, a mountain of significant
9 challenges in fiscal year 2017 and I requested an
10 historic increase in Richmond County DA's budget
11 to bring the office into the 21st century with a
12 prosecutorial model that seeks to not only
13 prosecute crime but prevent it as well. This
14 required new bureaus and staff, new technology,
15 innovative programming, and a community
16 partnership unit. In many ways this meant bringing
17 the Staten Island DA's Office into parity with
18 services and programming offered in the other
19 boroughs. We are extremely grateful to have
20 received funding from the city that acknowledged
21 these needs and that allowed us to make these
22 important changes and I would be remiss if I
23 didn't thank Council Member Vanessa Gibson as well
24 for her help in getting Staten Island into the 21st
25 century. We are proud to say that the funding

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 increase in '17 was put to good use and in the
3 last two years our size, productivity and success
4 in key issue areas have all dramatically increased
5 and I'll just highlight a few. We increased the
6 number of felony trials by 200 percent in 2016 and
7 100 percent in 2017 taking them from just... in 2015
8 to 22 in 2017 and in criminal court and supreme
9 court last year we had a 100 percent conviction
10 rate. We've improved the case processing in
11 reducing the back log of cases. We have reduced
12 our average arrest to arraignment time by over 10
13 percent year over year. We implemented and are
14 currently upgrading our case management system
15 moving towards a paperless system. We implemented
16 arrest alerts, we upgraded our web site and began
17 using social media to better communicate with the
18 public and increase transparency for the office
19 and I'm very proud that we created a separate and
20 distinct domestic violence bureau. In addition and
21 working in collaboration with that bureau we
22 created a victim service unit and we added staff.
23 Now as you know and as you've heard the heroine
24 opioid crisis not only ravages our country, but it
25 also affects our city very dramatically and Staten

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ON JUSTICE SYSTEM

1
2 Island is really sadly on the front lines of that
3 effort. I'm glad to say that we've been fighting
4 that battle in different ways. When we first came
5 into office we initiated the overdose response
6 initiative and we started the Hope program which
7 I'll tell you about in a minute but from year over
8 year for the first time we saw a decrease in
9 overdose deaths of close to 25... of 25 percent in
10 Staten Island from 2016 to 2017 and a lot of this
11 is thanks to the resources that you provided to
12 our office and the great partnership we have with
13 the men and women of the New York Police
14 Department. Now the whole program started in
15 January of 2017, we just celebrated the one year
16 anniversary and this is a post-arrest pre-
17 arraignment diversion that happens in the policy
18 precinct to individuals who are charged with
19 misdemeanor possession and are eligible for a desk
20 appearance ticket instead of being told to come
21 back in 30 days they're told to come back in seven
22 days and are met at the precinct by a peer mentor
23 who explains to them that if they are willing to
24 be assessed at a resource and recovery center and
25 start a program that's prescribed to them

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 individually then their case will be adjourned for
3 another 30 days during which time if they
4 meaningfully engage as determined by the providers
5 we will decline to prosecute that case and so far
6 we've offered that to 375 individuals, 88 percent
7 of those offered the program enrolled in it and 90
8 percent of those who have enrolled meaningfully...
9 have meaningfully engaged and have had their cases
10 withdrawn and their arrest sealed. Now I want you
11 to know that every day I look out from Staten
12 Island to see what the... my great colleagues who
13 are not only leaders in criminal justice in the
14 city of New York but in the state and the country
15 are doing and we emulate a lot of their programs
16 but I'm very proud of the fact that as you heard
17 here today they are following in some shape or
18 form this Hope Program and it makes us in Staten
19 Island very proud and we think it's a very
20 effective way to address the, the problem. It
21 wouldn't be possible without the extra ADAs you
22 allowed us to hire and also two clinicians and a
23 statistician who work in the office on this
24 program. In addition to the Hope Program we
25 created an anti-violence firearms unit to harness

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ON JUSTICE SYSTEM

1
2 the best trained focus prosecutors on our firearms
3 cases, we created an animal cruelty prosecution
4 unit, we created an elder abuse unit and we
5 created an economic crimes bureau. These are not
6 just creating bureaus, but it shows where the
7 focus is of our office and the cases that we are
8 working on. And lastly, one of the great tools
9 that our colleagues were using was the community
10 partnership unit model having ADAs and staff go
11 out into the community to work with the community
12 so that we better prevent crime not only prosecute
13 it and I'm happy to say that our unit is up and
14 running with a staff of four. We're also following
15 the lead of our colleagues hosted a fresh start
16 summons day program where we remove summonses that
17 existed against individuals who appeared on that
18 day, vacating them and we created a veteran's
19 court which has been very successful as well.
20 Overall since we came into office and as part of
21 our partnership with the NYPD Staten Island has
22 decreased... has seen a decrease in crime by double
23 digits, 10.7 percent since we came into office but
24 obviously and as you heard from my colleagues we
25 believe we can and should and will do more with

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ON JUSTICE SYSTEM

1
2 your help and support and therefor the budget ask
3 that I have today are the following. You also
4 heard so well from DA Vance and DA Clark the issue
5 we face with body worn cameras, we all agree that
6 this is a very good tool for police and for the
7 public to build trust and to build better cases
8 when appropriate but we are being overwhelmed with
9 the technology and staffing challenges and so like
10 my colleagues I have a request of 150,000 dollars
11 in personnel and 100,000 in OTPS to expand our
12 storage capacity. The heroine overdose and
13 prevention and education program or Hope was... we
14 were able to do that thanks to a initiative
15 provided by Speaker Viverito and this council last
16 year for 330,000 dollars and we are requesting
17 that that be renewed that goes to pay the peer
18 counselors who meet the individuals at the
19 precinct and not only do that explain the program
20 to them but they give them Naloxone training and a
21 Naloxone kit at the precinct and it is again
22 proved a very effective tool in, in combating the
23 opioid epidemic. A lot of the issues that the
24 other boroughs face we face in Staten Island as
25 well perhaps not in the same magnitude but more

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ON JUSTICE SYSTEM

1
2 than you would think. For those who think that
3 Staten Island again is that quite little hamlet
4 off in the mist, its not the case, we have some
5 very real life city challenges and therefore we
6 are asking for 150,000 dollars to fund an
7 immigrant affairs and collateral consequences unit
8 basically one ADA and a paralegal to better
9 counsel the victims of crime who are immigrants
10 who could face or fear coming into our office so
11 that they feel like they have a safe harbor and a
12 place that they can come so that we can prosecute
13 those who have committed crimes against them and
14 also to help our ADAs understand the collateral
15 consequences when charges are lodged against a
16 defendant who may have immigration consequences
17 and therefor making the penalties, penalties that
18 they face much more severe. And I can tell you as
19 someone who's tried to get a handle on it the
20 immigration laws are very complicated, require a
21 certain expertise, we don't feel comfortable
22 reaching conclusions that we are without having
23 that expertise and I know that my colleagues have
24 all started immigration units, we would do it the
25

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 Staten Island way with an immigration affairs ADA,
3 one person working in that area.

4 CHAIRPERSON LANCMAN: So, as, as a former
5 member you, you know what the bell means and I'm
6 not going to cut you off.. [cross-talk]

7 MICHAEL MCMAHON: Nope.. [cross-talk]

8 CHAIRPERSON LANCMAN: ...but if.. but if you
9 could, you know encourage the other.. the remaining
10 three offices by your example we.. [cross-talk]

11 MICHAEL MCMAHON: Yeah.. [cross-talk]

12 CHAIRPERSON LANCMAN: ...would.. we would
13 appreciate it.

14 MICHAEL MCMAHON: I will.. did the bell go
15 off, I didn't hear it, did that..

16 CHAIRPERSON LANCMAN: I was going to
17 remind Judge Clark that in the appellate division
18 they also have a light, but I thought.. I thought
19 no..

20 COUNCIL MEMBER RICHARDS: And they didn't
21 have these fancy mics that have.. [cross-talk]

22 MICHAEL MCMAHON: Yeah, no, I, I got it,
23 listen I got it, I understand, and I will do my
24 best to set a, a good example so I'll speed up,
25 but this is very important so let me just

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1
2 elaborate on this a little bit and then I'll, I'll
3 summarize. Handling domestic violence cases is
4 much more effective or the key to being effective
5 is the earlier you speak to the victim from our
6 perspective the better and the way we do it in
7 Staten Island is we do not have in person
8 complaint draw ups, so police officers make an
9 arrest, they speak to the victim, they then... the
10 police officer comes to the complaint room and the
11 complaint is drawn up and then we have to go out
12 and try to speak to the victim and because of that
13 our dismissal rate on these cases is much higher
14 than I want it to be. In Queens they have a model
15 where they do in person complaint draw up and they
16 are much more effective. We would like to
17 implement that in Staten Island as... to... as well
18 but in order to do that we need additional ADAs
19 and paralegals because we have to extend the hours
20 that we are open basically being almost open 24
21 hours a day because otherwise the system doesn't
22 work, we don't have nighttime arraignments in
23 Staten Island, the court is closed so we have a
24 request for 200,000 dollars which would allow us
25 to do in person DV complaints draw ups and greatly

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ON JUSTICE SYSTEM

1
2 enhancing our effectiveness. You've heard a lot
3 about ATIs, we are requesting 80,000 dollars so we
4 can hire an ATI ADA who can coordinate the
5 different alternative to incarceration programs
6 and a conviction integrity review unit, we have a
7 request for 425,000 dollars to do that work. And
8 then lastly, just on the parody which you've heard
9 enough of but I'll sort of explain it this way, we
10 want to enhance the criminal justice system, we
11 want to make it more effective, more personalized,
12 more effective and if you think about the old way
13 of doing it every ADA would have so many files,
14 hundreds of files and they'd be thrown the file,
15 they'd say go to court, they'd look and say oh
16 certain charge we'll take a plea, good, next case.
17 What we want is we want every ADA to take the file
18 to look at it, to look at the history that the...
19 that the defendant has, to look at, at the victim
20 if there's a victim there, to find a way that we
21 can connect some problem solving approaches to
22 that particular defendant in particular and the
23 people in his or life, that takes time, that takes
24 resources so at a time that although crime numbers
25 are going down if we want the criminal justice

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ON JUSTICE SYSTEM

1
2 system to be more effective you have to put
3 resources I respectfully submit into the hands of
4 the people who are going into court every day and
5 are ultimately responsible for the justice that
6 occurs in that courtroom on any given case. To cut
7 us or to not give us the resources we need or to
8 have pay parody for our staff means that we can't
9 do that, we cannot look and say well this person's
10 been arrested for the 140th time should we just
11 accept the plea and close the file or should we
12 stop for a minute and try to see how we can use an
13 OAR type program or a Hope type program to make
14 criminal justice more effective. So, in closing
15 you've got a, a panel of, of eight.. of DAs in the
16 city right now who are open and willing I think to
17 do this, but we need your help to do it. Thank
18 you.

19 CHAIRPERSON LANCMAN: Thank you and you
20 closed strong, Mr. Gonzalez.

21 ERIC GONZALEZ: Thank you Chairman
22 Richards and the Public Safety Committee and
23 Chairman Lancman and the Justice Committee for
24 this opportunity to address you on the Mayor's
25 January budget and its impact on my office. Two

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 weeks ago, my office appeared before these
3 committees to discuss bill reform, I was proud to
4 hear from my staff who testified before you that
5 the discovery practice of my office had been
6 recognized during the hearing. That was very
7 gratifying to me because I have publicly committed
8 to making my office a national model of what a
9 progressive district attorneys office can be by
10 developing programs to divert people out of the
11 criminal justice system and reduce the use of
12 criminal sanctions by using data to drive
13 innovation and develop new measures for success.
14 And by focusing the resources of my office on the
15 small number of individuals who are the drivers of
16 crime rather than focusing on the processing of
17 low level cases. My vision for the Brooklyn DA's
18 Office is to keep the people of Brooklyn safe and
19 strengthen community trust in our justice system
20 by ensuring fairness and equal justice for all.
21 I'm asking you to be my partners in realizing that
22 vision by providing my office with the resources
23 it needs to continue these important reforms.
24 During the fiscal year '19 January budget plan my
25 office saw no changes to our budget from the prior

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ON JUSTICE SYSTEM

1
2 budget plans, but we are in need of additional
3 funds for a number of items that are crucial to
4 our ability to fulfil the vision of the office.
5 Our office's commitment to reform attracts young
6 progressive lawyers who share my vision and want
7 to be part of what we're building in the Brooklyn
8 DA's Office, yet we have not been able to offer a
9 starting salary that is competitive with our
10 fellow DA's Offices and Brooklyn remains the
11 lowest starting salary for a DAs office in this
12 city. The restraints of the budget provided by the
13 city limits the starting salary of an ADA in
14 Brooklyn to 60,000. We have made some gains over
15 the years and continue to make every effort to
16 increase our starting salary whenever the budget
17 permits but the low starting salary does not allow
18 our office to be competitive in the recruitment of
19 those coming out of law school nor does it allow
20 our office to compete with other city agencies
21 like the law department where young attorneys
22 begin their careers at a much higher starting
23 rate. Additionally, our office suffers from
24 attrition as a result of the low starting salaries
25 and the inability to provide salary growth as

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ON JUSTICE SYSTEM

1
2 attorneys gain additional years of experience.
3 After five years of service in our office our ADA
4 salaries continue to lag behind those of the other
5 DA's Offices. In order to mitigate this a request
6 was made to OMB during the fiscal year '19
7 November Plan to create salary parity among the
8 DA's Offices. We have asked that our... we have
9 asked that OMB fund our office an additional 1.7
10 million dollars which will enable us to increase
11 the starting salary of ADAs to 65,000. We also
12 requested 1.9 million dollars in baseline funding
13 to hire 21 senior ADAs to work on high level
14 felony cases, we have seen record attrition in
15 this cohort of ADAs and we find ourselves in great
16 need of attorneys at this level as we continue to
17 shift our focus away from low level crimes and
18 towards cases requiring more long-term
19 investigations and more experienced attorneys. It
20 is my intention to move my office to a vertical
21 prosecution, which I believe will result in more
22 efficient handling of cases and more importantly
23 more just results. Vertical prosecution where one
24 ADA handles a case from beginning to end allows
25 ADAs to better assess the strengths and weaknesses

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ON JUSTICE SYSTEM

1
2 of the case leading to a speedier resolution. It
3 also reduces the chance that the discovery of
4 brady material will get lost in the handoff,
5 handoff of a case between one ADA and another and
6 crucially it will improve the experience of
7 victims and witnesses who have one point of
8 contact in my office and won't have to tell their
9 story repeatedly to different ADAs. Vertical
10 prosecution is a nationally recognized best
11 practice, but it does require more staff and while
12 arrests are down citywide Brooklyn remains the
13 county with the highest number of felony arrests,
14 7,000 more felony arrests per year than the next
15 highest county. So, in our request to OMB we have
16 asked for an additional 80 ADAs, 20 per year over
17 the next four years to increase our total ADA
18 count to an average of 530, this will require an
19 additional 5.6 million dollars in baseline
20 funding. This increased number of ADAs, more
21 experienced felony assistants as well as a higher
22 starting salary will allow my office to hire and
23 return... retain attorneys at the highest level and
24 prosecute cases in the most effective and
25 efficient way and fulfill my vision of a

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1
2 progressive reform while continuing our focus on
3 the number one priority which is keeping the
4 people of Brooklyn safe. This fiscal year my
5 office saw the end of several significant federal
6 grants that fund critical programs within our
7 office. Our young adult court one of the most
8 innovative in the country was started with a
9 federal smart prosecution grant which ended in
10 December of last year, we were unable to apply for
11 additional funding from the federal government to
12 cover this valuable initiative and therefor we ask
13 the council to support our request to OMB in the
14 fiscal year '19 November Plan to maintain this
15 court with baseline funding of 138,000 dollars
16 annually. Almost after 20 years of consistent
17 federal funding for the Brooklyn Rising Against
18 Violence Everyday Program, as we call it the BRAVE
19 program, our renewal application of 900,000
20 dollars was denied. BRAVE provides trauma informed
21 direct services to residents of Brooklyn and
22 sensitivity training to law enforcement through
23 outreach and working with victims this program
24 encouraged the reporting of domestic violence and
25 sexual assaults particularly among immigrant, non-

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1
2 English speaking and LGBTQ communities. The
3 services provided through this program are
4 essential to combat domestic violence in Brooklyn.
5 Our dependence on this federal funding has left us
6 with a gap in our funding, we're doing our best to
7 maintain this program at the same level this
8 fiscal year but its clear that the future of this
9 critical initiative requires baseline funding. We
10 are eligible to reapply for this funding in 2019
11 and we ask that the council provide one year of
12 funding in the amount of 300,000 in fiscal year
13 '19 so this program can continue while we seek
14 long term funding. As I mentioned in my prior
15 testimony the federal funding for the human
16 trafficking program in Brooklyn ends September of
17 2018, the funding of 166,000 annually has been
18 part of my office's budget since 2013, we have a
19 robust and nationally recognized human trafficking
20 division within our office that has been sustained
21 with this funding. It is my belief that the
22 pursuit of trafficking rings that seek to target
23 the most vulnerable members of society and exploit
24 them should remain a priority for my office. The
25 loss of this funding puts that in jeopardy, we ask

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ON JUSTICE SYSTEM

1
2 for your support to secure baseline funding from
3 the city for all of these programs which are
4 crucial to public safety for the people of
5 Brooklyn. All of us are aware of the opioid crisis
6 our city is facing along with the rest of the
7 country, opioid overdose is now the leading cause
8 of accidental death in our city surpassing all
9 other causes combined. At the same time, we
10 realize that the old ways of dealing with drug
11 addiction were not effective for many people
12 suffering with addiction and we needed to
13 prioritize saving lives over criminalizing
14 behavior. I am grateful to the council for
15 providing 700,000 dollars in funding to my office
16 last year to develop a pilot program called
17 Brooklyn Clear which we launched last month, it's
18 based and modeled much after the Hope Program of
19 Staten Island and I was happy to, to kick off the
20 announcement with Chairman Richards and Council
21 Members Mark Treyger, Justin Brannan and Mathieu
22 Eugene. Clear is a pre-booking diversion program
23 that dispatches peer mentors to precincts to meet
24 with individuals arrested for low level drug
25 possession. The mentor encourages the arrested

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ON JUSTICE SYSTEM

1
2 person to be assessed for community-based services
3 and if the individual engages with the program in
4 a meaningful way the charges are dismissed without
5 a case ever being filed. We have contracted with
6 EAC a community-based organization that will
7 provide case management, make referrals and hire,
8 train and supervise the peer mentors. The program
9 is up and running in six precincts in Brooklyn
10 South, the pilot was only funded for fiscal year
11 '18 I'm asking the council to fund this program
12 once again and at a higher level in fiscal, fiscal
13 year '19 so we can expand the program to the rest
14 of the borough. I've heard the bell but... this
15 program is not only a response to the opioid
16 crisis but is an overall effort to treat drug
17 misuse by deflecting drug cases out of the
18 criminal justice system at the earliest point in
19 the case. Finally, I would like to speak on one
20 other issue, we have a capital request in my
21 office to OMB as was discussed recent... at the
22 recent hearing on the committees for discovery
23 practices. My, my office has practiced open file
24 discovery since the mid 1990's in the vast
25 majority of our cases, I believe the practice

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ON JUSTICE SYSTEM

1
2 accelerates the disposition of cases but more
3 importantly its more fair barring a concern about
4 witness safety or tampering and those concerns are
5 real and very serious I believe defendants should
6 have access to the evidence in the case against
7 them at the earliest point as feasible. I believe
8 we can enhance the open file discovery process and
9 make it a more efficient by developing and
10 implementing a system for electronic discovery. E-
11 discovery would also reduce the likelihood of
12 inadvertent failure to turn over discovery because
13 there would be an electronic checklist of the
14 items to be turned over and a record of what was
15 turned over and when. We will work with OMB to
16 submit a capital request for server upgrades that
17 will enable us to support new software for
18 electronic discovery and we ask for the council's
19 support on this request. In closing I'd like to
20 thank, you know the Chairs Lancman and Richards
21 and all the members of the Public Safety Committee
22 and the Justice Committee and our deputy leader
23 Vanessa Gibson for all that they have done to help
24 align the vision for Brooklyn with reform efforts.
25 I take my responsibility as the steward of public

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1
2 funds very seriously and I'll keep a careful eye
3 on spending in my office, the money we receive
4 from the city will go to support our effort to
5 keep Brooklyn safe and strengthening community
6 trust in our criminal justice system by always
7 ensuring fairness and equal justice. Thank all of
8 you for your tireless work on behalf of all New
9 Yorkers to make our criminal justice system a more
10 fair one, thank you.

11 CHAIRPERSON LANCMAN: Thank you. Miss
12 Brennan.

13 BRIDGET BRENNAN: Good afternoon, thank
14 you very much Chairs Richards and Lancman and
15 thank you for the time you spent with me and
16 members... [cross-talk]

17 CHAIRPERSON LANCMAN: Yeah, I'm, I'm, I'm
18 sorry... [cross-talk]

19 BRIDGET BRENNAN: ...of my office... [cross-
20 talk]

21 CHAIRPERSON LANCMAN: ...I'm, I'm sorry,
22 I've been derelict in my duties, I apologize, I do
23 want to recognize that we've been joined by
24 Council Members Vanessa Gibson, Carlos Menchaca,
25

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ON JUSTICE SYSTEM

1
2 Fernando Cabrera was here, and he had left. You...
3 [cross-talk]

4 COUNCIL MEMBER POWERS: Keith Powers...

5 CHAIRPERSON LANCMAN: Keith Powers, Debi
6 Rose and Andy Cohen is still not Andy King and
7 he's still here, thank you.

8 BRIDGET BRENNAN: Uh-oh I think you've
9 got to add some time on now, just joking, thank
10 you. No... and thank you too to the rest of the
11 council members and especially great to see you
12 Vanessa Gibson, Gibson it's, it's... you were such a
13 wonderful leader for us and such a great support
14 and I look forward to working with the new Chairs
15 of these two combined committees, I think we can
16 do some great work. For those of you on the
17 council who may not be familiar with my office, we
18 have jurisdiction over felony narcotics offenses
19 throughout New York City and I'm happy to meet
20 with any of you at any time to discuss any
21 specific issues you have since we have citywide
22 jurisdiction. I've already met with the two Chairs
23 and appreciated the time they took to hear from
24 me. I know that you're going to bring energy,
25 vision and leadership to the terrible issues that

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 we're facing with the opioid crisis. I appreciate
3 all the support I've had in the past from the
4 council and I look forward for future support. Now
5 before I run out of time I'd like to tell you the
6 single specific request that we have. We're asking
7 for 275,000 dollars to hire additional trial
8 preparation assistants and an informational
9 specialist. These staff members will provide
10 support to our attorneys conducting investigations
11 and they will help us meet our additional expanded
12 early disclosure obligations. We're also very
13 shorthanded when it comes to assistant district
14 attorneys, but you may have noticed I didn't ask
15 for any money for them, there's a reason for that.
16 I only get assistant district attorneys when the
17 DAs are able to assign them to my office and if
18 they can't staff their own offices they can't
19 staff me. So, in the middle of an opioid crisis my
20 office is very shorthanded not for want of support
21 and dedication from the boss.. my bosses, the five
22 elected DAs but because they have to take care of
23 their own priorities. This year right after we had
24 the highest number of overdose deaths ever in New
25 York City I got an incoming class of one, one in

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE
ON JUSTICE SYSTEM

1
2 the middle of an opioid crisis, it doesn't make
3 any sense to handle things that way. We have to
4 have a four-pronged approach to this problem, four
5 prongs, there's reduced supply treatment those are
6 critical. Harm reduction is very important, and
7 we've had a lot of resources devoted to that and
8 we also need very robust prevention programs
9 including a robust prevention programs in the
10 schools, but harm reduction has done great things
11 for us. I think without the Naloxone distribution,
12 without Naloxone training we'd be looking at a lot
13 more overdose deaths in 2017, the final figures
14 aren't out but when they are out I predict we will
15 have seen another record year for overdose deaths.
16 They... it won't be as high in terms of an increase
17 as it was 2016 over '15 but it's going to be up
18 over 1,400 again and we need to do more. We need
19 to recognize that New York City is a hub for
20 narcotics importation. When I say it's a hub I
21 want to point out that we had an absurdly large
22 volume of Fentanyl seized last year, we know what
23 Fentanyl is, it's poison, it's lethal, it's 50
24 times more powerful than heroine. In 2016 the
25 cases supervised by my office we seized about 40

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ON JUSTICE SYSTEM

1
2 pounds of pure Fentanyl. Last year we seized close
3 to 500 pounds of it, 500 pounds with the nation's
4 largest seizure in Kew Gardens, Queens, 150 pounds
5 and if you don't think that Fentanyl is going to
6 hit the streets of New York City I'm sorry to say
7 you've got another thing coming. So, we need to
8 put a lot of effort into supply reduction because
9 we aren't going to catch it all coming in, my
10 office works with DEA and NYPD on some of the
11 nations largest interdiction cases and we work
12 side by side with the district attorney who sign
13 all our wire tap orders with whom we collaborate
14 very closely on all these cases and who do some of
15 these cases themselves. We need help, we need more
16 attorneys to do this kind of work, it's very
17 sophisticated work, we need to be able to retain
18 the attorneys to do that work, we need to keep
19 this city safe, we need to serve this city well
20 and we can do it, but we need the resources to do
21 it. We are sitting on a big problem that is
22 growing and growing. Alongside all the Fentanyl
23 we've seized we seized a, a significant amount of
24 heroine last year as well, so our total amount of
25 opioid seizures combined Fentanyl, Heroine

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ON JUSTICE SYSTEM

1
2 seizures is up over about 1,400 pounds compared to
3 about 1,000 pounds the year before but despite
4 that we have not seen the kind of huge surge in
5 overdose deaths that we saw 2016 over 2015 and
6 that's a good thing but we need to do more on the
7 prevention side. The stuff is poison, Fentanyl is
8 poison, it's being mixed in with Cocaine, it's
9 being pressed into counterfeit pills, it's all
10 over the black market so anybody who dabbles in it
11 is at risk of death and we need to get that
12 message out. I applaud the city's efforts at
13 everything that they've done in terms of Naloxone,
14 peer counselling, the outreach. I think the total
15 expenditure that I saw for their help New York
16 programs was about 38 million but that's 38
17 million which is primarily devoted to one and two
18 prongs of the equation and we need to devote
19 adequate attention to the other prongs of the
20 equation because those prongs only treat the
21 problem after its developed, right, we need to
22 catch that problem before it ever develops and
23 that's what I'm asking for, for our office and for
24 the benefit of all the district attorneys. We need
25 that kind of funding to support our efforts and I

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ON JUSTICE SYSTEM

1
2 would also point out to the council and ask the
3 council to give this matter thought and to explore
4 it themselves. Whether we can be doing more in
5 terms of treatment and treatment outreach, I've
6 looked at the numbers of people going into
7 treatments citywide and despite the fact that more
8 than people than ever are dying of drug overdoses
9 fewer people are going into treatment, we need to
10 analyze why is that happening, I don't have the
11 answers to it, I don't think you're going.. you,
12 you will find more people hopefully going in on
13 the misdemeanor cases. As you've heard from the
14 DAs they're expanding those programs, in terms of
15 felony narcotics arrests in New York City those
16 have declined quite precipitously so you won't see
17 people going in through the criminal justice
18 system if you're looking at the felony cases
19 because we just don't have people coming into the
20 system except for those who are inappropriate...
21 often inappropriate for treatment, the high level
22 traffickers. We are also trying to track overdose
23 deaths back to the source of supply and trying to
24 find those dealers who are knowingly dealing drugs
25 of death and prosecute them appropriately. In

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ON JUSTICE SYSTEM

1
2 addition, we know that pills are often the gateway
3 to addiction and we are continuing our efforts to
4 reduce the supply of, of illicit pills into the
5 black market because that's the way people are
6 often beginning their addiction and we are getting
7 it in a sense both ways. We are seeing doctors who
8 are prescribing pills for no legitimate reason
9 flooding our streets with illicit pills and we
10 worked with the Bronx DA's Office on a case this
11 year where the doctors who are running several
12 clinics in Brooklyn were also bilking Medicaid and
13 that's a terrible combination. So, my message is
14 we can do much, much more than we have been doing,
15 we do need additional support, all the DA offices
16 and my office need support for DA salaries and I
17 could not be a bigger fan of parody because I have
18 assistant district attorneys from all five offices
19 in my office and they sit next to each other paid
20 at different rates doing the exact same work, it
21 makes no sense. We can do better, we can do much
22 more and I look forward to sitting before you next
23 year and reaching back and giving ourselves a big
24 pat on the back for all the progress that we've
25 made. Thank you very much.

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ON JUSTICE SYSTEM

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2 CHAIRPERSON LANCMAN: See what happens
3 when a woman leads. You, you stuck the landing as
4 they say. We've also been joined by Council Member
5 Jumaane Williams. So, Mr. Ryan.

6 KEVIN RYAN: Good afternoon Chairman
7 Lancman, Chairman Richards, members of the
8 council, members of the staff. I send wishes from
9 District Attorney Brown, I've taken the general
10 hints of Chair Lancman and I will be brief no
11 matter how long it takes. I've... since we've
12 provided you all with copies of our testimony I'm
13 not going to go through all of the testimony unless
14 there's a, you know standing demand that I read
15 the whole thing otherwise I'm just going to jump
16 to the highlights. Again, we're very proud of our
17 numbers and our statistics, I'll cite only a few
18 of them and I'll touch upon some of our programs.
19 We've always, the DAs put an emphasis on since he
20 became DA, moving cases quickly through the
21 system, we remain proud of our arrest arraignment
22 time and our complaints warrant time and those
23 times are significant for the people involved not
24 just the police officers who get back on the
25 street quicker. Since most defendants walk out of

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ON JUSTICE SYSTEM

1
2 criminal court arraignment the quicker we get them
3 to criminal court arraignment the quicker they get
4 to walk out, and our numbers again continue to be
5 among the lowest in... excuse me, not among the
6 lowest, the lowest in the city, if I said among
7 the lowest I'd be yelled at when I got back to the
8 office. I'm going to touch upon some of the
9 programs that we've highlighted, the... our office
10 of immigrant affairs is now probably in its second
11 year, considering the demographics of Queens that
12 a very important unit, considering what's going on
13 in the country that unit has become even more
14 important. This unit again we want to increase its
15 roll in and, and get it out into the community,
16 it's been very well received in the community. One
17 of the programs I really want to touch upon is our
18 Second Chance program and our Second Chance
19 program is over 25 years old and it has been
20 morphed into various different aspects of it. One
21 of the things we've done now at Second Chance when
22 defendants get a desk appearance ticket in Queens
23 for certain offenses such as a 220-L-3 some other
24 offenses, some shoplifting or whatever we reach
25 out to those defendants before they're arraigned,

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2 they're contacted and asked to come in for
3 screening to see if they're qualified for the
4 Second Chance program, we do not talk to them
5 about their cases, we invite them to come in, we
6 invite them to bring a lawyer if they wish and
7 they come in and they get screened and if they're
8 eligible for the program they go through the
9 program, all they have to really do is present
10 themselves for the treatment we don't... we don't
11 over play our hand, we ask them to present
12 themselves for treatment and if they're successful
13 those crimes are... those complaints are dismissed
14 prior to arraignment so they never actually have
15 to go into the criminal court. We have a program
16 we're initiating now Q-TIP, Queens Treatment
17 Intervention Program in collaboration with
18 Samaritan Daytime Village and those cases we'll
19 deal with cases that make it to arraignment, we
20 conference this with our judiciary, we conferenced
21 it with Queens Legal Affairs... I mean Queens Legal
22 Associates and we have an appointment set up to
23 meet with Queens Legal Aid and soon as everybody's
24 on board we will be starting this program and
25 again we will seek to divert people out of the

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ON JUSTICE SYSTEM

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2 criminal justice system and instead of giving them
3 community service which is not... it's, it's
4 certainly worth while but it's not the end game,
5 we... sent them to treatment providers and if
6 they're successful in that, if they show up we
7 will grant them ACD. A program that we have which
8 is unique not just in New York City but perhaps
9 the state, I just want to mention we have our
10 Queens Court Academy, we actually in conjunction
11 with the education department run a high school
12 and we divert young defendants into this program
13 where they can get there, I think it's not called
14 GEDs anymore, whatever it's called, the high
15 school equivalency and we take selective
16 defendants and we put them through that program.
17 Again our... we're very proud of our various
18 programs including our human trafficking unit
19 which is something I'll talk about later that we
20 want to increase. We believe we have close to 30
21 percent of the state's convictions on human
22 trafficking. We also had the first in the city's
23 veterans court and we're very proud of that. Those
24 of you that attended our legislative breakfast saw
25 one of the successful graduates of the veterans

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2 court and one of the issues that we have faced
3 with that quite frankly is finding out who's
4 eligible, not all defendants come forward with
5 that so our office in conjunction with my
6 colleague to my right, the Brooklyn DA's Office we
7 lobbied the CJA agency to include in their
8 interview to ask defendants if they had any... if
9 they were veterans, active or reserved or had any
10 veteran's history and that they include that in
11 the miscellaneous section of the CJA report so the
12 court and the defendant... the defenders... offense
13 attorneys and our office is then aware that
14 they're veterans and we can see if they qualify
15 for various treatments. And we appreciate
16 everything the council has done for us in the
17 past, we were able to increase our appeals bureau
18 with some senior people, our IT bureau with much,
19 much needed people for... to increase our
20 technology. It wouldn't be Queens if I didn't
21 mention office space, thanks to support from the
22 city and the council we managed to make some
23 strides in that area. The old board of elections
24 building on Queens Boulevard, the... is the... we've
25 signed a lease on. Sometime in my lifetime I hope

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1
2 they'll start construction, but I'm told that's
3 coming relatively soon. Even with that and if
4 somebody can explain to me the difference between
5 carpetable space and rentable space you'll, you'll
6 succeed where nobody else has but we're still
7 going to be short somewhere in the neighborhood of
8 40,000 square feet even with that addition and in
9 addition to the space that we're picking up in the
10 building what's known as the Darth Vader Building
11 at 8002 Kew Gardens Road so all of that will be
12 helpful. Again, it wouldn't be Queens if we didn't
13 mention the Queens House of Detention, we may have
14 mentioned that a time or two in the past that it
15 was our desire for the... to take over that space
16 which was then vacant and turn that into office
17 space for the DA's Office since its attached to
18 what is still considered the DA's wing, a building
19 that was built in the 1960s and I believe the
20 office has grown something like 18 folds since
21 that, that office opened. It appears that the city
22 now has different plans for the Queens House of
23 Detention so be it, you can either stand in front
24 of a train or eventually decide to jump on it, we
25 would say if the city in... we have not heard

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ON JUSTICE SYSTEM

1
2 definitive plans for the Queens House, it's our
3 understanding based on the capacity that they
4 would need for the... to increase the Queens House
5 that it is likely that they might have to destroy
6 the current House of Detention and build a new
7 one. Should that be the city's decision to do
8 that, we would ask that they incorporate into that
9 design and construction space for the DA's Office
10 and finally get the entire office into one place
11 at, at one spot and we think that would be good
12 for everyone. You've heard a thing or two this
13 afternoon about salary parody and you know we... I...
14 we've looked at it and I think our account is
15 after approximately the fourth year of, of salary
16 our, our people start to fall behind. Now part of
17 that is because quite frankly we've been blessed
18 with our senior people staying, over half of our
19 office is with us more than ten years. So, that
20 sort of adds salary on the backend of our salaries
21 but I think we all have the same problem retaining
22 those that are with our office between five and
23 ten years, I guess it would be... thinking in terms
24 of baseball players, you're talking about people
25 at their peak and those are the ones we're losing.

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2 So, by our estimate it would take us approximately
3 two and a half million dollars to deal with that
4 adjustment. I believe all of my fellow colleagues
5 here are... I, I certainly don't believe any of us
6 are overfunded, I just happen to believe we're
7 underfunded and when we look at the numbers and
8 I'll give you some of the numbers off hand here
9 before I go back to some of these other things and
10 I think we're the only office other than Staten
11 Island that has less than 500 ADAs, I mean
12 currently our office has 318 ADAs, Manhattan has
13 598, Brooklyn 526 and Bronx 565. Now we understand
14 and recognize that there's a reason for the other
15 offices to be larger than us but when you look at
16 the numbers we're too small, they're not too
17 large, we're too small. Bronx right now has 247
18 more assistants than us and that's 77 percent more
19 assistants than we do, they're arrests are more
20 than us, 12 percent more than us, they're budget
21 is 33 percent more than us. Now we're not coming
22 here today to ask for 247 ADAs, we're not coming
23 here today to ask for 147 ADAs, we're not coming
24 to ask for 100 ADAs, we're coming to ask for 46
25 ADAs which we think is a reasonable number when

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2 you compare the sizes of the various offices,
3 we're also asking for an increase in support and
4 if the button doesn't buzz I'll tell you what
5 we're thinking in, in time but otherwise I'll just
6 jump to some of the other things. As a matter of
7 fact, I think I can probably jump to that. Okay, a
8 couple of programs I didn't get a chance to
9 mention, we're very proud of our, our DV unit and
10 our DV unit is creating a program called Strategic
11 Threat Alert Team. As many of you know or probably
12 all of you know the biggest problem in DV cases is
13 the complainant stops cooperating almost
14 immediately and this program would identify cases
15 before the arrest after the 61 is filed, the
16 defendant always doesn't stay around to be
17 arrested once that 61 is filed we get an alert, we
18 assign staff to it to talk to the victim to get
19 that victim into treatment before the defendant
20 can come back and re-influence that person. If I
21 talk quick I can finish this. So, this.. the, the..
22 what we call the staff program, the Strategic
23 Threat Alert Team we're looking to fund that to do
24 it into two, two precincts as a trial basis, it's
25 been very well received by the, the PD we've tried

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2 it a little bit earlier and it seemed to work
3 pretty well. Okay, I'm not going to... I'm not going
4 to be able to top Bridget but I'll do the best I
5 can for the... as I told you we're looking for 46
6 ADAs for a total of 4,700,000 if you want I can
7 give you a list of each unit that would get it or
8 if you're happy with... you want the list? You got
9 it, you got in there, okay. You got it, okay. I
10 thank the members of the council.

11 CHAIRPERSON LANCMAN: Thank you very
12 much. So, let me ask Queens a specific question
13 and then I want to get to the general issue of
14 salary parody because it's something that in my
15 meetings and conversations with, with, with each
16 of you it has... it has come up. So, just can you
17 give us an explanation your budget in comparison
18 to the other offices and, and I know I put you in
19 an awkward... in an awkward position because you
20 don't want to be competing with each other and
21 fighting with each other over... and we want to
22 increase the pie, we don't... we... and certainly we
23 don't want any... no one's going to advocate for one
24 office to take anything out of another office if
25 there's something that another office could get

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2 but how, how is that over time we're at the point
3 where Queens has so fewer ADAs than the other...
4 well Staten Island being different because of the
5 population but Manhattan, Brooklyn and, and, and
6 the Bronx it's, it's... the nearest one is more than
7 200 fewer ADAs than either of those three offices,
8 your budget is lower and, and we want to address
9 that, I think you're at 62 million and, and the
10 nearest to, to that is the Bronx it's 74 million
11 or there about but, but how did it come... how did
12 we get to where we are today?

13 KEVIN RYAN: I was hoping you would tell
14 me Council Member. I've, I've told my colleague DA
15 McMahan that some of our numbers work for him as
16 well, so he may be back on this issue. I, I think
17 the key words you said were over time, I'm not
18 exactly sure how it happened, I can tell you
19 folklore whys. At one point I was told believe it
20 or not it had something to do with the libraries
21 that Queens was so jealous of it's libraries it
22 spent more emphasis on the library budget than it
23 did on the DA's budget. I can't tell you if that's
24 true or not but it's a great story and... [cross-
25 talk]

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2 CHAIRPERSON LANCMAN: And don't... trust me
3 as the budget matter you don't want to get, get
4 into a fight with the libraries but... [cross-talk]

5 KEVIN RYAN: I, I think you've just
6 answered your own question, it's the way it is,
7 it's happened over time, it's... you know it... during
8 the height... after 9/11 we went through one and,
9 and believe me the, the... our budgets were the
10 least of people's concern after 9/11 but after
11 9/11 we went through one budget crisis after
12 another and we concentrated at that point just to
13 maintain our core mission do what we had to do and
14 we've done a lot... a lot of the programs we've
15 discussed here today we didn't get any special
16 funding from... funding from the city council or
17 anybody else we just went out and figured out a
18 way to do it, we became real good at that, we
19 became real efficient at doing those things but we
20 can't... you know we can't duplicate... we can't laser
21 print the, you know ADAs, we need more ADAs I
22 don't know why it happened, I'm not sure it
23 matters at this point why it happened, we would
24 just like to see it corrected.
25

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ON JUSTICE SYSTEM

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2 CHAIRPERSON LANCMAN: So, so let's go
3 from the specific to the... to the general, other
4 than... is, is there some better way than each year
5 in an at hock manner to try to throw a few million
6 dollars at this office and a couple hundred
7 thousand dollars at, at that office there seems to
8 be a significant disparity that you've all
9 described and, and some of you have testified to
10 very specifically between what you're assistants
11 make and, and comparable government attorneys
12 whether its at the Law Department or I've heard
13 the Education Department brought up or the
14 Corrections Department is, is there some way to,
15 to, to put in place some kind of baseline or, or
16 benchmark for what an ADA in their first year
17 should make and their fifth year and you know
18 until you get to the point where you get really
19 senior so that we can demand of the city of us
20 that each office be provided some foundation so
21 that... so that the ADAs are paid appropriately and
22 then, you know maybe each year we can talk about
23 which kind of program we want to fund depending on
24 what the needs of the... you know the community are
25 but, but is there... is there a bigger picture that

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2 we can try to... and a way to try to address this
3 and, you know if any of you have thoughts on that
4 I'd, I'd appreciate that?

5 CYRUS VANCE: Well I'm going to jump in.
6 We agree with you Chairman that we don't believe
7 one office should be disadvantaged but that
8 doesn't necessarily mean taking away money from
9 another office. I, I... we'd, we would be happy to
10 explore with the city council some, some way in
11 which we tie each other's salaries to each other,
12 I mean I'll, I'll speak for Manhattan that... but,
13 but the... but the... but I do think focusing on
14 caseloads is not the right way to go simply
15 because so much of the work that we're doing today
16 that is effective crime fighting first number one
17 is prevention and it is actually now part of our
18 job to be focusing on prevention strategies as we
19 do with the Hope Program or, or any other number,
20 number so I, I think a bigger sort of broader look
21 is to the areas in which we're working and to try
22 to create some parody might be interesting.
23 Offices like ours in particular are different, we
24 have 100 lawyers doing sort of financial crime
25 investigations and those... that's a... and it's a

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1
2 different... so do the other offices but I think we
3 have a far greater amount and when you value those
4 financial crimes cases they're really hard to
5 measure so we, we... you know we brought back to the
6 city of New York 1.1 billion dollars and to the
7 state of New York 1.3 billion dollars from our...
8 from our efforts that's money that went right to
9 you and so it's... what's the value of that case, is
10 that... is that a single felony case, well simply
11 obviously quite different than a single felony
12 case so to, to summarize our staff will commit to
13 working with you on trying to find areas of parody
14 but I don't think... I do think we, we need to
15 recognize we, we do each... we do a lot differently
16 in, in each office as well.

17 DARCEL CLARK: I would echo that but also
18 we have to also remember that year after year when
19 we... when we look at these things that... and I'm
20 just going to speak for the Bronx it's like, you
21 know there's record low numbers of crime happening
22 in New York, it's the safest big city, you know in
23 the world, everybody is saying but even with those
24 low numbers the Bronx still for some reason ends
25 up on top so we need to maintain those assistants

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2 and if we could work a way to, you know do some
3 type of step program, I mean if that can work fine
4 but at the end of the day there's still going to
5 be disparities or at least in the amount of money
6 that each office gets because of the fact that we
7 have different amounts of crime.

8 KEVIN RYAN: Could I... could I just...

9 [cross-talk]

10 CHAIRPERSON LANCMAN: Yeah, yeah let me...
11 before you do it let me just say MOC J is not
12 going to be here today because of scheduling issue
13 so Director Glazer's going to be back here on
14 March 20th and I've heard from some of your offices
15 that data has been flowing to MOC J with the hope
16 and expectation that there would be some kind of
17 rationality brought to how our district attorney's
18 offices are, are funding and, and I would assume
19 part of that is some measurement of well how much...
20 for want of a better term, how much crime are you
21 handling and what kinds of crimes, I'm not... I'm
22 not sure what MOC J will come up with but I know
23 that that information has been flowing to her and
24 that is, you know question one for her on, on
25 March 20th.

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2 KEVIN RYAN: But you know it's, it's,
3 it's a little bit... it, it... there's a free market
4 aspect to it as well and I don't think it would be
5 a good idea to have okay, every, every five year
6 ADA makes the same amount across the city, I don't
7 think that that would be appropriate, there
8 certainly should be some parameters of, of parity
9 but the issue is not so much amongst or betwixt us
10 its betwixt us and the rest of the world so the
11 parity problem is not that my five year is making
12 3,000 less than her five year, I mean every once
13 in a while you hear that but the problem is that
14 my five year is making so much less than a five
15 year in, in other law city agencies in other
16 positions in the city or other places outside in
17 the world so it's really... it's a... the basic
18 problem is that we are underfunded for ADAs and
19 the ADAs we need to do the, the core mission that
20 we already have and then that expanded mission
21 that we all want to see happen. In our office for
22 instance I just got one... 60 percent of my ADAs
23 have five years and... or less experience and 50
24 percent have three years or less because every...
25 others have left, and they've gone either into

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2 other city places, other state places or outside
3 of, of the public service sector completely, very
4 few have been lost to other offices. So, I think
5 it has to be driven by what each borough can
6 attract and maintain and so there has to be some
7 flexibility maybe within a loose framework for
8 budgeting purposes, but the bottom line is the
9 bottom line. The city of New York and the, the,
10 the Mayor and the Governor and everybody wants us
11 to do more with less and therefor our people are
12 saying wait a minute I can do better elsewhere so
13 the parody issue it's not this way it's that way.

14 CHAIRPERSON LANCMAN: Yeah and, and
15 that's what I... what I meant... I mean that's what
16 I've heard from, from you all, I, I don't know
17 that the Bronx is losing assistants to Queens or
18 vice versa it's... if you're lose... well let me... let
19 me ask you where are you losing your assistants
20 to, I, I assume some percentage are going to
21 public... continuing in government service that
22 would be where we would measure, right, I mean
23 with all due respect to the good people at the law
24 department at Corp Counsel, their lawyers are
25 every bit as good as yours and vice versa and

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ON JUSTICE SYSTEM

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2 probably a lot of them come from, from you and...
3 you know I don't know that they have the same
4 workload and stresses that you have so... [cross-
5 talk]

6 CYRUS VANCE: We... I think we lose the
7 greatest number of assistants to federal
8 prosecution agencies so they will leave our office
9 and go to a federal office where they can make
10 30,000 more dollars a year or more and they
11 obviously have the trial experience that they've
12 developed in our offices which makes them value
13 addition... valuable additions to the federal
14 offices so there is a... there is very much a, a
15 federal state disparity as well.

16 ERIC GONZALEZ: In Brooklyn I would say
17 that the majority of assistant DAs who leave go to
18 other city agencies just because they're paid 20
19 or 30,000 dollars more for comparable legal
20 services and that's a shame for the people of this
21 city that the people who have come through in
22 these offices have put tremendous resources and
23 training are leaving to serve other agencies, you
24 know I also agree that there should be some, you
25 know range in which offices are compensating their

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2 assistants in similar ways obviously every office
3 has to deal with their own budget realities. One
4 of the things that when we look at the budget in
5 Brooklyn it's often gets forgotten that we pay a,
6 a hefty rate of rent in Brooklyn so our budget
7 looks like it's a lot more than it actually is
8 because we are the only city DA's Office that has
9 to pay rent for their space.

10 CHAIRPERSON LANCMAN: You know I, I am
11 very sympathetic to another thing that I, I heard
12 in, in, in many of your testimonies, the council
13 is demanding that law enforcement be reformed and
14 that we... the DAs be criminal justice reformers and
15 have conviction integrity units and this that and
16 the other thing, its incumbent upon us, we fund
17 you to provide you the resources to, to, to do
18 that and I won't rehash the, the itemization that
19 you each gave of, of how you use this, this money
20 but a whole lot of it was not, you know so you
21 could lock more people up and throw away the key
22 farther, right, it was to do the kind of criminal
23 justice reform things that we're asking. I want to
24 give my colleagues an opportunity to ask their
25 questions, I do have one question that I... that I

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2 want to ask before that. Diversity is a big deal
3 to this council and, and within criminal justice
4 I'd like to ask each of you do your offices
5 maintain and keep track of the demographics of
6 your assistants and could you make that available
7 to us in some... in some way?

8 CYRUS VANCE: Yes, and we will.

9 CHAIRPERSON LANCMAN: Thank you.

10 DARCEL CLARK: Yes, I'm sure and I will.

11 MICHAEL MCMAHON: Yes, and just remember
12 that it, it's, it's kept track as people self-
13 identify and we of course keep, keep that and we'd
14 be happy to provide it.

15 ERIC GONZALEZ: Same in Brooklyn, we will
16 provide it.

17 CHAIRPERSON LANCMAN: Good.

18 KEVIN RYAN: Yes, and I have a chart here
19 somewhere with me and I'll try and leave it before
20 I leave.

21 CHAIRPERSON LANCMAN: Thank you. Is it
22 Jim Quinn Chart? It's an... it's an inside Queens
23 baseball... [cross-talk]

24 KEVIN RYAN: I love the inside jokes...
25 [cross-talk]

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CHAIRPERSON LANCMAN: ...joke, yeah.

BRIDGET BRENNAN: I don't think our office does because I think the assistant district attorney population is covered by the five DA's Offices, they're assigned to us we don't hire them and so I don't think we maintain that specific information.

CHAIRPERSON LANCMAN: Right, so I think we'd like to talk to you about doing that going forward.

BRIDGET BRENNAN: We may have it, we have it for the rest of our staff it's just that because we don't do any hiring, we're not in that selection process and the people are assigned to us rather than... we don't have control over that process.

CHAIRPERSON LANCMAN: Alright...

BRIDGET BRENNAN: ...but if we don't have it, I don't know if we do or not. For the rest of our staff outside of the DAs we certainly do.

CHAIRPERSON LANCMAN: Right, we'll, we'll follow up with, with you and see what you've got. Thank you Chair...

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2 COUNCIL MEMBER RICHARDS: Thank you,
3 thank you Chair. Okay, just a few questions so I,
4 I know we spoke a lot about the body worn cameras
5 and I think all of you are certainly express some
6 concerns around it, can you share with us how the
7 NYPD works with your offices or a few of you want
8 to just make a quick statement on it, how do you...
9 how does the data sharing work and what are the
10 challenges with the body worn cameras? Obviously,
11 we know on staffing but are there any technical
12 issues around the body cameras as well that are
13 coming and has the NYPD sat down with you all to
14 certainly try to iron out some of these things
15 outside of the budgetary stuff... [cross-talk]

16 ERIC GONZALEZ: I, I...

17 DARCEL CLARK: Go ahead...

18 CHAIRPERSON LANCMAN: You go ahead...

19 DARCEL CLARK: No, no... we, we meet with
20 NYPD we have a coordinator now with... you know
21 support staff person with two others that are
22 gathering it, right now we only have five
23 precincts but it's going to be 16 and its
24 difficult. There are some sharing problems,
25

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2 there's... you know there's some technical things...
3 [cross-talk]

4 CHAIRPERSON LANCMAN: Just go into some
5 of those technical if, if you... if you... if anyone
6 could take a shot at it, it's okay if you don't...
7 [cross-talk]

8 DARCEL CLARK: You know whether or not
9 they share it or not sometimes they forget, and
10 you know sometimes... [cross-talk]

11 CHAIRPERSON LANCMAN: Uh-huh... [cross-
12 talk]

13 DARCEL CLARK: ...they do, sometimes we
14 can't view it, it's... we try to upload it to our
15 system so we can see it at the time that we're
16 writing up the cases but our physical plant
17 doesn't allow it, our computer systems don't speak
18 to each other, there's so many different things
19 that we're just learning, you know but we have to
20 learn fast because now it's happening faster so,
21 you know the sooner we iron it out and as soon as
22 we identify those issues they do sit down and work
23 with us so we, we can try to iron it out because
24 it's important that we get it but its going to
25 take time to figure it out.

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CYRUS VANCE: Chairman I... our observation, not a criticism but our observation is that the system that was purchased was not a system designed to be shared, they... it, it wasn't a system that had the integration and dissemination... [cross-talk]

COUNCIL MEMBER RICHARDS: Uh-huh... [cross-talk]

CYRUS VANCE: ...of the videos as part of the system that they bought. I think we get our video tapes basically in a... it's sort of a drop box and, and we are... it takes... so, so we are tasked with doing a lot of work identifying what relates to what and then there are all the issues that were not purchased by the NYPD contract with regard to our copying and our storage and our dissemination, our redactions of, of, of material and I, I can't remember the point that's in one of my memos but we're talking about thousands of digital images in, in, in these videos just in one video that need to be redacted in some cases. So, the unfortunate reality is I think we've been left to figure out the operations and the funding of this on our own as well as the storage so we all

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2 are facing the same problem and, and, and I don't
3 think I'm over, over saying, what I'm saying it's
4 a big problem, this is... we got... this is a big
5 expense for all of us and it's part... and it's...
6 we're required to do it understandably but we
7 aren't funded to do it at all.

8 COUNCIL MEMBER RICHARDS: Said there was
9 some issues around sharing, can you just go into
10 that a little more... [cross-talk]

11 CYRUS VANCE: Well I think... [cross-talk]

12 COUNCIL MEMBER RICHARDS: On how quickly
13 we share.

14 CYRUS VANCE: One arrest could have four...
15 [cross-talk]

16 COUNCIL MEMBER RICHARDS: Ma'am, ma'am if
17 you want to... [cross-talk]

18 CYRUS VANCE: She's coming up... [cross-
19 talk]

20 COUNCIL MEMBER RICHARDS: ...chime in, come
21 on up... [cross-talk]

22 CYRUS VANCE: ...she's coming up in a
23 couple... [cross-talk]

24 COUNCIL MEMBER RICHARDS: ...just say your
25 name for the record... [cross-talk]

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2 CYRUS VANCE: ...couple minutes it's my
3 Chief Assistant... [cross-talk]

4 COUNCIL MEMBER RICHARDS: Its fine... it's
5 fine.

6 CYRUS VANCE: Thank you Karen. An example
7 would be that there could be a simple assault
8 arrest... [cross-talk]

9 COUNCIL MEMBER RICHARDS: Uh-huh... [cross-
10 talk]

11 CYRUS VANCE: ...or... but there are five
12 arresting... there are five officers or six officers
13 involved and each officer has, you know X number
14 of minutes that each have to be... you know each
15 have to be reviewed so there's an example of how
16 even a simple case actually can be a very
17 complicated and time consuming case and, and
18 technically I can't speak to each step that we
19 have to do but its, it's, it has to be technically
20 done right and then we have to share it ourselves
21 in a form, store it and then be able to share it
22 in a form that we can give to the defense lawyer
23 as well as the court so there's a lot that we are
24 responsible for once the video comes into our
25 control. I mean the software that the city

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2 purchased is basically the generic software, you
3 would think that a customer the size of the NYPD
4 could have got it tailored for them so for example
5 the, the arrest number or the 61 number or
6 whatever they tell the officer to put it into a
7 certain field and it doesn't have any format
8 controls so if they put it in the wrong format or
9 whatever. When they first rolled out precincts
10 there was a quality control operation within the
11 PD, but they would only stay with that precinct
12 until they rolled out the next precinct. We only
13 have one precinct at this point that's on all
14 three tours, we have five precincts all together,
15 one on all three tours and as this volume
16 increases we've developed our own system as far as
17 for lack of a better term, hounding the NYPD into
18 making sure we get the, the, the video but as DA
19 Vance indicated, you know it's, it's easy to
20 concentrate on the arresting officer or easier to
21 concentrate on the arresting officer, you have no
22 idea how many other officers there may have been.
23 My nightmare scenario was Hollis and Francis Lewis
24 which is the intersection of the 105, the 103 and
25 the 113, it is the busiest three precincts in

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2 Queens, if anybody ever calls a 10-13 at that
3 location I have no idea what video we should be
4 looking for. From the first meeting we had with
5 the PD I took the position it should incorporate
6 GPS, you should be able to put it all into one
7 database, put in date, time and place, 250 yard
8 circumference and give us all the video that was
9 there, that's not the system they have, the system
10 relies upon the officer's quote, 'pushing it to
11 us' and if they don't push it it's up to us to go
12 get it from them. We strongly support it, it's
13 good to have, it should have, sooner or later
14 everything we're talking about is going to have to
15 get done, we're just hoping it doesn't happen
16 after some case comes down that... because somebody
17 didn't know to turn something over, it's something
18 that should be incorporated as far as I'm
19 concerned yesterday.

20 MICHAEL MCMAHON: And if I could Council
21 Member Richards so in Staten Island we have... we
22 started in the fall and we... by September of this
23 year we should be fully operational across the
24 four precincts in Staten Island, right now we're
25 one full precinct and one tour at the... at an... at

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2 the next those are two busiest but we've had about
3 3,000 individual videos delivered to us or, or
4 that, that are in existence that we should have,
5 we have about... we're... we're at compliance about 70
6 percent meaning that the police officer compliance
7 and our ability to effectively capture that video
8 is at about 70 percent and that's with 3,000
9 pieces that... individual videos that we know of we
10 expect though that... and that takes in our office
11 now one full time person and another person half
12 time that I had to take out of criminal court...
13 [cross-talk]

14 COUNCIL MEMBER RICHARDS: Uh-huh... [cross-
15 talk]

16 MICHAEL MCMAHON: ...so now I'm down
17 criminal court assistants and we expect that when
18 we're fully operational we'll have 35,000
19 individual snippets of video that we have to
20 download... push to us, download, catalogue somehow
21 and don't forget to look at and redact if
22 appropriate in certain cases in, in cases that we
23 will have to and then to deliver it to the
24 defendant during and that just Staten Island so
25 that kind of gives you an idea, I'm sure those

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numbers can just be multiplied out to the other boroughs so it is an incredible, I mean if we have 35,000 the Bronx is going to have three million I would say... [cross-talk]

COUNCIL MEMBER RICHARDS: Uh-huh...

CYRUS VANCE: Serious?

MICHAEL MCMAHON: Or no I'm sorry, 350,000, I'm sorry.

CHAIRPERSON LANCMAN: She's great but not that great.

COUNCIL MEMBER RICHARDS: And... oh... [cross-talk]

MICHAEL MCMAHON: And, and just finally the... all the issues that... and especially harkening back to what Chief Assistant Ryan said the ability to track who made video is very time consuming often causing every person to be notified, brought in, taken off patrol to see whether or not there's video attached but we also have a tremendous issue of figuring out how we're going to store this information long term because as we're looking to go E-discovery and electronic with the ability for this office to responsibly store the image not

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2 only the original image but the redacted versions
3 become very time consuming and, and expensive.

4 COUNCIL MEMBER RICHARDS: And can you
5 speak to so around transparency and accountability
6 and fairness and I know I've raised this with the
7 police Commissioner on how are we going to deal
8 with the release of video footage in the event of
9 incidents, any of you have an opinion, should
10 there be an independent body dealing with this,
11 you know what are some concerns around the police
12 Commissioner and, and... [cross-talk]

13 DARCEL CLARK: Well I guess... [cross-talk]

14 COUNCIL MEMBER RICHARDS: ...ultimate...
15 [cross-talk]

16 DARCEL CLARK: ...I, I can answer that
17 since the Bronx had the first police involved
18 shooting on body worn camera. It's difficult for
19 us, I'm, I'm in favor of the transparency, I think
20 it's important, I think the body worn cameras are
21 a great idea and its going to help us with public
22 safety overall but when you're a prosecutor trying
23 to investigate a case and that video is part of
24 the evidence I need to just have that evidence in
25 order to determine what my case is about, if it's

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2 released, you know to the public and I'm talking
3 about body worn cameras, surveillance video that
4 people do privately, you know on their cell phones
5 is different because we don't have control over it
6 but the police department does and if I'm trying
7 to investigate let's say a police involved
8 shooting if it's released before I finish my
9 investigation that means the grand jury, potential
10 grand jury members can be tainted because they saw
11 something beforehand or they saw some of it and
12 not all of it. those police officers, you know
13 they have a right to see their own video but not
14 necessarily each other's, you don't want testimony
15 to be tailored because they saw, you know snippets
16 of video of someone else. I would like if we... and
17 you know I... perhaps there needs to be a memorandum
18 of understanding between the DA's Offices and the
19 police department as to how we will handle those
20 particular type of incidents but we don't have
21 that right now, it's case by case and the police
22 department owns the video, so they do what they
23 want. I of course spoke with Commissioner O'Neill
24 when I had that incident and he did speak with us,

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2 we conferred but at the end of the day it was his
3 call and I couldn't stop him from doing it.

4 COUNCIL MEMBER RICHARDS: Anybody else,
5 no. I'm finishing up here, wanted to raise
6 marijuana arrests, I'm sure many of you are
7 keeping up with this subject and I wanted to get
8 your take on the disproportionate amount of
9 marijuana arrests and summonses being issued in
10 communities of color and right now I know the
11 Governor's formed some task force to sort of look
12 at possible legalization or parameters around
13 marijuana, one of the questions I have is would
14 the DAs or any of you open to expunging records
15 around low level marijuana offenses if marijuana
16 is legalized in New York State and you know should
17 we be prosecuting people at such high levels on
18 low level marijuana offenses, so anyone want to
19 speak to that?

20 ERIC GONZALEZ: For us in Brooklyn in
21 2014 we started to decline marijuana prosecutions
22 as low level possession of marijuana we continue
23 to prosecute cases of public smoking of marijuana
24 but the simple possession cases we stopped
25 prosecuting, you know we saw our numbers go down

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2 from a high of 14,000 that... the, the previous year
3 in '13 to, you know 4,000 and change last year. We
4 think we can do more and we intend to decline to
5 prosecute additional cases, part of our policy
6 caused us to prosecute cases where people came in
7 with summons warrants and low level offenses
8 attached to the case and so those cases continue
9 to be processed, we're in the... in the middle of
10 revamping our policies but we've already decided
11 that if someone comes in on a summons warrant or
12 some other low level offense like that, that that
13 does not mean that we're going to prosecute the
14 possession case and we're going to look... and I
15 think one of the issues that has been, you know
16 discussed in my office is the ratio inequalities
17 of the arrests, we see that it comes from certain
18 precincts in Brooklyn as, you know marijuana
19 usage, it is consistent we believe among races and
20 ethnicities and so we're looking and working every
21 day to tackle disparity issues and what things
22 that we do to contribute to that ratio disparity
23 and so for example as I just stated the issue of
24 when people have other low level offenses around
25 them we are prosecuting those cases and we need to

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2 reexamine that and we've started that process and
3 I, I think additionally we intend to do more in,
4 in not prosecuting certain number of cases where
5 there was people been arrested for smoking where
6 they're not causing a public nuisance.

7 COUNCIL MEMBER RICHARDS: Any else..
8 anybody else want to chime in... [cross-talk]

9 DARCEL CLARK: Well I know... I, I saw a
10 part of the... or read part of what happened in the
11 hearing that you had about the marijuana and I
12 asked my strategic enforcement people to, to look
13 at our numbers so I just recently got that and
14 looking at... talking about the citywide disparities
15 and it looked greater in the Bronx. So, it's
16 something that I have under study now and we're
17 going to look at it and see, you know what we can
18 do to address it but I mean I'm very mindful of
19 it, I'm concerned about it and I will address it
20 but I'm not going to do it without doing the
21 research in my office and really trying to get..
22 drill down and get to the bottom of how it's
23 actually happening... [cross-talk]

24 COUNCIL MEMBER RICHARDS: Uh-huh... [cross-
25 talk]

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DARCEL CLARK: ...in each of the precincts.

COUNCIL MEMBER RICHARDS: Yeah and just the point I'm making, I meant should this be the city's biggest... I mean not... I don't want to say the police department's biggest priority but it seems like they're really prioritizing these offenses and we... yet we have an opioid epidemic, we've seen 1,600 deaths possibly 1,400 this year and I don't know too many people who are doing on marijuana and I'm not saying we want those individuals being arrested either, we think treatment is certainly should always be the first line of defense in, in some of these things so, just wanted to make sure we put that out there because it's something we're going to continuously keep talking about. Alright, last questions, I guess I'll, I'll end with our special narcotics prosecutor on opioid and how are we doing, what more can the police department be doing, what more can we be doing as a community and city, it's really going to take a team effort to address this crisis and 1.400 deaths, you know projection this year is, is really worrisome and so I want to know

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2 what more could we all be doing to be helpful in
3 ending this epidemic?

4 BRIDGET BRENNAN: Well I, I think I might
5 have mentioned I need a few more ADAs if that
6 could happen but the NYPD has a very different
7 strategy, I mean they're, they're focused on the
8 high level cases, they also concentrate on
9 Fentanyl dealers to the extent they can be
10 identified and then they track back to try to take
11 the most deadly drugs off the street and I think
12 that's all good. I think what we want to do
13 citywide is an analysis to see where the biggest
14 markets are where there's a lot of, of Fentanyl
15 dealing going on and we've started to do that in
16 my office, we're doing it in conjunction with the
17 NYPD because we're not going to pinch off the
18 entire supply at the highest level, we're not
19 going to find those big stashes in, in Kew Gardens
20 or in other places in the city, some of it's going
21 to get through and we have to prevent it from
22 killing people. So, we need to keep some pressure
23 on the lower level drug markets, we have to
24 identify where they are and decide how we're going
25 to approach those, I don't think any of us want to

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2 return to the days of, you know mass arrests of
3 low level drug dealers but there has to be some
4 kind of targeted response because something going
5 to get through and I really think we need a big
6 push on treatment. I think that critical, I'm not
7 an expert on it but I do think that there are
8 many... there are people who come to substance abuse
9 from many different paths and the same solution
10 isn't going to be successful for each one so there
11 has to be a broad array of options and we have to
12 do some outreach because they're not knocking on
13 the doors to get in. I've looked at the voluntary
14 admissions and they're down and you know the real
15 problem is the nature of the addiction itself it's
16 a compulsion, it changes the brain and people when
17 they are in withdrawal have severe physical
18 symptoms and they feel high anxiety, panicky, they
19 feel like they're going to die and so very often
20 they just go and get some more drugs. So, we have
21 to understand the nature of the issue and tailor
22 our treatment programs. I do wonder if some of our
23 treatment programs and our protocols were
24 developed in response to the crack epidemic and
25 maybe we need to shift and think more creatively

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about both reach out and the programs themselves.
I think there is some cynical view of long term
treatment now and I'm not sure that's warranted as
I say with this problem it's very widespread, it
cuts across all demographics and one size does not
fit all so we have to leave that open as an option
too and, and I think a, a very broad prevention
message along the lines of the tobacco,
antitobacco campaigns, those were very successful,
we're here in New York with all kinds of creative
advertising talent. I think we need to work with
that kind of... those kinds of collaborators to get
a message out that targets not just the user,
people who are currently using but those who are...
who may use that's a, a group you really want to
target because you want to prevent more people
from falling into that black hole.

CYRUS VANCE: Just want to say really
quick to that that unfortunately the nature of the
opioid addiction is such that people are less
willing or less likely to voluntarily go into a
full treatment program that's what we've seen and
we, we talked to the experts. In the Hope Program
one of the things we're very proud of is that

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2 although we're talking about people who have
3 misdemeanor arrests over 10 percent, I think about
4 30 people have opted into inpatient treatment so
5 we've taken a misdemeanor arrest and converted
6 that... if, if you will converted it into an
7 inpatient treatment so we, we think that... what we
8 need to do is to sort of use the law enforcement...
9 you know people use the carrot and stick analogy I
10 don't know if it's appropriate but when people
11 find themselves in certain circumstances like
12 they've been arrested is a moment in time where
13 you can sort of take a very low situation and make
14 it into a high so that kind of works, we need to
15 expand that but I, I also... one other quick point
16 has to be made, so you have five DAs and a special
17 narcotics prosecutor who, who are all saying
18 they're trying to find innovative thoughtful ways
19 to deal with this crisis from the public safety
20 point of view sometimes from the public health
21 point of view there's an unwillingness to
22 understand that there has to be that partnership
23 and that anyone who finds themselves in our
24 criminal justice system if you will must be
25 addicted and therefor should only be treated as

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2 someone who suffers from addiction illness. We
3 have to be honest, when someone is really dealing
4 drugs for profit and its deadly Heroine and its
5 deadly Fentanyl that is a serious crime and has to
6 be treated as such and I think that that's
7 something that we have to collectively get that
8 word out as well. People who suffer from addiction
9 illness need and should get help but people who
10 are dealing under those circumstances have to be
11 treated as, as such and, and that... sometimes that
12 message gets mixed up I'm afraid.

13 COUNCIL MEMBER RICHARDS: And Queens are
14 you going to look to do a diversion program here,
15 on opioid are you doing any diversion programs
16 like I know we have Brooklyn... [cross-talk]

17 KEVIN RYAN: Yes, I... [cross-talk]

18 COUNCIL MEMBER RICHARDS: ...Bronx... [cross-
19 talk]

20 CYRUS VANCE: Hello, am I here, okay. I
21 mentioned before our Queens treatment intervention
22 program which we've... in the process of starting
23 and where... that, that program deals with those
24 that have already gotten into the system, we also
25 have our, our variation of second chance where we

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ON JUSTICE SYSTEM

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2 look for defendants who got DATs on these programs
3 and we reach out to them and get them into, to be
4 evaluated and treated as quickly as we can.

5 COUNCIL MEMBER RICHARDS: So, how similar
6 are they to the program?

7 CYRUS VANCE: Well, I'm... as I understand
8 project Hope they have somebody actually go to the
9 precinct, that is something we're considering
10 just... [cross-talk]

11 COUNCIL MEMBER RICHARDS: Okay... [cross-
12 talk]

13 CYRUS VANCE: ...the logistics of it we
14 haven't tackled it yet... [cross-talk]

15 COUNCIL MEMBER RICHARDS: Okay... [cross-
16 talk]

17 CYRUS VANCE: ...we're not against it we
18 just don't have the, the logistical ability to
19 implement that at this point.

20 COUNCIL MEMBER RICHARDS: Well please
21 though we look forward to working with the, the...
22 we would love to work with you to figure something
23 out. Chair I want to thank you and lastly just
24 want to say I don't want to stay on this subject
25 but police accountability and ensuring that, you

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2 know obviously there's been some troublesome news
3 that has come out in recent days and I would hope
4 that the DAs are really looking into some of these
5 things and I'll leave it at that and that, you
6 know as we move forward we continue to push for
7 more transparency and accountability in that area
8 so with that being said thank you all for the work
9 that you do and we'll be working very closely with
10 you, thank you.

11 CHAIRPERSON LANCMAN: Thank you, Council
12 Member Cohen and let's, let's just try to do
13 three, three questions each, yeah?

14 COUNCIL MEMBER COHEN: I'm not even sure
15 I have three, I'll, I'll be brief. Thank you
16 Chairs Lancman and Richards and thank you to our
17 district attorneys who are spending quality time
18 with us this afternoon. In all candor my DA
19 brought me in the other day, she did let me go
20 after, after we met but as a civil practitioner
21 I'm not really particularly knowledgeable about
22 the, the workings of the DA's Office but I, I... and
23 I... and I'm... I understand the... and agree with the
24 Chair Lancman nobody is trying to pit the offices
25 against each or even, even suggesting that any

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2 office is over funded, I don't think that's on the
3 table at all but I, I don't really understand the
4 disparity in the funding between the offices, I
5 don't know if in your opinion that the, the
6 difference is rational, is it related to
7 something, does it mean anything, I mean I
8 understand that each borough is different, each
9 county is different that the needs are different,
10 do we... do we think though that the funding is, is
11 related to those differences or is it just sort of
12 historical anomalies or, or bad reasons, I don't
13 know if any of you have opinions on that but I'm
14 very interested?

15 DARCEL CLARK: I am too that's why I'm
16 testifying and I'm going to keep testifying until
17 it... until we figure it out but I mean I've only
18 been here two years, a little over two years so I,
19 I don't have all of the history but there's always
20 been a disparity that's all I know and we, we just
21 really want to work to address it because it's
22 critical to the work that we do and unless it's...
23 unless we figure out a solution DA's Offices are
24 going to continue to suffer and we're not going to
25 be able to see the reforms that really... that you

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2 all really want us to do because we're just not
3 going to have the DAs that have the experience and
4 the knowledge and know how to get it done, we
5 can't keep them.

6 ERIC GONZALEZ: You know having served as
7 an assistant in the Brooklyn DA's Office for over
8 20 years before being elected, you know we
9 sometimes look at our current situation and we're
10 guilty of forgetting the past, you know in many of
11 these offices, you know Brooklyn for example we
12 used to routinely process, you know well over
13 100,000 cases, same in Manhattan and other
14 counties, my highest year that I remember was 117,
15 117 arrests and so we're doing the work in pushing
16 out low level offenses and working with the police
17 department and others to make sure that these low
18 level cases don't exist but in counties like
19 Brooklyn we still have significant issues of
20 violence while the numbers are going down each and
21 every year. I can tell you that every day my
22 assistant DAs and social workers and counselors
23 are meeting with family members who have lost
24 loved ones or have had someone seriously injured
25 and we are underfunded, we're all losing our

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2 assistants to other agencies and it's not right
3 and its not what the public deserves, we deserve
4 to have the best ADAs protecting our families.

5 MICHAEL MCMAHON: And if I could just...
6 Councilman Cohen having sat there and now sitting
7 here it's quite clear I think of... in my mind that
8 it is mostly historical anomaly. The, the boroughs
9 all grew differently, their crime rates grew
10 differently, the processes here within the city
11 council and, and administrations changed over the
12 years, certainly the fiscal crisis, crisis of
13 2002/2009 led to a lot of uneven cuts and then
14 uneven restorations, different advocacies through
15 the years, it's just let... led to this sort of
16 uneven sort of amalgamation that you see now but
17 again the issue isn't so much that we're uneven,
18 we're all uneven to the rest of the world and the
19 fact that agency attorneys with the same
20 experience are making more than all of our ADA's
21 assistants that's the problem that really has to
22 be addressed more than... I mean the differences
23 county to county have to be addressed as well but
24 there's a bigger problem that throughout the years
25 the, the, the city government didn't put enough

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2 money... didn't understand that it's the DA's
3 Offices that are really the ones who are on the
4 frontlines of doing so many of the things in
5 partnership with the PD that we have to... that
6 society has to get done and want... and wants to get
7 done now as... and wants to... and wants to get done...
8 justice system more fair.

9 CHAIRPERSON LANCMAN: Just in, in terms
10 of salary when I worked at OCA if I continued
11 breathing and stayed on the job every year I got a
12 raise that is not the way... do you... do you... do you
13 set your own... how does... how do the salary
14 structures work at the DA's Offices, is that... is
15 it different from office to office, it... if you
16 could give us just sort of a, a... an overview?

17 MICHAEL MCMAHON: I, I just want to say
18 before someone else that we've lost a, a few
19 assistants by the way to the state court system
20 because they make more money and they see natural
21 increases... [cross-talk]

22 CHAIRPERSON LANCMAN: It was a great job...
23 [cross-talk]

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ON JUSTICE SYSTEM

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2 MICHAEL MCMAHON: ...and pension benefits
3 are better and, and we don't... we... you know we
4 don't... we don't have parity with them at all.

5 DARCEL CLARK: And it's, it's... also is
6 that the work life balance as well because the
7 more demands we're putting on our assistants it's
8 easier to go to a job that may pay the same and
9 especially more and they don't have to work
10 nights, weekends, holiday, have these 24 hour
11 duties, it's a lot we're asking them to do and as
12 we look at the exit interviews a lot of times and
13 we're losing... my office is losing mostly to other
14 city agencies as well as the courts. They love
15 their job, they love the work but they have to
16 feed their families, they got to pay their student
17 loans and it's a... you know it's more and more work
18 and the work is being... is more complicated and
19 sophisticated as you know things change, the
20 social media, you know all, all kinds of things
21 make it more difficult. Look I was in the courts
22 too, remember but you got a raise every couple of
23 years, I went 13 years without a raise as a judge
24 so please I really feel for these assistants
25 because I lived that and I know how real it is and

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2 that's why I fight for them each and every day
3 because I know what it's like not to get paid what
4 you deserve and doing the work each and every day.

5 CHAIRPERSON LANCMAN: Thank you, our next
6 panel will be state legislators and they can talk
7 about... any other questions Council Members...
8 [cross-talk]

9 DARCEL CLARK: And I was always for them
10 getting their raises too because theirs was tied
11 to mine luckily, they finally.. [cross-talk]

12 COUNCIL MEMBER RICHARDS: Darcel... [cross-
13 talk]

14 CHAIRPERSON LANCMAN: Council Member Rose

15 COUNCIL MEMBER ROSE: Thank you. I, I was
16 going to sing in my best welcome back Kotter
17 voice, welcome back Council DA McMahon to the
18 chamber and, and I want to start by congratulating
19 all of you for your post arrest diversionary..
20 diversion programs, I, I think they give us a lot
21 of value for, for the dollar and I can truly
22 emphasize with you in terms of the parody issue
23 because our staff here at the city council no way
24 make the amount of salaries that other
25 administrative office make so I understand what

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2 you're talking about in terms of parody and so
3 along those lines in fiscal year '18 we saw an
4 increase in the personal services... personnel
5 services budget of 1.3 million which was offset by
6 a decrease in the OTPS budget of 1.2 million, was
7 any of this increase in PS, personal services used
8 to offset the parody issue and, and how did the
9 decrease in OTPS affect your offices if any?

10 DARCEL CLARK: I think as far as using
11 the money for the PS, I mean we could try to use...
12 do the parody ourselves it's just that it's not
13 guaranteed the next year, I might be able to fix
14 it for that year but there's nothing saying that
15 I'm going to get it next year so that's the danger
16 of it you can't pay them because you might have to
17 decrease their salary next year because the money
18 is not there that's why it's difficult for us to
19 do it without understanding that that actual money
20 is going to be baselined used for the salaries and
21 each year going forward that it's going to be
22 there.

23 COUNCIL MEMBER ROSE: Okay and was there
24 any impact on the decrease in OTPS for any of you?
25

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2 DARCEL CLARK: I mean I... that's probably
3 different for each county, I know with... for my
4 first two years because I asked for the vertical
5 prosecution and, and I received the money from the
6 city it was great but we forgot that meant you
7 needed, you know desks and, and, and supplies and
8 all of those things so we ended up using the money
9 that we had to fulfil those things and, and asking
10 permission to use some of the money to do that in
11 order to make sure that each assistant had a desk
12 or you know and, and a chair, I mean something as
13 basic as that adds up to a lot of money so, you
14 know it does... it did affect us.

15 ERIC GONZALEZ: In Brooklyn the OTPS is
16 as I stated earlier in the testimony the decrease
17 in that number really impacts us because we still
18 have the rent to pay and last year, you know it
19 was in excess of 13 million dollars to pay for the
20 rent and lights and all the other services so when
21 we lose money in that area we really lose it
22 because that rent is a fixed number and gets
23 renegotiated every couple of years so it's been a
24 hardship for Brooklyn.
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CYRUS VANCE: And for us we didn't have a, a cut in OTPS this past budget year and the only increase in PS we had were the two EVI, the Early Victim Intervention Advocates that we got as a part of a special pilot program through MOC J for those two victim advocates so that's all we saw in terms of increasing PS, that PS was not an across the board increase for the parody initiative that we've been talking about, I think those for a few select things maybe in different offices.

COUNCIL MEMBER ROSE: Okay. Okay, so at our last meeting of this committee, you know in open discovery on open discovery several of your offices testified that you would be able to be more timely via the discovery with more resources so is that being reflected in your budget request?

DARCEL CLARK: Yes.

BRIDGET BRENNAN: Yes.

DARCEL CLARK: Yes, it is, I did make that request.

CYRUS VANCE: Yes.

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2 ERIC GONZALEZ: And yes, in Brooklyn as I
3 indicated we'd like to do a pilot program and move
4 our office to do electronic discovery.

5 KAREN FRIEDMAN: And yes, in Manhattan as
6 well especially with regard to the body worn
7 camera issue that's going to be part of discovery,
8 it's going to need more resources.

9 COUNCIL MEMBER ROSE: Great.

10 MICHAEL MCMAHON: Yeah, I mean we
11 reflected that as well with the body worn cameras
12 and additional paralegals.

13 COUNCIL MEMBER ROSE: Okay and for my
14 Staten Island DA, currently Richmond County does
15 not participate in the open warrant closure
16 initiative, is this based on budgetary reasons and
17 if so what amount would enable our.. your office to
18 be a part of this effort?

19 MICHAEL MCMAHON: What we do in Staten
20 Island is the fresh start initiative where we set
21 a day apart on a Saturday and, and notify all
22 those who have open summons warrants to come in
23 and, and see a judge and have them clear it and
24 that's the way we're addressing them now. It's an
25 issue that I, I believe that we are handling it

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2 and that was appropriate given the fact that other
3 people who received warrant... summonses dealt with
4 them so it's... for me it's an issue of fairness not
5 so much budget, I could use some money to run
6 those... more of those fresh start programs because
7 they cost about somewhere in the 30 to 40,000
8 time... per clip so if we could do budget for that
9 I'd be happy to do more.

10 COUNCIL MEMBER ROSE: And would you
11 consider using any of those funds to, to
12 obliterate the ten years... the warrants that are
13 more than ten years old?

14 MICHAEL MCMAHON: We continue to study
15 those warrants and those numbers and, and feel at
16 this time that that's not appropriate.

17 COUNCIL MEMBER ROSE: Okay, thank you
18 those are my three questions, thank you.

19 CHAIRPERSON LANCMAN: Thank you, Council
20 Member Menchaca.

21 COUNCIL MEMBER MENCHACA: Thank you Chair
22 and thank you all for, for making your case. I'm
23 going to try to stick to my three questions and
24 really what I want to do is both kind of point to
25 the deficiencies in our ability to figure out what

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2 I think the Chair laid out really clear which is
3 how do we figure out a way so that we can get
4 baseline, an understanding across... so, I, I really
5 applaud the Chair's kind of focus on that, I want
6 to drill in a little bit on immigration and the
7 real priority on immigration, immigration units
8 within the district attorneys and my first
9 question is really how many of you and all but one
10 have an immigration unit today, how many of you
11 who have immigration units waited until the city
12 or the council funded it to create the unit
13 itself, you can raise your hand or talk to it but
14 I just want to... want to get a sense about how the
15 creation of that unit happened and whether or not
16 it was in direct response to a budget allocation?

17 KAREN FRIEDMAN: So in, in Manhattan we
18 did not wait to create it, it was one of DA
19 Vance's first priorities in 2010 and he created an
20 immigrant affairs unit within the office and more
21 recently we appointed a council for collateral
22 consequences which is someone who's going to deal
23 with the collateral consequences of defendants so
24 the immigrant affairs unit deals mostly with
25 victims and those sorts of issues and individual

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2 cases but the council on collateral consequences
3 is a new position that, that was created to
4 address collateral consequences such as
5 immigration for defendants and take that into
6 consideration when we are making decisions on
7 cases.

8 DARCEL CLARK: Well in the Bronx I
9 started an immigrant affairs unit with the staff
10 that I already had but it, it deals mostly with
11 the victim side of it that's what we've done
12 recently but on a case by case basis I've always
13 kept an open mind as we study more as to the
14 impact of what is happening in our communities
15 with immigration because things have now really
16 changed, we're, we're changing our focus and
17 looking more also to the side of the defendants,
18 the... I've met with institutional defenders and you
19 know I've kept an open-door policy that if they
20 have a particular case that is troubling that I
21 would look at it and I have... I have done some
22 things with them on... as far as that's concerned
23 but I didn't wait until I had the money, I did it
24 first and then asked for supplemental.
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CHAIRPERSON LANCMAN: Thank you Council...
[cross-talk]

COUNCIL MEMBER MENCHACA: Well I'm going to come... I'm going to come back to you though or, or we can skip you really quick, I just want to get all the... all the... all the unit holders and then I'll, I'll come back to... thank you.

ERIC GONZALEZ: So, we started our immigration... we started with an immigrant fraud unit initially, I created an immigrant affairs unit and the reasons were very clear to me, you know publicly stated that I believe that we needed to have an immigration unit that helped assistant district attorneys and defense attorneys and the judges understand the collateral consequences especially to low level offenses and try to make sure that our criminal justice system did not lead to unfair and unnecessary deportations that destabilize our communities and so we hired staff for our immigrant affairs unit without funding and hired immigration attorneys which are on staff now to help us do the work in Brooklyn.

COUNCIL MEMBER MENCHACA: Thank you.

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CYRUS VANCE: We created... [clears throat]
excuse me... we created our office of immigrant
affairs with our own funds we would certainly like
to increase it and the city funding would greatly
help on that but we self-funded it.

COUNCIL MEMBER MENCHACA: Thank you and,
and to Staten Island I'm just setting this up..

MICHAEL MCMAHON: Really..

COUNCIL MEMBER MENCHACA: I'm, I'm
really.. I'm concerned that we haven't yet gotten
that kind of priority in Staten Island, advocates
have, have reached out to your office to really
sit down and I really want to.. I want to give you
the opportunity to give me your sense of priority
for this not just this population but for your
office.. [cross-talk]

MICHAEL MCMAHON: Uh-huh... [cross-talk]

COUNCIL MEMBER MENCHACA: ...because I
think everything that I've seen in the press has
kind of been well the city's not funding it so we
can't do it and this is more than just funding
this is about priority and thinking about
relationship with an... with the community that is
already afraid to, to connect to enforcement so

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2 what is your commitment to really building those
3 bridges and, and really kind of launching a unit
4 that is kind of connected to a pretty high profile
5 situation for your constituents and... [cross-talk]

6 MICHAEL MCMAHON: So, thank you and
7 that's a... that's a great question and I think you
8 have to look at my history in two years in office
9 and what we promised to do, what we set out to do
10 and what we've accomplished and what we want to
11 keep on doing but you have to look at where we
12 started from. When I came into an off... in we had
13 30 percent less the funding that we have now, we
14 did not have a victim advocate's unit, I've
15 doubled the number of victim advocates including
16 multilingual advocates who really are on the
17 frontlines dealing with the victims of crime and
18 so they're working very actively with all victims
19 including many who happen to be... are immigrants,
20 new immigrants for sure. We did not have a
21 domestic violence bureau, so I had domestic
22 violence cases thrown into the hopper with other
23 cases and they weren't getting the, the vertical
24 prosecution that they deserved, they were not
25 getting a victim advocate assigned and so we set

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2 out to do that and we did it as well. We were
3 keeping track of thousands of cases by hand,
4 everybody had an excel spreadsheet and keep track...
5 kept track of their own cases, we brought in
6 innovative case management system and had it
7 customized to better serve the needs of all Staten
8 Islanders. I walked into a terrible, terrible
9 opioid crisis where 31 per 100,000 Staten
10 Islanders were dying every year and we've taken
11 that head on and that, that affects all members of
12 the community as well. We didn't have a trials
13 bureau, I set up a trials bureau and as I said
14 before we've more than tripled the productivity of
15 that unit going after guns and gangs and street
16 crimes to make all Staten Islanders safe including
17 new immigrants because they are quite often the
18 victims of those crimes so across the board we've
19 actively tried to make this office a 21st century
20 prosecutors office and that includes better
21 understanding the nuances of immigration law and
22 that's the request I have because I do not have on
23 staff now someone who handles that, that person
24 will work in very close partnership with our
25 community partnership unit that is already very

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2 actively engaged in the new immigrant community.
3 As you know I've met with many of the members of
4 the leaders of the different organizations of the
5 new immigrant community including La Quemada and
6 they are working with me on the advocacy to bring
7 about this unit so that we can not only deal with
8 collateral consequences of cases but also go out
9 into the community to proactively prevent crime
10 and connect people to services as well so I think
11 my commitment is strong but you have to understand
12 that sometimes when you... when you have a, a
13 certain limit of funds and as you've heard all
14 day... all afternoon this is something that we all
15 suffer from, it's hard to do everything that we
16 are committed to doing that doesn't mean we aren't
17 going to do it but we need partners to help us do
18 that and that is a budgetary matter for me.

19 COUNCIL MEMBER MENCHACA: So, thank you
20 and, and I'll just close by saying that I think
21 everything you laid out is what everyone has felt
22 across all the DAs I think would agree with you
23 that that's the burden that everyone carries right
24 now and in a moment where priorities have to...
25 priorities kind of show the leadership from the,

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2 the top and so I'm hoping that... because I'm... my
3 understanding is that that your office is not
4 meeting with advocates, that they're not
5 connecting and so if that's wrong, that's fine, I
6 have... I might have bad information what I... what I...
7 [cross-talk]

8 MICHAEL MCMAHON: Yeah, that is not true
9 and... [cross-talk]

10 COUNCIL MEMBER MENCHACA: ...but what I'm
11 saying though... [cross-talk]

12 MICHAEL MCMAHON: ...there's a recent paper
13 article about the advocates meeting with... [cross-
14 talk]

15 COUNCIL MEMBER MENCHACA: I understand...
16 [cross-talk]

17 MICHAEL MCMAHON: ...me and their saying
18 in, in partnership and unison they're helping me
19 advocate to put this unit in... [cross-talk]

20 COUNCIL MEMBER MENCHACA: Here's my
21 point... here's my point... [cross-talk]

22 MICHAEL MCMAHON: ...to realization.

23 COUNCIL MEMBER MENCHACA: Here's my
24 point, in Brooklyn where I have a strong
25 relationship with our... with our DA there we gave

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2 them dollars last year to do some really good work
3 around diversion, the diversion program and that
4 was met with a lot of work on the ground, with
5 police departments that, that takes a lot of pre-
6 work, I'm hoping as the Chair of the Immigration
7 Committee that I can advocate for you with a plan
8 to maybe get you some dollars for an immigration
9 unit after doing the good work where I can hear
10 from advocates that there's a strong relationship
11 that's how this budget... this isn't just about
12 giving you dollars this is about really seeing
13 commitment you're your office to do that work so
14 if I'm... if I'm incorrect great, help me... help me
15 understand what is actually happening, let's work
16 together... [cross-talk]

17 MICHAEL MCMAHON: So, in terms of
18 commitment that early diversion program that was
19 be... is being built out now by DA Gonzalez in
20 Brooklyn is a model that we started in Staten
21 Island after ten year... ten months of planning and
22 programming with the members of the community in
23 putting it together and, and the police department
24 is seeing how it would work so we are very
25 committed to partnering with the community and..

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but understand when I came into office there was
no community partnership unit now it's fully
staffed and... [cross-talk]

COUNCIL MEMBER MENCHACA: I understand...
[cross-talk]

MICHAEL MCMAHON: ...we're doing that work
so that commitment is there and anyone who knows
my work in the city council and anyone who knows
my work as a district attorney if I say that I'm
committed to doing it I'm committed to doing it
and I think the, the... I look forward to working
with you and your committee to getting... [cross-
talk]

COUNCIL MEMBER MENCHACA: Me too... [cross-
talk]

MICHAEL MCMAHON: ...Staten Island the
immigrant affairs unit that it needs and deserves.

COUNCIL MEMBER MENCHACA: Looking forward
to working with you, thank you.

CHAIRPERSON LANCMAN: Thank you, we
appreciate your testimony and we have a lot to
follow up with and we look forward to doing that.
Next, we will hear from the Office of Civil

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Justice, Civil Justice Coordinator I think Jordan Dressler.

SERGEANT AT ARMS: Ladies and gentlemen once again please take private conversations outside of the chambers, we are still in session. If you could find your seats please, we'd like to begin with the next portion. Once again please find your seats.

CHAIRPERSON LANCMAN: Ladies and gentlemen we want to get started with our next panel so please find your seat or exit, one or the other. Alright, lets get started. Raise your right hand, whoever's testifying. Do you swear or affirm the truth... do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

JORDAN DRESSLER: Yes.

SONIA LINN: Yes.

CHAIRPERSON LANCMAN: Good, alright. Who's going first?

JORDAN DRESSLER: I will thank you. Good afternoon Chairman Lancman, I'm going to give some moral testimony now, my full testimony is presented to the council for the record. Thank you

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2 for inviting me to appear before the Committee on
3 the Justice System today to discuss the work of
4 the New York City Human Resources Administration's
5 Office of Civil Justice. My name is Jordan
6 Dressler and I'm the Civil Justice Coordinator, in
7 that capacity I oversee the Office of Civil
8 Justice or OCJ. I'm joined by Department of Social
9 Services Executive Deputy Commissioner for Finance
10 Erin Villari, the Office of Civil Justices
11 Executive Director for Legal Services Initiatives
12 Jaclyn Moore and Sonia Linn General Counsel for
13 the Mayor's Office of Immigrant Affairs. Providing
14 civil legal services for New Yorkers in need
15 particularly legal services for tenants is a
16 critical element in our homelessness prevention
17 efforts. By investing in these important services,
18 we are already seeing results. Between 2014 and
19 2017 over 180,000 New Yorkers receive legal
20 assistance through the city's legal services
21 programs for tenants facing eviction, harassment
22 and displacement and at the same time residential
23 evictions by marshals have declined by 27 percent.
24 In partnership with the council we are
25 implementing the nation's first universal access

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2 to counsel program representing an unprecedented
3 investment in legal services to help New Yorkers
4 stay in their homes. The... [coughs] excuse me... the
5 universal access to council initiative is just one
6 of the many programs that OCJ oversees and today I
7 look forward to updating you on the implementation
8 of this program as well as providing updates on
9 other key programs overseen by the office. My
10 testimony today will also discuss key points laid
11 out in our 2017 annual report and strategic plan
12 that was released today. This report describes the
13 growth in civil legal services funding and
14 programs in New York City over the last several
15 years as well as strategies with regard to key
16 areas of civil legal need. With regard to
17 programs, in fiscal year 2017 for the first time
18 New York City's overall investment in civil legal
19 services for low income city residents exceeded
20 100 million dollars. Fiscal year 2018 marked the
21 first time that Mayoral investment in programs
22 providing free legal services exceeded 100
23 million. In fiscal 2019 the administration will be
24 committing 124 million towards civil legal justice
25 programs at OCJ. By comparison in fiscal year 2013

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2 total governmental funding that's city, state, and
3 federal funding for civil, civil legal services in
4 New York City was less than half that amount at
5 60.4 million. The preliminary budget plan for
6 fiscal '19 includes baseline funding at OCJ as
7 follows; 93 million for legal services programs
8 for tenants facing eviction, harassment and
9 displacement which includes 56.6 million for
10 eviction defense legal services for low income
11 tenants in housing court including further
12 implementation of universal access and 36.4
13 million for anti-harassment and displacement legal
14 services as well as administrative and staff
15 support, 30.5 million for legal assistance
16 programs for immigrant New Yorkers which includes
17 5.9 million for legal assistance programs
18 including the IOI initiative and 2.1 million in
19 the immigration legal programs funded by community
20 service block grants or CSBG as well as 8.7
21 million for legal and navigation services and
22 outreach through the Action NYC program operated
23 in partnership with MOIA and CUNY. In addition to
24 the administration's commitment to supporting
25 civil legal services I want to acknowledge the

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2 ongoing commitment of the city council to
3 expanding access to justice by funding legal
4 services. In fiscal '18 HRA is overseeing 24.2
5 million in discretionary funding added by the city
6 council for legal services for the working poor,
7 immigration legal defense services for detained
8 individuals, unaccompanied minors, and families
9 with children facing deportation, assistance for
10 survivors of domestic violence and veterans and
11 general support for civil legal services
12 providers. No other city allocates even a small
13 fraction of what New York City is committing to
14 provide access to civil justice. The city's
15 financial and administrative commitment to these
16 important services has perhaps never been more
17 crucial to serving in a system... [cross-talk]

18 CHAIRPERSON LANCMAN: I'm, I'm sorry to...
19 I, I apologize for interrupting, did you just say
20 that you, you issued your annual report today?

21 JORDAN DRESSLER: We did.

22 CHAIRPERSON LANCMAN: Did you give us an
23 advanced copy or anything?

24 JORDAN DRESSLER: We posted it online and
25 we... [cross-talk]

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2 CHAIRPERSON LANCMAN: You posted it
3 online?

4 JORDAN DRESSLER: Yes.

5 CHAIRPERSON LANCMAN: Wow, was it your
6 intention here to come and show as much disrespect
7 to the council as you could possible muster?

8 JORDAN DRESSLER: No, of course not.

9 CHAIRPERSON LANCMAN: And yet you've
10 succeeded in doing so, I can't think of anything
11 that makes it more difficult for us to actually
12 conduct a budget hearing when the report that you
13 were supposed to produce months and months and
14 months ago and which we have been patiently
15 waiting for and working with you and, and, and
16 trying to be as accommodating as possible that you
17 just pop it up on the internet. I'll tell you what
18 we've got a hearing, the, the Mayor's Office of
19 Criminal Justice is coming on March 20th do you
20 think that you could maybe be available that day
21 and we can get an opportunity to review the report
22 and then we could have a, a full discussion of, of
23 your, your office has been up to for the last
24 whatever it is year and a half?
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2 JORDAN DRESSLER: We'll have to get back
3 to you on scheduling.

4 CHAIRPERSON LANCMAN: What's that?

5 JORDAN DRESSLER: We'll have to get back
6 to you.

7 CHAIRPERSON LANCMAN: Okay. Thanks, does
8 anyone have any questions, do you have any
9 questions? You're up... you have... you have any
10 questions? Good, ask some questions.

11 JORDAN DRESSLER: I'm sorry Council
12 Member, any more of my direct testimony here?

13 CHAIRPERSON LANCMAN: I, I, I don't think
14 so, we're going to invite you back on the 20th you
15 can come or not come. Do you have any questions?

16 COUNCIL MEMBER COHEN: Well I wouldn't
17 want to pass up an opportunity to speak about one
18 of my favorite topics which is the universal
19 access to counsel program which is now being
20 rolled out, I presume the report will fill out the
21 picture but I would like to hear if you can the
22 topline numbers of just how extensive the roll out
23 is, how far we've gone towards universal coverage,
24 what kind of impact you're seeing on the eviction
25 rate, the number of total cases?

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2 JORDAN DRESSLER: Thank you Council
3 Member and, and let me apologize to the committee
4 and to the Chair for any misunderstanding about
5 our intentions here. We've been working very hard
6 on an annual report really the, the... our second
7 annual report but the first to be this extensive
8 and cover this breadth. We have been working as
9 hard as we can to have it submitted and available
10 before we testified today, and it was our
11 intention today to share the key findings and be
12 available for any questions that presentation of
13 those key findings might trigger for the council.
14 We're of course available to continue dialoguing
15 with the city council, this committee and the
16 Chair as needed. With respect to universal access
17 we are underway, and we've been making headway.
18 Let me set the stage by saying that over the last
19 four years as we've increased tenant legal
20 services as well as other prevention efforts
21 evictions have declined by 27 percent that
22 translates to roughly 70,000 New Yorkers who were
23 able to remain in their homes over those last four
24 years due to not having... not being evicted. At the
25 same time, we're making significant inroads in

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2 actual providing... actually providing access to
3 legal services for tenants in need. We built and
4 are building the universal access initiative on
5 work that we've done in the courts through our
6 HPLP, Homelessness Prevention Law Project Program
7 and in doing so we focused initially on ten zip
8 codes, now have rolled out to 15 zip codes to
9 focus that are particular high need selected
10 because they are high feeders of the shelter
11 system, high prevalence of rent regulated housing,
12 high eviction receding volume and other factors.
13 We've spent the last year working on the intake
14 and referral process in housing court particularly
15 in Manhattan, Brooklyn, Bronx and Queens, we've
16 recently rolled out into Staten Island. In working
17 it out with the courts and with the providers we
18 have identified ways to truly connect tenants in
19 need with lawyers who were able to... available to
20 help them by placing those services in or near the
21 courtrooms themselves where those cases are heard,
22 and we've seen terrific results as a result. In
23 the first quarter of fiscal '16 representation in
24 the ten zip codes that we had targeted hovered at
25 roughly 16 percent, that's 16 percent of tenants

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2 appearing in court on their eviction cases with
3 lawyers. As of this past summer the first quarter
4 of fiscal '18 those numbers grew to 48 percent, a
5 tripling in the representation rate in those ten
6 targeted zip codes. In Brooklyn alone, the rate
7 for representation in the... in the two zip codes
8 targeted that we looked at was at 48... oh I'm
9 sorry, 66 percent. Massive increases in the four
10 boroughs that we implemented these programs and it
11 validates an approach that we intend to take going
12 forward which is working with the courts to
13 identify ways to connect folks with services in
14 the courthouse, in the courtroom as well as
15 continuing to pursue strategies to get people
16 connected earlier and in the community but we know
17 we're on the right track based on these
18 representation numbers and we continue... we intend
19 to continue.

20 COUNCIL MEMBER COHEN: Alright, well I...
21 I'm going to pass it back to the chair but I, I
22 want to just remark on one extraordinary stat that
23 you mentioned which is that the portion of tenants
24 now represented has gone from 16 percent to 47
25 percent, I think... [cross-talk]

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2 JORDAN DRESSLER: 48 percent in those
3 ten... [cross-talk]

4 COUNCIL MEMBER COHEN: 48 percent...
5 [cross-talk]

6 JORDAN DRESSLER: ...zip codes, yes.

7 COUNCIL MEMBER COHEN: In the select zip
8 codes which the, the impact on that is... it's just
9 got to be tremendous, I'll be anxious to hear
10 results on, on eviction rates in those target zip
11 codes which will be the ultimate proof I think of
12 the power of this program and I'm going to pass it
13 back to the Chair, I appreciate the time and, and
14 look forward to continuing the discussion at a
15 future date. Thank you, Mr. Chair.

16 CHAIRPERSON LANCMAN: Thank you, Council
17 Member Menchaca.

18 COUNCIL MEMBER MENCHACA: Thank you Chair
19 and I'm going to take the opportunity to talk
20 about some of the things that are really important
21 to me as Chair of the Immigration Committee and I
22 want to start with a kind of general question
23 about the new dollars that were allocated last
24 budget at the tune of 16 plus million dollars for
25 legal defense for non-detained immigrants in the

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2 city and kind of want to get a sense on a report
3 from you about how that's going, I know we've
4 gotten to check in with some of the advocates
5 about some of the contracts and just kind of give
6 us a flavor to the committee about how that's
7 working, I know that some of the contracts haven't
8 been signed, there's some, you know requests for
9 connection with, with the... with the service
10 providers just kind of give us a sense about where
11 that is and maybe some issues that have come up
12 with, within those conversations?

13 JORDAN DRESSLER: We're working closely
14 with our IOI, administration funded IOI providers
15 to expand services particularly for removal
16 defense legal services both this year and next
17 year... excuse me... as well as to address other
18 emergent needs. For example, just this year, just
19 this past fall we all saw the rescission of DACA
20 and we were able to mobilize quickly with our
21 legal services providers to stand up, know your
22 rights sessions, legal clinics for hurried
23 applications to make sure there was compliance
24 with deadlines. The IOI program and the IOI
25 contracts allow for that flexibility and it's

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2 something that we went into development of the
3 program back in fiscal '17 with an eye towards
4 flexibility and being nimble. To be very candid we
5 thought that the opportunities that we would be
6 working with providers to take advantage of on
7 behalf of immigrant New Yorkers would be more
8 positive, we thought there'd be more opportunities
9 for status, more opportunities for stability and
10 what we're seeing now is a very, very shifting and
11 very scary landscape and so we're working very
12 closely with our legal services providers to
13 understand what capacity actually exists, how do
14 we administer that capacity through programs, how
15 do we do it this year and in the future and at the
16 end of that process we'll see where that puts us
17 and make sure that we're meeting the needs that we
18 have prioritized.

19 COUNCIL MEMBER MENCHACA: Thank you for
20 that kind of overall not only commitment but just
21 kind of view of, of where these funds are going.
22 There was something new though this year as well
23 that came from budget negotiations last June and
24 that was something what we're calling a carve out,
25 a, a kind of new policy, kind of a, a new policy

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can you describe what that is to, to the committee please?

JORDAN DRESSLER: I need to defer to my colleague.

SONIA LINN: Sure. Good afternoon..

COUNCIL MEMBER MENCHACA: If you can identify yourself as well.

SONIA LINN: This is Sonia Linn, I'm General Counsel with the New York City Mayor's Office of Immigrant Affairs and thank you for the question. Sort of following on what my colleague stated in terms of how we've seen the landscape shift in terms of need on the immigration legal services front. I think to address your question I think it's important to just, you know state again how, how dramatically we've seen needs increase in the areas of immigration legal services especially with respect to how immigration enforcement has really dramatically increased over the last year or so and you know just to paint that picture we've seen arrests by ICE more than double in the New York City area of responsibility and in fact with, with these arrests we've seen the arrest of immigrants without criminal convictions truly

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2 skyrocket over 400 percent and you know we're at a
3 state now where there's about 19,000 unrepresented
4 immigrants in proceedings here and so that just I
5 think goes to show, you know what we are
6 contending with as a city in terms of need for
7 immigration legal services so with that in mind
8 and you know in line with the city's really
9 historic response in investment in immigration
10 legal services, you know the policy of the city is
11 to support immigration legal services and to
12 connect immigrants with those very needed services
13 with the exception of for those who have been
14 convicted of a list of approximately 170 serious
15 criminal offenses so serious that they are on this
16 list of offenses violent and serious felony
17 offenses that the city council and the
18 administration, you know designated in the city's
19 detainer laws.

20 COUNCIL MEMBER MENCHACA: So, and let's
21 talk about that because that designation was, was
22 for what, just to detainers is that right, I, I
23 mean I worked on the piece of.. I just want to ask
24 the question?

25 SONIA LINN: That's right.

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COUNCIL MEMBER MENCHACA: So, that was for detainers, what... was that also... was that also something that was supposed to kind of go beyond detainers, how do... how do we jump from kind of classifying 170 crimes for detainers to representation, tell us a little bit about that jump?

SONIA LINN: Sure, I think I... we'll go back just to the context and the landscape here in terms of, you know the need for immigration legal services, the tremendous need, the intense fear and concern that exist in communities around the city and you know the, the fact of the matter is that although the city has made tremendous investment in immigration legal services, you know it is... you know we, we don't have the resources to represent every, every body and so we're making strategic choices and investments with the resources that we do have and prioritizing and making sort of reasoned determinations about the distribution of city tax payer funds, you know this is... you know the, the gap is a gap at the federal level, you know and you know the city alone is not going to address the failure of the

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2 federal government to secure representation for
3 everybody facing removal.

4 COUNCIL MEMBER MENCHACA: And I just want
5 to note that the other program that has now been
6 implicated into this kind of resource issue is
7 NYIFUP, the New York... the New York Family Unity
8 Project... Immigrant Family Unity Project and that
9 didn't have a carve out before so this is new, I
10 just kind of want everyone to know that this is...
11 this is essentially new to that and that has also
12 been placed on that in deportation proceedings and
13 deportation defense, is that correct?

14 SONIA LINN: You know I think and you
15 know perhaps Jordan can jump in with the... with
16 what I'm missing, my understanding is that the
17 NYIFUP model remains, I think one thing to note is
18 that the city is not the only actor here, you know
19 there are a number of funders in the landscape, of
20 course the city has made the, the largest
21 investment and as far as the NYIFUP program goes,
22 you know that the NYIFUP program continues to
23 screen, you know all immigrants and that the
24 policy applies to representation with, with city,
25 city dollars and that, you know in, in the last

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2 year there was sort of a negotiation with, with
3 the city council and the administration that
4 permitted the, the program to, to continue.

5 COUNCIL MEMBER MENCHACA: Okay and, and I
6 just want to note that, that the only argument I'm
7 hearing right now and we're going to keep talking
8 about this a lot is resource, resources and we're
9 in a budget meeting, budget discussion which is
10 great because if there is an actual dollar that we
11 can meet wouldn't it be great to hit another value
12 that I think we all appreciate which is due
13 process that everyone can do it, everyone.. or
14 everyone can get access to legal representation if
15 we understand the changes in need so I'm really
16 happy that that's, that's, that's a value but I
17 want to also just say that due process is, is, is
18 also a value and maybe my last question would be
19 how is.. how are the providers responding to this
20 kind of step that it sounds like we, we now have
21 to kind of figure this out in a lot of different
22 ways that there are some people who have no
23 criminal convictions and there are some that do
24 that fall under 170 crimes listed for a detainer
25 law and now they have to kind of do something

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2 different, can you tell us a little bit about what
3 you're hearing from the providers and how you're
4 addressing those needs and those issues?

5 SONIA LINN: Certainly.

6 JORDAN DRESSLER: Sure, I mean I think...
7 I, I don't want to speak for our provider
8 partners, but I think that there's a lot of
9 anxiety about the how this will be implemented
10 without a lot of proof on the ground that this
11 will actually change practice in any way. Every
12 indication is that the number and the scale of
13 folks who might fall within this category is very
14 small and it's not yet clear how if at all this
15 will affect the practices that these providers
16 administer and administer well. What I will say is
17 that we continue to dialogue about the
18 implementation, about the logistics and that's a
19 process that's just going to continue.

20 COUNCIL MEMBER MENCHACA: Great, so it
21 sounds like we're open to discussion, we'd like to
22 learn a little bit more about what's happening in,
23 in the dust beyond carve out decision last summer.
24 I'm really happy that we can continue this
25 conversation because I think this is going to be...

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2 this is where we talk about the budgets, it sounds
3 like this is really a budget issue that we can
4 really begin to dig in deeper about how we're
5 going to make this happen, this is... this budget is
6 designed by dialogue with the city council and so
7 I'm really happy that we're going to... we're going
8 to keep talking about this.

9 SONIA LINN: Thank you, I, I do want to
10 be clear that this is the city's policy and so,
11 you know the, the policy is that, you know the
12 city has... and again I, I, I... you know I, I want to
13 emphasize this because I do want to put it in
14 context, right, this is tremendous investment in
15 immigration legal services by the city with the
16 exception when it comes to individuals who've been
17 convicted of one of the limited lists of serious
18 offenses where, you know the administration, the
19 council did designate for a cooperation in the
20 detainer context which is different context but
21 related and so, you know I think it is... it's, it's
22 relevant to resources but it's also... it's, it's
23 also the policy of the city.

24 COUNCIL MEMBER MENCHACA: Okay, so this
25 is new... this is kind of a new perspective or... that

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2 I want... I just... I just want to make sure... so
3 you're saying that the, the carve out is the
4 city's policy and so... tell, tell us a little bit
5 about what... how, how that's... not legitimize but is
6 this... how did this policy... how does it live within
7 the context of a budget, legislation, etcetera
8 like how, how is that... how, how is that codified?

9 SONIA LINN: Let me try to respond to
10 your, your question... [cross-talk]

11 COUNCIL MEMBER MENCHACA: Yeah, please,
12 just trying to understand.

13 SONIA LINN: So, you know it's, it's,
14 it's codified with respect to how city taxpayer
15 dollars for these contracts are, are utilized and
16 again I think, you know to the extent you're
17 asking about why, why this policy, right, it is...
18 you know it is... [cross-talk]

19 COUNCIL MEMBER MENCHACA: Or more like
20 how, we get the why, I think we get the why...
21 [cross-talk]

22 SONIA LINN: Okay... [cross-talk]

23 COUNCIL MEMBER MENCHACA: ...just like how
24 because I'll just stop you there and this is... I
25 get... let me just get to my point... [cross-talk]

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SONIA LINN: Sure... [cross-talk]

COUNCIL MEMBER MENCHACA: ...is that this is not the city's policy this is the Mayor's policy, this is the, the kind of act of, of the Mayor and the policy... the city's policy is determined by the city council so we determine the policy and that's... so I just wanted to make sure that we, we clarify that because, you know five minutes ago we were talking about an open discussion about this, there's a resource question but then you kind of, you know hammered the point home which is that this is a city's policy and I want to reclarify that, this is the Mayor's policy and that the city council has the jurisdiction to create the city's policy and so we're going to... we're going to be moving now on two different paths; one a resource question to really understand the resources that are needed to get us to due process and then talk a little bit about the policy making as we get closer to the budget and so this is not the city's policy this is the Mayor's policy and you can confirm that if you want but that's how... that's how I understand it, that's how we're going to understand it as we move

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2 forward in this discussion so that we can get to
3 the goals that are really connected to IOI and
4 NYIFUP and, and just legal defense in general for,
5 for our... for our immigrant families.

6 SONIA LINN: Thank you.

7 COUNCIL MEMBER MENCHACA: Okay, thank
8 you.

9 CHAIRPERSON LANCMAN: Okay. So, I want to
10 understand the, the 170 crimes carve out, right,
11 which was rooted if I'm not mistaken in the, the,
12 the debate over NYIFUP, is that 170 crimes carve
13 out being built into any other contracts, any
14 other legal services contract, any other non-legal
15 services contract?

16 JORDAN DRESSLER: No. Chair if I can I'd
17 like to if you'll indulge me walk you through the
18 report and plan and finish my testimony?

19 CHAIRPERSON LANCMAN: No, I don't want
20 to... I... you can't sandbag me with the... how, how
21 many pages is the report?

22 JORDAN DRESSLER: The report is long, but
23 it won't take long to walk through it.

24 CHAIRPERSON LANCMAN: Yeah but... I don't
25 want to be just walked through it, I need to be

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able to understand it and formulate questions, I mean it's really inappropriate for you to sandbag us in this way to show up at the budget hearing and drop this report on us, I mean we don't even have the report, we'd have to go online to look at the report, it's really not appropriate so I have your testimony and we... [cross-talk]

JORDAN DRESSLER: So, I... [cross-talk]

CHAIRPERSON LANCMAN: ...will invite you back on the 20th and... [cross-talk]

JORDAN DRESSLER: So, I can't complete my oral testimony?

CHAIRPERSON LANCMAN: No, there's a time limit, there's a time limit on the hearing and at the start of your testimony if I recall you said you weren't going to read your testimony, you... it was written, and you were going to give us the highlights.

JORDAN DRESSLER: Yes, I haven't given you the highlights but understood.

CHAIRPERSON LANCMAN: Good, thank you. The witnesses are discharged. So, let's have the, the Criminal Public Defenders as our next panel. Let's hope this will be more pleasant. Raise your

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2 right hand, I swear or affirm that the truth...
3 that... I did it again... do you swear or affirm the
4 testimony you're about to give is the truth, the
5 whole truth and nothing but the truth? Terrific.
6 It's the end of a long day and we've gone over
7 what you need to hit so we're going to do five
8 minutes on the clock and if any of you feel that
9 you really need more time we will of course
10 indulge you so who's going first?

11 TINA LONGO: I'm going first.

12 CHAIRPERSON LANCMAN: Miss Longo.

13 TINA LONGO: Thank you Chair Lancman, I'm
14 Tina Longo, I'm the Chief Defender of the Legal
15 Aid Society's Criminal Defense Practice and a
16 Public Defender in New York City since 2002. In a
17 few short days we will be celebrating Gideon V.
18 Wainwright, the, the Supreme Court case that held
19 that poor people, vulnerable people, oppressed
20 people have a right to effective representation
21 and that the government has to pay for it when
22 people can't afford it themselves and I sit here
23 right now saying to you that across this country
24 there has been an unfunded mandate for public
25 defense. And so we've heard about lawsuits in New

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2 Orleans and Michigan, we've heard our colleagues
3 who are Chief Defenders in places like Chicago
4 talk about high caseloads, no resources and
5 dwindling funds and even upstate five counties had
6 to bring a lawsuit against the state forcing this
7 state to look at the inadequate funding provided
8 to upstate counties and here in New York City for
9 many years we thought but we're in a different
10 position, our county, our city understands the
11 importance of public defense and has provided
12 resources far above what our colleagues across
13 this country and just a few miles outside of this
14 city struggle with things like resources for
15 social workers and investigators, paralegals,
16 immigration attorneys but I stand here today to
17 say we are adding ourselves if we accept the
18 position of the city of New York in terms of their
19 funding dollars for public defense, we are adding
20 New York City to that list of unfunded mandates
21 and it's a sad day. My role is to present to you a
22 history of the last RFP cycle so that everybody
23 understands that stall and delay and no
24 escalations in our contracts are jeopardizing our
25 clients and our ability to represent our clients

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2 and is creating an unfunded mandate under Gideon.
3 So, on August 2nd, 2016 the Mayor's Office of
4 Criminal Justice issued a concept paper seeking
5 comment on the plans for them to issue an RFP that
6 would take place July 1st, 2017. We had been
7 operating under an RFP issued in July 1st, of 2011
8 so this was coming up to the sixth year of the
9 cycle. We held several meetings with MOC J as
10 public defenders to tell them the importance of
11 getting this concept paper right because the
12 landscape of representation was changing. We were
13 pleased to see actually in the concept paper that
14 is attached to my written testimony that there was
15 an embracing of the belief that the delivery of
16 quality trial level services requires more than
17 just criminal defense attorneys and that
18 wraparound services such as social workers,
19 immigration specialists, civil action attorneys
20 were an indispensable part of holistic defense.
21 Additionally, the concept paper included the
22 opportunity for the first time in a very long time
23 for defender organizations to bid for homicide
24 representation for clients charged in those
25 matters. While the breadth of services in the

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2 concept paper were broad, the anticipated dollar
3 of funding was actually not and we raised that
4 with MOC J in our response, a unified response
5 that we gave to them in September of 2016 we told
6 them, we foreshadowed that in fact 300 million
7 dollars across two years would keep us flat and
8 that in fact if you increase the services and
9 wanted us to do homicides in the way in which
10 clients deserve to be represented the dollar
11 figure would actually be 300 million per year. In
12 December 13th, 2016 MOC J issued the RFP for trial
13 level non-homicide and homicide representation and
14 the due date was February 16th, 2017 giving us
15 about six months or seven months to prepare, less
16 than that, to prepare to implement the contract on
17 July 1st, 2017. In June 2017 after months of
18 begging to get to a dollar figure to start our
19 contracts we were told by MOC J that they would
20 have to extend our contract and not start the RFP
21 July 1st but to start it July 1st, 2018, one full
22 year later and that in fact they would be keeping
23 our contracts flat except for a two percent COLA
24 that the Mayor's Office had promised. We obviously
25 spoke up loudly, again the defender organizations

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2 joined together and in July 2017 sent a joint
3 letter that is attached to my written testimony to
4 MOC J detailing our need for increased funding. No
5 funding was given and provided by MOC J as a
6 result. In August 2017 we were all invited
7 individually under the procurement process to
8 actually issue a best and final offer, it was at
9 this meeting that MOC J actually again indicated
10 that they understood that what we needed were more
11 services so they provided ratios to increase the
12 number of immigration attorneys, to in... to add to
13 our civil action attorneys that would deal with
14 things like employment, housing, benefits,
15 education, we were delighted by this. They
16 increased the ratio for social workers,
17 paralegals, and investigators again we were
18 delighted by this and we all began to plan
19 especially because MOC J told us at that meeting
20 that we would have to be prepared to implement all
21 services on July 1st, 2018 and that they would
22 provide us start up funds in April of 2018 three
23 months prior to start to prepare, to bring on
24 staff and train that staff to hit the ground
25 running particularly because we were going to take

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2 on homicides. So, we all did that, they asked for
3 budgets and for legal aid society as the citywide
4 provider I want to paint a picture, I had to
5 submit 66 separate budgets and boy was I happy to
6 do that because based on MOC J's assessment of the
7 situation and the funds that they wanted to
8 provide to us I was more than happy to provide
9 them the plan for how best we can service clients
10 and all my colleagues did the same. We were told
11 we'd hear a number around November of 2017, we
12 submitted those budgets almost immediately after
13 so there were many months to prepare. Well
14 November 2017, I'm losing count of the years, 2017
15 came and went, no notice, no information, we
16 reached out to MOC J, we were told we would hear
17 in December, December 2018 came.. '17 came,
18 nothing. We finally reached out again in
19 desperation and were told that we would hear
20 something in February of 2018, that also came and
21 went. So, finally on March 2018 MOC J contacted
22 all the providers to let us know that yet again
23 they would be seeking to extend our contracts
24 baselined, no additional funding except for COLA
25 for another six months that the RFP for non-

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2 homicides would not start now until January 1st,
3 2019. And just a few days ago we were told that is
4 likely that perhaps they'd be extending our
5 contracts now for a full year and that perhaps but
6 unsure that our homicide contracts would start
7 perhaps January 1st, 2019. So, that is the picture
8 of the lack of momentum in providing the public
9 defenders of this city the resources that we need
10 to meet the growing needs that you all just heard
11 were very present for our adversaries on the other
12 side to which I point out that their budgets have
13 gone up every year in small part and in large part
14 for the last eight years and on that I will turn
15 it over to my colleagues.

16 CHAIRPERSON LANCMAN: Thank you.

17 STAN GERMAN: German and I am Executive
18 Director of New York County Defender Services. We
19 are a public defender office who is tasked with
20 representing approximately 25 percent of the
21 people arraigned in New York County criminal
22 courts every year since 1997. Criminal justice
23 reform and the need to reverse the policies and
24 procedures that led to generations of mass
25 incarceration is thankfully at long last at the

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2 forefront of the minds and agendas of politicians
3 and policy makers in New York City and New York
4 State yet while public defenders are being asked
5 to create a new approach to our traditional method
6 of advocacy in the form of emphasizing the work of
7 social workers, investigators, data analysts and
8 civil attorneys to better address the immigration
9 and other wraparound services the Mayor's Office
10 has kept our budget for primary representation
11 essentially flat since 2011. I want to give you
12 some specific numbers, in the case of NYCDS, in
13 2011 our budget for primary cases was 7,236,000 it
14 remained at that exact level through fiscal year
15 2015. In fiscal year 2016 it was increased to 7.4
16 million dollars, a paltry increase of 215,000
17 dollars over an eight-year period. The increase
18 represented a one-time COLA increase of two
19 percent and a line item budget of 106,000 dollars
20 to hire a data analyst to comply with the ever-
21 increasing data demands placed on us by MOC J,
22 this is simply unsustainable. Today more is
23 expected of us than ever before, as we work with
24 all the criminal justice stakeholders to help
25 achieve the goals and quality of quality indigent

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2 defense and the city and states stated goal of
3 closing Rikers Island. I serve on the Mayor's
4 Working Group on closing Rikers Island, we
5 recently celebrated getting the city's jail
6 population down to 9,000 individuals. However, the
7 reality is that this decrease is simply resulted
8 from getting rid of the low hanging fruit in our
9 criminal justice system. To various city council
10 initiatives that decriminalize numerous offenses,
11 implementation and expansion of the Mayor's
12 Supervised Release Program and a change in
13 prosecuting decisions made by some but not all but
14 some of the city's district attorneys, we all
15 celebrated the lowest jail population in 36 years
16 but now the work really begins. If our jail
17 population is to decrease from 9,000 to 5,000 our
18 committed and scope of public defenders will have
19 to represent clients for far longer and far more
20 extensively than we have traditionally done so. If
21 we are to eliminate the revolving door of criminal
22 justice that has permeated New York City since the
23 1970s. For public defenders this necessitates a
24 significant increase in our budgets that better
25 reflects the economic reality of operating our

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2 offices in 2018 and beyond. So, let's talk about
3 some examples, in 2011 my office was paying 412
4 dollars per month to supply health care for an
5 individual person, today that number is 711
6 dollars, if you were a couple it was 986 dollars
7 in 2011, today it's 1,422 and if we're talking
8 about a family what was 1,341 in 2011 today is
9 2,027. Similarly, our rent has nearly doubled from
10 a 2011 price of approximately 55,000 dollars a
11 month to our current price of approximately
12 115,000 dollars a month, yet our budgets remain
13 flat. Everything costs more from pens to computers
14 to archiving files and of course the salaries that
15 we need to provide our staff if... to provide our
16 staff if we are to remain competitive and continue
17 attracting talented and dedicated people willing
18 to forego the high salaried private sector. Where
19 are we today and I'll speak about NYCDs in
20 particular, we are projected to have a 1.2-
21 million-dollar shortfall just for the extension of
22 the fiscal year, this doesn't include the RFP and..
23 or the wraparound services they want but just to
24 do what I've been doing. With this shortfall, fall
25 I will not be able replace lawyers that have

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2 either retired or left for new opportunities
3 unless something is done I will not be replacing
4 my departures and it puts NYCDS in... of not being
5 able to meet the standards set out by our state
6 legislatures. In terms of the RFP... I'll skip down...
7 in some it is unconscionable that we will enter
8 fiscal year '19 with essentially the same budget
9 for primary case representation that we had in
10 fiscal year '12. We urge the city council to
11 rectify this indefensible and dangerous
12 underfunding of indigent defense.

13 CHAIRPERSON LANCMAN: Thank you, who's
14 next?

15 MATT KNECHT: I'll go next. I'm Matt
16 Knecht, I'm the Managing Attorney of the Criminal
17 Defense Practice of the Neighborhood Defender
18 Service of Harlem. Thank you Chair Lancman and the
19 committee for holding this hearing and allowing us
20 to testify today. I'm here to urge this city
21 council, this committee and the council to
22 remember what I know that, that you all know
23 already very well, that fully functional public
24 defenders... a fully functional public defender
25 system is critical to ensure that clients receive

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2 the effective representation to which they are
3 constitutionally guaranteed. Not only are these
4 defense services critical for clients, their
5 families, and the communities from which they come
6 from, but they are also critical as we all work
7 together to reform the criminal justice system. In
8 2018 and as we continue to move further into the
9 future, the effective representation of clients
10 has become and will continue to become
11 increasingly complicated and resource intensive.
12 While it's true that the numbers of arrests and
13 arraignments have dropped in the city in recent
14 years the reduction in the intake of, of cases has
15 largely been comprised of low level, non-
16 complicated misdemeanor cases, types of cases that
17 were generally resolved at the first appearance at
18 the criminal court arraignment. Those cases did
19 not impact the workload of our staff in any
20 significant way and the workload... so the workload
21 of our attorneys today is virtually identical to
22 what that workload was before the number of
23 arrests went down. At the same time never before
24 have our clients who continue to be arrested and
25 arraigned been prosecuted by such well-funded and

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2 well-resourced police departments and district
3 attorney's offices and never before have our
4 clients faced such harsh collateral consequences
5 in family, housing, immigration, and other civil
6 venues. Our defense organizations must be
7 sufficiently funded to ensure that our clients are
8 effectively represented in this legal landscape
9 and that includes funding that allows for
10 sufficient numbers of staff attorneys, social
11 workers, investigators and paralegals. As some of
12 my colleagues have mentioned this is a very
13 exciting time in the world of criminal justice
14 reform. Those of us who care about criminal
15 justice reform are pretty excited about some of
16 the things that are going on. In recent years we
17 have seen a widespread and bipartisan support for
18 reforms from bail to discovery to mass
19 incarceration to caseload caps, these efforts have
20 been widespread. Here in the city with the support
21 of MOC J and of the city council we have seen the
22 introduction of a pre-trial supervision program,
23 an expanded commitment to diversion and a
24 realistic plan and commitment to close Rikers
25 Island. We applaud those efforts and note that the

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2 success of these programs thus far has required
3 among other things the really hard work of the
4 defense organizations that are here today. From
5 helping to develop citywide policies all the way
6 down to the frontlines in the courts where our
7 staff attorneys are advocating for their
8 individual clients the success of all of these
9 initiatives require that the organizations
10 representing these clients have the resources
11 necessary to do that work. I'm asking the city
12 council to consider the critical role that the
13 defense organizations have played in ensuring the
14 success of these initiatives when considering
15 budgeting for these programs in fiscal year '19
16 and beyond. Thank you again for the opportunity to
17 testify today about these important issues.

18 CHAIRPERSON LANCMAN: Thank you.

19 LISA SCHREIBERSDORF: I would like to
20 layer on what we've been talking about on the
21 criminal cases to mention that at least three of
22 us up here also provide services in family court
23 for people in child.. for parents in child welfare
24 proceedings and the similar type of drama, it's a
25 little different but a similar drama is working

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2 it's way through MOC J on family cases because the
3 number of child removals has gone up, it's... I
4 would say it's triple what it was a couple of
5 years ago due to increased activity by ACS and
6 despite our best efforts to get the city to be
7 able to pay us... so for example I'm the primary...
8 the primary provider of those services in Brooklyn
9 although working extensively to, to get adequate
10 funding to take care of all those cases that we
11 would like to do that we have the proper resources
12 including social workers and other specialized
13 services, education lawyers and things that are
14 really needed in those cases. Year in and year out
15 we have not been funded to do those overages or if
16 we are it's not adequate and so in my office for
17 example, going into 2019 the shortfall in my
18 office is close to six million dollars when you
19 add together the shortfall in the criminal as you
20 heard everything about and the family shortfall.
21 So... I also want to mention, I know it's not really
22 as much money but the NYIFUP contract which I
23 really appreciate you guys, you know talking
24 about, you guys... council members talking about
25 also will have a shortfall next year because the

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2 little bit of funding we were able to get to take
3 care of the 170 cases that were excluded is not
4 going to go into next year so there'll be another
5 shortfall in that budget as well which we'll talk
6 about more at the immigration hearing.

7 CHAIRPERSON LANCMAN: And that was
8 funding that came from the private sources...
9 [cross-talk]

10 LISA SCHREIBERSDORF: Right... [cross-talk]

11 CHAIRPERSON LANCMAN: ...that the speaker
12 was able to... [cross-talk]

13 LISA SCHREIBERSDORF: That they talked...
14 [cross-talk]

15 CHAIRPERSON LANCMAN: ...make happen, yeah.

16 LISA SCHREIBERSDORF: Exactly. So, now
17 with that in mind I wanted to just talk about some
18 of the testimony that you heard from the District
19 Attorneys today, we just did a quick back of the
20 envelop math and adding up the number of DAs in
21 Brooklyn, let's see there's over 500 I think I
22 heard well I have 100 criminal defense attorneys
23 in Brooklyn and Legal Aid has about 180 so that's
24 280 so if you think that we were originally had
25 parody with them even though they're trying to get

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2 parody with each other that's already where we're
3 starting from, we already have, you know a little
4 more than half of the... you know of the line
5 attorneys that they have. Let's say there's 100
6 private attorneys or other kind of attorneys so
7 maybe there's 380 active defense lawyers in a
8 borough that has over 500 prosecutors and I just
9 think that's an example of where we're starting
10 from, we never had the parody that we should have
11 had in the first place, we have done a lot with
12 very little and I think we've made New York City
13 very proud with what we have done. We have
14 established a continuum of care for our clients
15 that has made it possible to talk about all of the
16 changes that everybody wants to have and I just
17 want to emphasize what will happen when I have to
18 attrite... let's just say I have to attrite 20
19 people on my staff let's say ten of those are
20 attorneys, I mean it won't be enough to break even
21 but let's say I can do it, those ten attorneys the
22 caseloads they would have carried is now going to
23 be carried by all the other attorneys so now
24 attorneys who have time to do really good work and
25 avoid wrongful convictions because they have time

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2 to pour over the open file discovery that we get
3 in Brooklyn and read every line now they won't
4 have time to do that all the time on every single
5 case and they may miss the one clue that's buried
6 in the paperwork that might have exonerated their
7 client, they will no longer have the energy to
8 fight, you know unjust policies and, and you know
9 if things that are let's say applied differently
10 for different clients what happens is you now have
11 a staff that is exhausted and they, they... the
12 quality of the work can very quickly change and I,
13 I just want to say that I think it's really
14 important that we address this problem now. We
15 have done all that we can do over the years of
16 flat funding to save as much money as we can to
17 keep our staff motivated to keep our highly
18 dedicated and very talented staff that we are able
19 to get from around the country to come work here,
20 you know in one of the best... you know really in
21 the best public defender system in the country, we
22 are at the point now that it's all going to fall
23 apart so it's really important that the city
24 council take this moment and treat it very
25 seriously. We have never come to you to say solve

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2 this problem with MOC J, we have always found a
3 way to solve it ourselves, but this is the year
4 that we're saying we need intervention. I just
5 wanted to add one more thing which is you did ask
6 me about Raise the Age, we're having some concerns
7 about Raise the Age. I'm happy to talk about it if
8 you would like, you can ask... [cross-talk]

9 CHAIRPERSON LANCMAN: Well that, that's...
10 [cross-talk]

11 LISA SCHREIBERSDORF: ...questions... [cross-
12 talk]

13 CHAIRPERSON LANCMAN: ...going to be one of
14 my questions so let's... [cross-talk]

15 LISA SCHREIBERSDORF: Yeah... [cross-talk]

16 CHAIRPERSON LANCMAN: ...let's leave it to
17 that... [cross-talk]

18 LISA SCHREIBERSDORF: Okay. So, I think
19 with that in mind I'll pass it to Justine.

20 CHAIRPERSON LANCMAN: Great, thank you.

21 JUSTINE OLDERMAN: Good evening. I'm
22 Justine Olderman, I'm the Executive Director at
23 the Bronx Defenders. Thank you so much for having
24 us. I'd like to pick up on something that Lisa
25 talked about and that I think will ultimately end

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2 up helping to transition to the next group of
3 providers that are going to testify which is to
4 highlight not only the model at the Bronx
5 Defenders and the model that has been reflected by
6 the other panelists but also the experience of our
7 clients. So, I'm going to give you an example, we
8 don't have clients here testifying but I do want
9 to bring them into this room. We had a client,
10 I'll just call her D, she came to America with her
11 two young sons in 2016 fleeing sexual and physical
12 gang violence in her home country of Honduras.
13 Upon her arrival she and her children sought
14 placement at a family shelter, they went through
15 the long and arduous process of applying for
16 placement and they were repeatedly denied. By the
17 sixth time they went to apply for the shelter D
18 was exhausted, she was struggling with her
19 physical health, she struggled from Lupus but she
20 didn't have insurance and had no way to pay for
21 her medication and while in the long line her
22 young sons began to fight and the stress got to
23 her and she did something she had never ever done
24 before which was that she struck her young child.
25 Because she was in the shelter and within the

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2 shelter there was police officers there, she was
3 immediately placed under arrest. After her arrest
4 her boys were removed from their mother's custody
5 and placed in stranger foster care and within
6 weeks both were psychiatrically hospitalized due
7 to the trauma of the separation. At the Bronx
8 Defenders we represented D and her criminal family
9 housing and immigration case. Through our team of
10 advocates working collaboratively with each other
11 in constant communication about the complicated
12 interplay between the different justice systems we
13 ultimately were able to use that information to
14 advocate and today she resolved... we were able to
15 resolve her criminal case with a non-criminal
16 disposition that was immigration safe and did not
17 impact her asylum application. Her boys were
18 returned to her through our family defense
19 advocacy and she was finally accepted through the
20 help of our housing advocacy into a shelter, a
21 family shelter in the Bronx. Her asylum case is...
22 case is currently scheduled to be heard in August
23 2018, we do not expect... I'm sorry, August 2019, we
24 do not expect a decision however for years and in
25 the meantime, she's been granted temporary status

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2 and can live and work without fear of deportation.
3 Without question if we ask the members of this
4 council, if we asked MOC J, if we asked OCJ is
5 this what you want to provide to New Yorkers who
6 are forced to go through the justice system they
7 would all say yes but that ability to serve our
8 clients in that way is under threat for all the
9 reasons that you have heard. I won't repeat the
10 ones about funding but I do think that what's
11 helpful to note is that because we represent... we,
12 we... at the Bronx Defenders our interdisciplinary
13 model allows us to see not just what is happening
14 in the criminal context but to see the connections
15 across all of the different practice areas and all
16 of our different funding sources and as Lisa
17 highlighted we are seeing the exact same issues
18 across the board, we are seeing underfunding,
19 honestly with the exception of the money that the
20 city council has designated to the NYIFUP program
21 but we are seeing in every other area underfunding
22 that threatens our ability to serve the clients in
23 the way that this city wants us to be able to do.
24 Not only that what we are seeing is that there are
25 contracting and budgeting problems that plague

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2 every single one of our contracts that exacerbates
3 the funding deficiencies that have already been
4 testified to today so what am I talking about, I'm
5 talking about not just the delays with the RFP but
6 delays in contract amendments, delays in getting
7 our contracts registered, I'm talking about delays
8 in getting overages money when we exceed our
9 targets and the city is now required to reimburse
10 us for the cost that we laid out in doing more
11 than what they anticipated that we would do, we
12 are talking about delays in getting invoices paid
13 all of that exacerbates the funding crisis that
14 you have heard about throughout this afternoon but
15 there is one other thing that I want to bring to
16 this council's attention, which is that we're also
17 seeing, it was alluded to just a few minutes ago.
18 At the same time that we are seeing some, some
19 changes in the way that the city is thinking about
20 funding services for justice involved people in
21 ways that are, are heartening and are exciting for
22 us to be thinking about, we are also seeing
23 restrictions in unprecedented ways. What do I mean
24 by that? Currently under our model or under our
25 contract with the Mayor's Office of Criminal

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2 Justice we are allowed to use our funding to
3 represent people in immigration proceedings and
4 also in civil proceedings and there's no limit
5 except for our own allocation of resources to the
6 types of representation that we can do, it allows
7 us to go where the client goes, it allows us to
8 bring that level of expertise that we have. Under
9 the new RFP while they are separately funding
10 immigration and while they are separately funding
11 civil lawyers in ways that we're heartened by them
12 are restricting what we can do with that money and
13 limiting it to advice and counsel only. Now they
14 will come back to you and say and you can question
15 them about this on the 20th, Office of Criminal... of
16 Civil Justice will say and MOC J will say well
17 that's because now we have access to justice, OCJ
18 is now paying for that but OCJ is limiting how we
19 are able to intake our clients and we are only
20 able to intake our client if we are willing to
21 engage in an arraignment like intake process
22 through housing court which means we are intaking
23 clients that are not necessarily the clients like
24 D who are going through the criminal justice
25 system or going through the family court system,

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2 limitations there and then we see the limitations
3 on the IOI funding and the NYIFUP funding that
4 have already been talked about today. So.. [cross-
5 talk]

6 CHAIRPERSON LANCMAN: Okay, I just... I
7 just want to understand maybe I didn't ask the
8 question properly to Mr. Dressler but I, I thought
9 that I asked, are you referring to the, the 170
10 crimes and the limitations on, on, on
11 representation and.. [cross-talk]

12 JUSTINE OLDERMAN: Yes... [cross-talk]

13 CHAIRPERSON LANCMAN: So.. [cross-talk]

14 JUSTINE OLDERMAN: So, so those
15 restrictions apply to the IOI funding and it also
16 applies to the NYIFUP funding. What I think you
17 were getting at was a question about whether it
18 was now going to apply to the housing contract,
19 our understanding is that it is not, but it does
20 apply to IOI funding and it does apply to the 170
21 in ways we haven't seen.. [cross-talk]

22 CHAIRPERSON LANCMAN: I, I, I thought...
23 [cross-talk]

24 JUSTINE OLDERMAN: ...before, I mean...
25 [cross-talk]

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2 CHAIRPERSON LANCMAN: ...that... I thought
3 that my question was, was directly limited to
4 NYIFUP, I said is... I don't... maybe I'm remembering
5 a much smarter question than I actually asked but
6 I, I... if I had asked him is the 170-limitation
7 limited... exclusion limited to NYIFUP and he had
8 said yes, would, would... is that what I asked, is,
9 is... [cross-talk]

10 JUSTINE OLDERMAN: I think you asked
11 whether the 170 carve out applies to any other
12 contracts and the answer to that was no because
13 there had been a question about... when I say a
14 question I mean among providers, civil providers
15 and the council I think whether they were applying
16 that to let's say their housing contracts with the
17 providers, they are not doing that but the 170
18 applies to the IOI contracts and it does also
19 apply to the NYIFUP contract. When it comes to the
20 housing contracts now it's wonderful that they are
21 rolling out this expanded access to justice,
22 access to representation for tenants but they are
23 limiting the ways in which we can represent those
24 people in other words they're limiting the intake,
25 the ways we can intake those clients so a client

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2 like D for example would not... we would not be able
3 to represent her in her application for shelter
4 placement, that would have to ultimately end up
5 coming through a different funding stream possibly
6 by a different contract provider. Whereas before
7 under our criminal contract and, and as is the
8 case right now we were able to represent her
9 throughout so I just raised that so that as this
10 council is looking at contracting issues and
11 budgeting issues you are also aware of that at the
12 same time that the city seems to be expanding and
13 very much is trying to expand access to
14 representation in all sorts of different ways and
15 really looking at the model and trying to ensure
16 that they are recognizing the need for us to
17 address causes and consequences of various justice
18 involvement and that justice involvement tends to
19 get more justice involvement and that there's this
20 intersectionality, they are also creating limited
21 ways that make it difficult for us to meet our
22 client's needs.

23 CHAIRPERSON LANCMAN: Great. Okay, so
24 you're finished can I ask some questions?

25 JUSTINE OLDERMAN: Yeah.

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2 CHAIRPERSON LANCMAN: So, okay can, can
3 anyone tell us why either what they've been told
4 from MOC J or what you might be able to surmise
5 that MOC J put out this RFP without... and, and has,
6 has not acted on, on what, what it put out, right,
7 I don't... I've been to... I've been, you know
8 chairing this committee I guess for four years
9 now, well... yeah, I guess this is my fourth budget
10 hearing the issue of wraparound services and, and
11 interdisciplinary representation and all of that
12 is something that, that we've been talking about
13 has been very important to the council and to a
14 degree it's what, what MOC J tried to, to, to
15 embrace. I'm going to ask them on the 20th but what
16 have you been told as, as to... as to why?

17 TINA LONGO: Shoot, every time we have
18 raised this with the high level staff of MOC J or
19 Elizabeth Glazer what we hear is that they do
20 understand and in fact I actually think that they
21 were well intentioned and meant every thing they
22 said in the concept paper and in fact when we
23 raised an issue about our structure, the contract
24 structure, right now we are and since 2011 paid on
25 a cost for case, before... way before the concept

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2 paper came out we all met with the MOC J team and
3 said the cost for case model that's been used by...
4 and it was in place under the old administration
5 is fundamentally unfair because it... what it does
6 is it actually required the arrest and prosecution
7 of a lot of low level offenses to help us then pay
8 for the other group of people who were charged
9 with more serious crimes and so it created this
10 feeling like the system was being funded on the
11 backs of poor, black and brown people swept up on
12 broken windows policing. We raised that with Liz
13 and her team and in fact she agreed and continues
14 to agree. We're being told that it is OMB and that
15 the city right now is in dire straits and
16 concerned because of the potential cuts coming
17 from the city and state, we recognize that that is
18 perhaps a fear but again you have to figure out
19 how to fund the criminal justice system, you can't
20 leave it out of the equation, you can't restrict
21 contracts or exclude people or simply not fund us
22 and keep us flat because the Trump administration
23 is in play. In fact, now's the time to actually
24 fully fund us so that we could actually do what we
25 do best which is press against oppressive

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2 government including the federal government. So,
3 that's what we're being told, I'm looking forward
4 I think we all are to the official answer on the
5 20th but an... you know we have had... we have now have
6 to draw a line and make this as public as we can,
7 you know I... you know we are all... we, we heard the
8 parody push from the DAs and I have to say this
9 and, and often lately I find myself agreeing with
10 many of the points they're making, they are right,
11 their staff needs parody with Corp Counsel but so
12 do ours, their attrition is high, I have 56 open
13 positions many of them very... attorneys who wanted
14 to come here, came during our diversity efforts to
15 increase diversity of public defenders are leaving
16 to either go to better city positions, state OCA
17 positions same as the DAs or out of the
18 jurisdiction because New York City is simply too
19 expensive to live, pay your student loans and
20 start a family.

21 JUSTINE OLDERMAN: I just wanted to add
22 one thing, when they are here on the 20th I think
23 it would be helpful to ask about the interplay of
24 the different contracts because as I am in
25 conversations with the same people at MOC J about

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2 different contracts I am hearing that there is an
3 interplay. So, it's almost as if there is a fixed
4 amount of money that is allocated to MOC J and
5 what is happening with the family court filings
6 the messaging that we have been getting is that in
7 some ways it is eating up available funding for
8 other things and even when it comes to the family
9 defense funding we had a contract that increased
10 our targets and therefor to keep up with the pace
11 and therefor had to increase our monthly invoice
12 and they were asking us to bill them at the 2017
13 invoice because they actually could not afford to
14 pay us at the higher rate. So, there's something
15 about sort of the, the, the pot of money that they
16 have that has not actually expanded to meet the
17 growing need not only in the family defense world
18 but also in the criminal defense world and that
19 there, there seems to be a little bit of a... of an
20 interplay there.

21 CHAIRPERSON LANCMAN: So, could you tell
22 us how this has impacted your, your, your
23 practices in terms of, I don't know, caseloads
24 per, per, per attorney and also I think I
25 understand that some of you or perhaps all of you

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have invested or had invested in personnel and who knows what else in order to meet the, the requirements only to be told that those requirements and, and the money that comes with it aren't going, going to come into effect. So, so, how, how... what's the... some kind of measurement of the hardship?

STAN GERMAN: Right, so Lisa already alluded to this but if I have seven attorneys that have retired and or are leaving and they each have a caseload of 65 cases, you know that 420... you know 440 cases now has to be distributed amongst the remaining attorneys which now I'm seven less. It also means that those attorneys have to do more arraignment shifts so instead of them doing three arraignment shifts a month they're doing four arraignment shifts a month which means they're pending caseload goes up and then everything Lisa alluded to, right, in terms of getting to a place where they were able to get lower caseloads and then do more referrals and, and take a different approach to what they have traditionally done is in jeopardy and so if our choice is do we pay the rent, pay healthcare and pay our bills or do we

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2 replace the lawyers, we can't replace the lawyers
3 because we have to meet all those operating costs
4 and so it is going to... I mean we are at a
5 disadvantage, we were able to do this for a year,
6 now they're talking about six months potentially
7 another year and I for one cannot make it through
8 another fiscal year.

9 TINA LONGO: And the other thing, you
10 know I found myself sitting here listening to the
11 DAs being struck by how much I agreed with all the
12 things they were saying which is, you know sort of
13 for the first time perhaps but listening to them
14 just talk about the cost of attrition, so Stan's
15 talking about rising caseloads and increased
16 obligations to, to staff court parts what does
17 that lead to, it leads to greater attrition,
18 right, it leads to burn out at an exponential pace
19 and then not only do we have the costs that are
20 incurred, you know in the ways that Stan was just
21 highlighting but now we have costs incurred with
22 even if we did have the money in all of the
23 excesses of having to recruit, hire and train
24 people and all of the loss of knowledge and
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2 expertise that the DAs were talking about we see
3 the exact same thing when caseloads rise.

4 LISA SCHREIBERSDORF: Lost my thought.
5 Oh, I know I wanted to say that another thing the
6 DAs talked a lot about was how even though the
7 number of low level arrests have gone down the
8 pending load of felonies has not changed at all in
9 the last few years. I think the arrest rate hasn't
10 changed either on felonies, I mean it's gone a
11 little bit down but every... you saying it may be
12 up?

13 TINA LONGO: Just to, to set... I was at a
14 recent meeting where MOC J had data that showed
15 that the violent felony arrests are, are basically
16 pending at the same level but gun cases have gone
17 up...

18 LISA SCHREIBERSDORF: Right... [cross-talk]

19 TINA LONGO: Gun prosecution.

20 LISA SCHREIBERSDORF: So, we do not see...
21 you know when we measure our workload of our
22 attorneys by the cases that they have pending at
23 any given time and that workload has not changed,
24 you know as a whole for the office. So, every
25 person that you remove from that equation that

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2 workload has to get done by somebody else so if
3 you lose a social worker there's that many fewer
4 people that you can provide social work services
5 so you might have somebody that might have had a
6 chance to go to mental health court but you can't
7 necessarily establish their mental illness in a
8 way that gets them into that court. You lose a
9 paralegal, you lose an immigration attorney and
10 that's that many fewer people that can get really
11 good immigration advice and potentially even a
12 little more because in our office we have a
13 continuum of immigration care, if you come in with
14 a criminal case and that's... you know we have
15 people getting arrested by ICE at least twice a
16 week every week in Brooklyn now. So, if you get
17 picked up by ICE in court your attorney that you
18 already had, you know to advise you on your
19 criminal case can then put together what needs to
20 happen so that when you get to your hearing, your
21 NYIFUP attorney is ready to actually make a bond
22 hearing, you know request for you so there's a lot
23 of this sort of continuum that... it's just... it's,
24 it's going to evaporate very quickly and it took
25 us a very long time to put these things together

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2 and I agree we need the experts, I mean to have a
3 group of immigration attorneys that are operating
4 at that level and are able to step in and
5 understand exactly what needs to happen so that we
6 can actually give somebody a really good shake to
7 get out when they get to immigration court, I mean
8 that... you can't just replace that tomorrow with
9 another person.

10 CHAIRPERSON LANCMAN: I had asked you to
11 if you could give us a preview of what you think
12 the city or within the, the five boroughs it needs
13 to be looked at in terms of being ready for Raise
14 the Age, we are hoping to have a hearing on it
15 this spring but if you could give us a preview of
16 what you're seeing not happening or is happening
17 just the highlights?

18 LISA SCHREIBERSDORF: I mean it's a broad
19 question, I think they're trying, I mean I'm going
20 to say that I do believe that there are a lot of
21 meetings, they're being run by a combination of
22 people from MOC J and a consulting organization as
23 well as the court system through Judge Richardson-
24 Mendelson. We've been to I would say dozens of
25 meetings. Here are some concerns that I have, they

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2 have yet to decide how they're going to fund
3 basically the legal services within this, they
4 have yet to determine how they're going to staff
5 the court part, this is new different courtrooms,
6 they have yet to really say okay this is how we're
7 going to do it and they have yet to say what's
8 going to happen to the young people who start in
9 adult court let's and then transfer to family
10 court which is a very large group of people that
11 previously, you either kind of went to one court
12 or the other but now there's this other bucket of
13 cases so to speak. We did get a call recently from
14 OCA, now there's an... there's a... the, the problem
15 is that the city pays for the funding in adult
16 courts, but OCA pays for funding in family courts
17 for juveniles so there has to be some
18 interrelationship between the funding. OCA has
19 called us and asked us if we're interested and I
20 don't... they're going to start some kind of process
21 for contracting I think pretty soon but they also
22 are having trouble understanding what MOC J's plan
23 is which they have to overlay their plan on top of
24 MOC J's plan as they also do with other monies
25 that they... that they help fund, that's one problem

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2 that I think we face, you know it's just adding to
3 some of our stress and dilemma but there are a
4 couple of things that are going on that I think
5 are probably not really the best thing for clients
6 that have come up during these meetings and I just
7 thought I would just target those issues. The
8 first one is that for, for many of these young
9 people the, the deep... the police can release them
10 on what's called an FCAT meaning so the kid gets
11 arrested, let's say it's a marijuana case, they
12 give them an FCAT and they tell them to come back
13 to court, don't know the next day or the next day
14 after that, there are a certain group of, of young
15 people that are not given FCAT that the police
16 feel they need to detain basically for arraignment
17 which is called a different thing in family court.
18 Those young people are scheduled to go into the
19 new adolescent offender parts for their
20 arraignment but those are only open from Monday
21 through Friday. So, there was a discussion about
22 what to do on the weekends, sometimes you have a
23 young person they need to be arraigned on the
24 weekend, in fact a lot of our clients get arrested
25 on Saturday nights as you can imagine so currently

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2 they have a small time during the... in Manhattan
3 they bring JOs from around the city and that means
4 15 and under who are in that same circumstance and
5 they bring them to Manhattan and they arraign them
6 there from around the city. So, there's going to
7 be more, there's going to be a lot more and we
8 asked them to have one in every borough, I mean
9 for somebody to get from, you know Coney Island
10 and Brooklyn to Manhattan or from, you know the
11 Northern part of the Bronx into Manhattan it's,
12 it's really burdensome and that's what parents
13 have to do and if parents aren't there it's very
14 likely that the kid will be held another period of
15 time. So, we have been told that that's not going
16 to happen, that they're maintaining this practice
17 of, of doing these cases on the weekends only in
18 Manhattan. Now another option would be to open
19 family court and do the cases in family court and
20 I'm thinking that might be for a certain...
21 different... I'm... it's hard to keep track of which
22 group of young people would be in but the... one of
23 the reasons they don't want to open a family court
24 on the weekend, I mean it's budgetary but it's
25 also because there are other areas of family law

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2 where if there is a part open on the weekends that
3 they would have to give people certain rights. So,
4 for example if I have a client who's child is
5 removed let's say they have a right to a hearing
6 in three days but if there's a court open on the
7 weekend that might count towards the three days so
8 they're actually trying to interfere in some ways...
9 or they don't want to provide that so that is
10 concerning because it's very... it's a big
11 disadvantage for our parents to be able to get
12 into Manhattan. Another issue which I also think
13 isn't right, it isn't right and its not consistent
14 with Raise the Age is that right now in family
15 court you can only initiate a prosecution for a
16 misdemeanor and if you want to maintain a felony
17 charge for a 16 or 17 year old in family court it
18 has to start in adult court and then be moved to
19 family court. So, initially and neat... we're
20 talking about low level felonies so let's say
21 maybe it's a shoplifting over let's say the legal
22 amount and it makes it a felony so you're talking
23 about an E-felony, traditionally our DAs all have
24 reduced those cases to misdemeanors especially for
25 young people but if they decline to take the case

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2 because it's a misdemeanor then it goes to family
3 court only as a misdemeanor so originally the DAs
4 all agreed that that was a good plan and the
5 reason for that was it gets the kids out of the
6 precinct faster, the DA says no, I'm not going to
7 take the case, off they go with their FCAT to go
8 to family court but Corp Counsel did not want that
9 methodology they wanted the case to stay a felony.
10 So, now the kids are going to have to go to court
11 for their arraignment in adult court and then they
12 will get a lawyer, one of us and then that case
13 will then be transferred to family court. So, a
14 couple of things are happening in there that are
15 really against the model that Raise the Age was
16 designed to create so those are some examples.

17 CHAIRPERSON LANCMAN: Okay, good, anyone
18 else? So, lastly I had asked the, the DAs I'll ask
19 your offices as well, do you maintain demographic
20 data on your attorneys and would you be able to
21 share that with us, obviously we're not interested
22 in people's individual names but what your offices
23 look like and, and where those, those attorneys
24 are assigned, which courts and, and what they're...

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2 I guess maybe their titles are, so we know who are
3 supervisors and who are line attorneys?

4 STAN GERMAN: We, we do track that data
5 and I could provide that to you broken down by our
6 different contracts.

7 CHAIRPERSON LANCMAN: Terrific, just go
8 down the line.

9 MATT KNECHT: Yeah, we, we do track it,
10 for those of us who are in the first department
11 the IDOC oversight committee actually asks very
12 pointed questions about that, we are... in terms of
13 our attorneys about one third of our attorneys are
14 people of color, if you look at our total staff
15 it's about 40 percent and we've been pretty
16 consistent with those numbers.

17 CHAIRPERSON LANCMAN: Uh-huh.

18 JUSTINE OLDERMAN: We also keep track of
19 it, some of our funders require us to provide that
20 data so we ask people when they get hired, you
21 know if they self-report, some of it's in our
22 testimony but we can provide more detail.

23 CHAIRPERSON LANCMAN: Good.

24 LISA SCHREIBERSDORF: We do, a number of
25 years ago we have a... we're unionized obviously, we

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2 have three caucuses that represent black attorneys
3 legal aid, attorney of color... attorneys of color
4 legal aid and our LGBT caucus and our 1199 unions
5 created a joint management committee to look at
6 diversity and inclusion and we began to ask staff
7 to self-identify obviously people could opt out in
8 a whole host of identities that we believe are
9 important for us to make sure our recruitment and
10 our professional development and our workplaces
11 have the most diverse and most affirming place for
12 our staff to work so we have the data but we also
13 have training and inclusion programs, we have an
14 LGBT law and policy unit that does competency
15 training and litigation and we are launching our
16 racial justice unit and we've just posted for the
17 supervisor of that unit so we go beyond data to
18 really look at real in, intrinsic inclusion and
19 affirmation in our workplace.

20 CHAIRPERSON LANCMAN: Got it.

21 TINA LONGO: I had just pulled the basic
22 data on our attorney staffing so of our attorney
23 staffing this is across all practice areas, 38
24 percent report being people of color but in terms
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of the breakdown that you just specified I can get that for you and, and provide that.

CHAIRPERSON LANCMAN: Great. Okay and we'll follow up on that with a letter. Thank you all very much, appreciate your testimony.

LISA SCHREIBERSDORF: Thank you.

MATT KNECHT: Thank you.

CHAIRPERSON LANCMAN: Next will be our civil legal services providers. What's that? Several of them, yes. Our friends from the Legal Aid Society, the New York Legal Assistants Group, New York Lawyers for the Public Interest, Legal Services NYC and Legal Services Staff Association, come on down.

[off-mic dialogue]

CHAIRPERSON LANCMAN: Is, is the Center for Court, Court Innovation, are they still around, CCI, why, why don't you join this, this, this distinguished group of legal services providers and others. Alright folks, raise your right hand please, do you swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

AMANDA BERMAN: Yes.

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ADRIENE HOLDER: Yes.

CHAIRPERSON LANCMAN: Thank you. It's been a long day let's try to keep it to five minutes and do you want to start just go from left to right.

AMANDA BERMAN: Good evening, good evening Chair Lancman and members of the Justice and Public Safety Committees, I appreciate your time especially at this late hour, I'll try to make it brief. My name is Amanda Berman, I am the Project Director of the Red Hook Community Justice Center which is a project of the Center for Court Innovation and I'm here to urge the council to support the Center for Court Innovation as it seeks to strengthen and expand public safety, alternative to incarceration, youth diversion and access to justice programs through one million dollars in support from the city council in fiscal year 2019. This would include a 500,000-dollar continuation of funding for our ongoing operations and an additional 500,000-dollar enhancement which would help us to advance the city council's goals of improving fairness and working towards the closure of Rikers Island. Support from the council

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2 is crucial to the continuation of our public
3 safety and alternative to incarceration programs
4 throughout the five boroughs. Our programs which
5 include the Red Hook Community Justice Center, the
6 Crown Heights Community Mediation Center, SOS
7 South Bronx, the Midtown Community Court, Bronx
8 Community Solutions, Queens Youth Justice Center,
9 Staten Island Youth Justice Center... Staten Island
10 Justice Center amongst others have been documented
11 by independent evaluators to improve safety,
12 reduce incarceration and enhance public trust in
13 government. We work with tens of thousands of New
14 Yorkers each year at these project sites and the
15 vast majority of the people that we serve are
16 youth, LGBTQ, immigrants, low income or people of
17 color. Through our ongoing partnership with the
18 city council we've worked to reduce incarceration
19 and we've made New York City safer for all. So,
20 with expanded support from the council the
21 Center's youth diversion programs would be a
22 vehicle to the successful implementation of Raise
23 the Age reforms beginning in October of this year.
24 The Center's diversion programs in each of our
25 boroughs currently serve thousands of young people

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2 each year through programs such as counseling,
3 academic support, and workforce development.
4 Support from the council will enable the center
5 programs to serve an estimated 30 percent more
6 vulnerable at-risk youth who will soon be charged
7 with delinquency in family court by providing
8 meaningful off ramps to detention whenever
9 possible. The Center for Court Innovation is also
10 making a deep investment in improving access to
11 civil justice. Our work in this area includes
12 linking tenants in housing disputes to benefits
13 and social services assistance. Our programs also
14 aim to arm New York City residents facing housing,
15 immigration, and employment issues with legal
16 information. Council support will allow us to
17 expand our justice... access to justice work and to
18 serve hundreds of additional low income New
19 Yorkers. The city council's support has been
20 invaluable to the success of the Center for Court
21 Innovation, we look forward to continuing to work
22 with the council to reduce incarceration and to
23 enhance youth justice and access to justice. We
24 respectfully urge you to continue to support our
25 work and I thank you again for the opportunity to

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2 speak, I would be happy to answer any questions.
3 Thank you.

4 CHAIRPERSON LANCMAN: Very good, you.

5 JAY ACKLEY: Thank you, good afternoon, I
6 am Jay Ackley, I'm the Treasurer and an Executive
7 Committee Member of the Legal Services Staff
8 Association and I'm a Senior Grants and Contracts
9 Management Specialist at Legal Services NYC. Thank
10 you Council Member Lancman and the members of the
11 Committee on the Justice System for allowing LSSA
12 to testify about our work with the city council on
13 behalf of low income New Yorkers. We at LSSA are
14 the staff employees of Legal Services NYC and
15 mobilization for justice, we are part of the
16 national organization of legal services workers
17 and the UAW, we represent all non-management staff
18 employees at LSNYC and MFJ including paralegals,
19 secretaries, attorneys, social workers, process
20 servers and maintenance workers. The city council
21 has been tremendously supportive of the work that
22 we do and has asked LSNYC to be one of the major
23 providers of New York City's expanded efforts to
24 fight displacement and gentrification first
25 through the tenant's rights campaign and now with

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1
2 right to counsel. We appreciate the faith and
3 responsibility you've placed in our staff and our
4 union members to serve the low-income tenants of
5 New York City. This is a tremendously important
6 step forward for tenants, we hope that as this
7 program continues to expand that the city council
8 continues to look for ways to fully fund these
9 services. You know the right to counsel though it
10 provides an unprecedented amount of funding still
11 does not fully fund the work that is being asked
12 of providers. This forces providers to cut corners
13 making tough decisions to not hire a social worker
14 who could connect clients to needed services or
15 talk to a tenant in a mental health crisis, hiring
16 fewer process servers and secretaries and
17 paralegals that we really need. This results in
18 support staff being overloaded and attorneys
19 having to take on overwhelming amounts of
20 peripheral administrative work leading to
21 widespread frustration and inefficient delivery of
22 services. Underfunding of the actual cost of the
23 work also forces us to cut corners by spending
24 less time on each cat... case than our clients
25 deserve. We do not want to become factories

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1
2 turning out proformas stipulations of settlement,
3 our clients deserve more than that. Please help us
4 by fully funding what it actually takes to provide
5 quality representation. The rapid pace of
6 expansion has also placed tremendous strain on the
7 courts physical locations, our advocates are being
8 forced to meet with new clients in the hallways
9 and stairwells of courthouses. Not only does this
10 compromise their confidentiality to share their
11 stories within earshot of strangers and landlord's
12 attorneys it is tremendously undignified and
13 insulting to force tenants to do this. It also
14 puts them at risk, at risk of identity theft as
15 they must share sensitive identity information in
16 a public setting and for many tenants at risk of
17 detention by ICE as ICE agents are targeting court
18 houses looking for immigrants. The other challenge
19 I'd like to raise is the administrative burden and
20 delay posed by the city's cost reimbursement
21 system, this time required to voucher for the work
22 creates a significant administrative burden that
23 cuts into the time available to provide the actual
24 client services. This vouchering process can be an
25 impediment to the work particularly when

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2 receivables can remain outstanding for extended
3 periods of time. Our staff and organizations want
4 to do the best work we can for tenants, please
5 help us by continuing to identify additional
6 sources of funding for this work, finding
7 confidential space within the courthouses to meet
8 with tenants and by finding ways to streamline and
9 reduce the administrative burden on programs.
10 Turning toward a new program on the horizon we
11 want to express our strong support for the
12 proposed funding for legal services for low wage
13 workers. The rights of immigrant workers, workers
14 of color and low wage workers are all under
15 attack. Our members at LSNYC and MFJ work with low
16 wage workers whose employers steal their wages,
17 discriminate against them based on past criminal
18 histories and more. The need is urgent, we can and
19 must do more to support these workers. Non-profit
20 legal services providers and worker centers have
21 the will and ability to keep these workers... to
22 help these workers in a way that private attorneys
23 cannot and do not. Your direct funding of legal
24 services providers and worker centers will help us
25 expand our support to individual workers as well

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as workers organizations who organize groups of
workers to achieve justice and obtain wages that
have been stolen from them. thank you.

CHAIRPERSON LANCMAN: Thank you, Raun.

RAUN RASMUSSEN: What he... what he said.

I'm, I'm Raun Rasmussen, I'm the Executive
Director of, of Legal Services NYC and with my
colleague Jay Ackley from the Legal Services Staff
Association we thank you Council Member Lancman
and all the members of the committee for your
support for civil legal services and justice in
New York City. I want to make three short points.
The first is that even with significant funding
from the city and the state there are millions of
New Yorkers, low income New Yorkers who are not
getting access to the services, to the legal
services that they need. The report of the, the
November 17... 2017 report of the New York State
Commission, Permanent Commission on Access to
Justice showed that we're serving at best a third
of the people who need our services and there are
in New York City alone there are 1.7 million low
income New Yorkers with incomes under the federal
poverty level which is only 25,000 dollars for a

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2 family of four, it's impossible to imagine living
3 on that amount and impossible for those people to
4 get the services that they need to survive and the
5 situation as you know and we all know make it
6 worse with what is going on in Washington
7 including the elimination... the potential
8 elimination that has been proposed by the
9 President for the past two years of the legal
10 services corporation. The loss of that funding
11 would be 385 million dollars for the nation, 21
12 million in New York State and 11.7 million dollars
13 here in New York City that would be taken away
14 from services for low income New Yorkers. The
15 second point I want to make is to first of course
16 thank you for your leadership in creating and
17 helping to implement the universal access to
18 counsel but we have a concern. In addition to the...
19 to the, the issues that Jay raised just a minute
20 ago we have been told that over time the funding
21 for the universal access to counsel will become
22 the only funding that's available for housing work
23 and that will mean that our services will be
24 focused exclusively on eviction defense work and
25 not include... and not be able to include the

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2 important affirmative work that's necessary to
3 make sure that we don't continue, continue to
4 hemorrhage rent regulated apartments because we
5 can't sue landlords affirmatively to prevent them
6 from on mass as is going on throughout the city
7 illegally registering rents, illegally increasing
8 rents, illegally de-regulating rents. There are
9 laws that this council has passed to prevent the
10 discrimination of source of income to allow
11 tenants to sue for harassment that will not be
12 able to be implemented or enforced unless there
13 are legal services that can do that work, unless
14 there's funding that can do that work so this is
15 not an immediate problem but we want it to
16 continue to be part of the conversation that if
17 the funding is solely focused as we've been told
18 it will be over time on eviction defense work
19 that's not enough and that's not... [cross-talk]

20 CHAIRPERSON LANCMAN: So, so when...
21 [cross-talk]

22 RAUN RASMUSSEN: ...that's not going to be
23 good enough... [cross-talk]

24
25

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2 CHAIRPERSON LANCMAN: ...would you... when
3 would you... when would you see that actually
4 happening if it happens like... [cross-talk]

5 RAUN RASMUSSEN: Well fortunately right
6 now there's funding for the, the TRC, Tenant
7 Rights Campaign work which is part of the... what
8 was rolled out last year and the year before in
9 areas that are subject to rezoning, that... some of
10 that funding is projected to in... to continue in
11 East Harlem but in the Bronx for example where
12 there's a massive rezoning plan there's no
13 guarantee of continued funding there to do the
14 kind of affirmative work that I'm talking about
15 and it's unclear, there's not a... there's not a
16 longer term commitment from the city to fund that
17 kind of work so it's something that we're talking
18 with the city about, they're very aware of our
19 concerns about this but we want to make sure that
20 you are too and that this conversation continues
21 to be part of what is discussed and considered
22 with respect to, to funding.

23 CHAIRPERSON LANCMAN: Got it...

24 RAUN RASMUSSEN: So, the last point that
25 I want to make is that as Harvard University

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2 Professor Matt Desmond has said in his book
3 Evicted, without housing everything else falls
4 apart but for our clients even with housing
5 everything else is falling apart and that's
6 because that's what poverty does. Without finding
7 for services for special education, for safety
8 from domestic violence, for people who are
9 disabled who need to increase their incomes by
10 applying for federal disability assistance, for
11 low wage workers who need help getting
12 unemployment insurance, without funding for those
13 services our clients will continue to be hurt and
14 so we're, we're very grateful for the funding that
15 the council has provided through legal services
16 for low income New Yorkers and we in, in
17 partnership with the Legal Aid Society and the New
18 York Legal Assistants Group are asking for an
19 increase in that funding for the coming year. So,
20 thank you very much for your support.

21 CHAIRPERSON LANCMAN: Got it.

22 ADRIENE HOLDER: Good afternoon. I'd like
23 to... I think it is on, yeah, you can hear me,
24 right? Okay, thank you. Good afternoon, I really
25 do appreciate at this late hour that you all are

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2 still here, it's been a very long but very
3 informative day. If I can just continue on what
4 Raun Rasmussen said, one of our major partners
5 here as, as well as the other providers here,
6 using Matthew Desmond his book Evicted has turned
7 into our bible but he says quite eloquently as
8 mass incarceration is for black men, eviction
9 basically has become a real problem for black
10 women and their families and what we're seeing
11 more and more as the... our practice has expanded in
12 housing is that there still are these other
13 issues, there always have been these other civil
14 legal services issues that have come out of the
15 cases but as we've expanded our housing practice
16 significantly and as we've expanded our
17 immigration practice during the pendency of those
18 cases there are still a whole host of other civil
19 legal services issues that fall out of those cases
20 as well as issues that arise throughout the
21 community and issues that arise outside of
22 targeted zip codes or rezoned areas and so that is
23 why together as a community we're asking for some
24 enhanced resources with the low, low... legal
25 services for low income New Yorkers funding and we

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2 would like to see that funding increased so that
3 we can continue to provide those wraparound
4 services that come in as well as augment all the
5 civil legal services, services that we still are
6 lacking the capacity to be able to provide. I'd
7 like to call your attention and this can't be
8 stated enough that we are concerned about the
9 shortfalls in funding that we're going to be
10 experiencing as we continue to roll out universal
11 access, we are very grateful for that legislation
12 that came about in August but we still remain very
13 concerned with their not being a clear
14 understanding as where we will land with the full
15 funding. Not only that it be a robust and
16 comprehensive housing practice where we can
17 actually talk about staving gentrification and
18 displacement of our communities with affirmative
19 cases as Raun has stated whether it's bringing
20 affirmative cases, working with tenant
21 associations and buildings but it's also the idea
22 that the additional space that is required for us,
23 us, our employees as well as what the courts are
24 going to have to do to try to accommodate the
25 joining of counsel. The ideas that the, the

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2 staffing that's required and even the
3 administrative requirements of this funding is
4 something that there is a shortfall and so we're
5 concerned about how we're supposed to pay for this
6 expansion, very needed and very grateful to have
7 the opportunity but want to make sure that it's
8 done in a way that's responsible and a way we can
9 actually sustain the program. I appreciate so much
10 this council's support, very, very obvious support
11 of immigrants and immigrant rights and even this
12 past summer the real issue that we encountered not
13 only with all of the immigration expansion but
14 particularly with the New York Immigrant Family
15 Unity Project, I am so glad that you all remain
16 diligent in trying to make sure that we preserve
17 that program and I'm so grateful to the city
18 council that they continue to fund that program.
19 We ask that we be able to continue with that
20 funding and that there continue to be
21 consideration by the council on how complex and
22 difficult those cases are not only in the legal
23 issues that they present but also in the fact that
24 the, the program is one that's quite involved
25 because so many of our staff have to travel to New

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2 Jersey or upstate to visit the clients, there's
3 not readily available technology that allows them
4 to deal with some issues with the clients remotely
5 that a lot of the clients continue to have issues
6 with the conditions of the jails where they're...
7 where they stay and that there are... continue to be
8 medical issues but we thank you and lastly if I
9 can quickly... we are very excited about the
10 prospect of being able to have legal services for
11 low wage workers. Again, it's a big issue that we
12 continue to see for many years, it is a shame that
13 so many folks in our community continue to qualify
14 for civil legal services yet have one, two and
15 sometimes three jobs and are often times
16 exploited. We look forward to being able to
17 participate in a robust representation of low wage
18 workers whether it's through discrimination, labor
19 trafficking, dealing with UI issues, dealing with
20 criminal record discrimination, we are, and we
21 stand ready to do this work but also to see an
22 expansion to be able to safeguard their rights.

23 CHAIRPERSON LANCMAN: Thank you.

24 BETH GOLDMAN: Chair Lancman thank you
25 and thank you to the members of the committee for

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1
2 the opportunity to testify here today. My name is
3 Beth Goldman and I am the President and Attorney
4 in Charge of the New York Legal Assistance Group.
5 When we were all here a year ago, I think we all
6 were here with a lot of trepidation about what was
7 coming, we had reason to be fearful and I think we
8 have found that many of the concerns we had at the
9 time were in fact valid and so today I think I
10 want to emphasize two things some of which I think
11 really have been ably said by my colleagues here
12 but I want to echo some of the, the things that
13 they have raised. I think the first thing I want
14 to do is of course emphasize how extraordinary it
15 is that the city has done what it has done, and I
16 think it's... well I share the concerns that my
17 colleagues have about universal access and how
18 it's going to play out in terms of the funding. I
19 do think it's too soon for us to be... to, to not be
20 impressed and proud of where we are and what we're
21 doing and, and we, we are already seeing the
22 results, we're already seeing the impact that
23 we're having and just the... both in the volume of
24 cases and in the, the impact generally. I think we
25 also find given our model which is a community-

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2 based model, we were out there in the community
3 that our sense is that when this is fully
4 implemented our ability to get cases from all over
5 and actually help people from all over the city
6 where we find them will be quite extraordinary
7 and... to keep them in their homes. On the
8 immigration front again, the city council and the
9 administration's commitment has been
10 extraordinary, we are all seeing things on the
11 ground that are just hair raising in terms of how
12 the federal government is dealing with immigrants.
13 I will share one strange thing, I mean we are
14 doing... we are seeing things even in something as
15 straightforward as naturalizations where somebody
16 has every qualification, we have looked at every
17 box, they seem to be eligible and they walk in for
18 their naturalization interview and they are served
19 with a notice to appear in placed in removal
20 because under this intense scrutiny that's now
21 going on somebody found something in an affidavit
22 written by a sponsor that turned out not to be
23 accurate and fraud is being attributed to this
24 immigrant. So, these are the kinds of things we're
25 all seeing and so the value of the commitment of

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2 the city to providing services particularly to
3 deal with removal cases is exceptionally important
4 and it continues to be something that kind of
5 blows your mind when you see what's going on, on
6 the street. So, the other point I wanted to make
7 again similar to what you heard before is not
8 withstanding all of those commitments and needs
9 are just tremendous and there are a few places
10 that we want to focus on but if we're really going
11 to close the justice gap and if we're going to
12 alleviate persistent poverty we, we have to look
13 at other things. Now again we've already talked
14 about low wage workers, it's an area where there's
15 great need and there really are not private
16 attorneys who will take those cases, there's
17 simply not enough in fees for them to help them.
18 We have a very small unit that does this kind of
19 work and we focus on discrimination in particular,
20 there's no doubt that the, the people serving low
21 wage jobs are by far the most vulnerable and do
22 not have the remedies and the employers know that,
23 so we are really eager to pursue that. The other
24 particular areas I'd want to emphasize are
25 children with special needs and getting them

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2 special education. It is very difficult to
3 maneuver through this very complicated system that
4 we have in New York City and without attorneys to
5 help through the process somebody with low income
6 will most likely not be able to get what they need
7 for their child and if you talk about something
8 that will help poverty persist the absence of
9 education is certainly one of those things. I also
10 wanted to mention seniors and students with
11 consumer debt, consumer issues we are seeing an
12 increase in the, the kinds of issues that are
13 face... that seniors are facing from aggressive debt
14 collectors and without help to help them vacate
15 judgements and get them a favorable out, outcome
16 they really... they face many other problems. I
17 wanted to mention one not very popular issue but
18 actually it came up in something that Justine said
19 earlier which is shelter advocacy. We are seeing
20 people... as we want to get people out of shelters
21 but sometimes we really need to get people into
22 shelters and we are seeing people who are being
23 sent out into the street rather than being
24 accepted into shelters and it's an area at the
25 moment that we really think funding should be

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2 considered and I will not continue with the other
3 items to spare you.

4 CHAIRPERSON LANCMAN: Thank you.

5 BEN MCGREGOR: Good evening, I'm Ben
6 McGregor Smyth, I'm the Executive Director of New
7 York Lawyers for the Public Interest. Thank you
8 Chair Lancman and the rest of the committee for
9 inviting all of our testimony today. I, I wanted
10 to focus in my short time on, on the particular
11 legal needs at the intersection of health and, and
12 immigration. For the past four years we've been
13 honored to be a part of the city council's
14 immigrant health initiative along with our
15 community partners, the Academy of Public... Medical
16 and Public Health Services, Bronx Health Reach,
17 Grameen VidaSana and Plaza del Sol and together
18 the partners have received a half a million
19 dollars in funding in this year from, from the
20 council to do, you know really important work
21 around creative legal and medical advocacy to
22 really win life changing and life sustaining
23 medical care for immigrant clients who didn't
24 otherwise have, have access. We have two, two main
25 areas of, of services, one is connecting seriously

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2 ill unauthorized immigrants to full Medicaid and,
3 and life changing care and the second piece is
4 improving health care in immigration detention
5 where many thousands of New York City residents
6 are held and are facing the human rights crisis
7 in, in the health care there and you know of
8 course the framework for this is the... is the
9 exploding and, and unpredictable immigration
10 enforcement that we're seeing across the city and
11 across the country. I just wanted to give you two
12 examples of services that our, our, our clients
13 have, have received and then I will end there. One
14 is Miss O who's a Bronx resident with in stage
15 renal disease who is from Guana and had received
16 treatment for many years from Broadway Dialysis in
17 Elmhurst. Her, her doctors actually referred her
18 to NYLPI for... at a comprehensive immigration
19 screening to, to see if there was any way of
20 connecting her to more care, she had no hope
21 without a change in her status. After an
22 immigration application we were able to connect
23 her with full Medicaid and after a lot of follow
24 up, legal advocacy she was on a... she got on the
25 transplant list and just a few months ago got a

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2 life changing kidney transplant. The second one
3 that, that I want to talk about is in the
4 immigration detention context and that's after a
5 year and a half in immigration detention our
6 client Mr. S was racked in pain, covered in sores
7 and was at risk of acute infection from his time
8 in immigration detention and his health had
9 deteriorated just drastically in his time there.
10 He was... he had lost over 60 pounds, he was... often
11 couldn't get out of bed or even move his hands and
12 faced the immediate risk of complete joint
13 denigration. When his immigration attorneys got in
14 touch with us they were in a crisis and our team
15 mobilized and was able to connect him with a, a
16 network of volunteer medical experts that we've
17 put together who were able to do an assessment of
18 the health risks that he faced in immigration
19 detention and put together a, a package for
20 humanitarian release to the Department of Justice
21 and four days after we met him he was released
22 into his community and is now at home in
23 Washington Heights getting the care that he, he so
24 desperately needed. And so, what we're asking for
25 the... for the council is that it renew its

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2 tremendous support for the immigrant health
3 initiative and all of our partners and include an
4 enhancement of 100,000 dollars to deal with the
5 extreme risk that our client communities now face.
6 Thank you very much.

7 CHAIRPERSON LANCMAN: Thank you, please
8 don't be insulted if I don't ask you any
9 questions, we know each other well, we know what
10 we have to do, thank you very much.

11 BEN MCGREGOR: Thank you.

12 CHAIRPERSON LANCMAN: Whoever's left
13 standing, not you, you get your own panel, brief
14 as it will be. Come on down. Okay, they're closing
15 the room in 20 minutes at 6:50 so I don't want you
16 to feel rushed I just want you to get to the
17 point. Would you please raise your right hands, so
18 you can be sworn in? Do you swear or affirm that
19 the testimony you are about to give is the truth,
20 the whole truth and nothing but the truth? Thank
21 you very much, would you like to start ma'am?
22 Thank you. Yeah, the little button.

23 JANE LEE: There we go, apologies. Good
24 afternoon, my name is Jane Lee, I'm a Staff
25 Attorney at the Community Development Project of

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2 the Urban Justice Center which is a member of the
3 legal services for the working poor coalition.
4 Thank you for the opportunity to testify today.
5 The legal services for the working poor coalition
6 is made up of five civil legal services providers,
7 CAMBA Legal Services, Housing Conservation
8 Coordinators, MFJ Legal Services, Northern
9 Manhattan Improvement Corporation and the Urban
10 Justice Center. We provide comprehensive civil
11 legal services to working poor New Yorkers who
12 would otherwise not be able to afford an attorney.
13 Together we have a combined history of serving New
14 Yorkers for more than 125 years and help over
15 30,000 New Yorkers annually, a majority of them
16 immigrants. Our coalition was created 14 years ago
17 and with the support from the city council we have
18 addressed the civil legal service needs of
19 thousands of working poor and other low income New
20 Yorkers who are otherwise not eligible for free
21 legal services. In the last few fiscal years the
22 city council has added not only more funding to
23 this initiative but has supported this initiative
24 by adding additional organizations so that more
25 low wage and working poor New Yorkers can receive

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2 the critical legal services that they need to
3 stabilize their lives. The working poor are
4 individuals whose financial situations are only
5 slightly better than our poorest citizens and who
6 cannot afford an attorney when they are faced with
7 legal problems such as foreclosure, unpaid wages,
8 bank account seizure, a denial of government
9 benefits such as unemployment compensation or SNAP
10 food stamps, the need to adjust their immigration
11 status or a non-payment petition from a landlord.
12 Several years ago, Chief Justice Lippman convened
13 a task force which found that even with current
14 legal funding legal services organizations meet no
15 more than 20 percent of the need of low and
16 moderate income New Yorkers for civil legal
17 services. This council's funding for, for legal
18 services for the working poor is the only funding
19 that specifically targets the civil legal needs of
20 working people to ensure a continued self-
21 sufficiency for working families struggling to
22 survive in New York City. We urge the council to
23 restore and increase funding for civil legal
24 service, service initiatives overall and for the
25 legal services for the working poor allocation in

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2 particular. We are asking that the council
3 increase funding for this initiative from
4 approximately three million in fiscal year '18 to
5 3.6 million which would increase the funding for
6 each of the 11 current providers by 50,000 dollars
7 each which would allow each organization to more
8 adequately meet the pressing need for these
9 services. Thank you very much.

10 CHAIRPERSON LANCMAN: Thank you.

11 RACHEL BRAUNSTEIN: My name is Rachel
12 Braunstein and I'm the Managing Policy Attorney at
13 Her Justice, a non-profit organization that stands
14 with women living in poverty in New York City with
15 a pro bono first approach. By training and
16 mentoring volunteer attorneys to address
17 individual and systemic needs. We recognize this
18 to be a shortage of lawyers for low income New
19 Yorkers, pro bono services are necessary and
20 important complements to legal services in our
21 view and we work to identify the best places to
22 offer help. I'd like to highlight three elements
23 of our practice briefly. Child support proceedings
24 are of growing concern to us, over 90 percent of
25 people who go to court for child support are

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2 unrepresented. For many people like our client's
3 child support is critical but proving the other
4 parent's income can be complicated. With lawyers
5 in the room there's someone to ensure that
6 procedure is followed, and litigants understand
7 the proceedings. With such a low representation
8 rate we're concerned about lost income for poor
9 custodial parents so this year we watched a court
10 watching program that focuses on the clarity of
11 information conveyed to litigants and their
12 opportunity to be heard. This past year has been
13 one of deep turmoil for our clients particularly
14 for those born outside the United States by
15 working with us our clients necessarily have filed
16 for an immigration remedy and therefore should be
17 protected from deportation yet the chilling effect
18 of having immigration authorities show up in court
19 causes many of our clients to withdraw from asking
20 for the legal protections they so desperately
21 need, this has caused us to change our client
22 outreach significantly. For example, enhancing our
23 community know your rights clinics. We also
24 continue to participate actively in advocacy
25 around preventing ICE from making arrests in the

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2 courts. And finally, a legislative proposal by
3 Governor Cuomo would require judges to order
4 domestic violence offenders to surrender their
5 weapons when they issue an order of protection.
6 Removing guns from domestic violence offenders
7 will keep people safer but while we wait for a
8 divided state legislature to consider the
9 Governor's proposal we can use tools we already
10 have at our disposal. Under existing law in family
11 court judges have the discretion to ask for guns
12 to be surrendered when issuing orders of
13 protection, if they do sheriff's can remove guns
14 when they serve the order against the abuser. The
15 problem is judges almost never ask them too.
16 Domestic violence advocates and attorneys should
17 ask their clients whether their partners have a
18 gun, in court they should provide specific
19 information about the gun and ask for the gun to
20 be surrendered. The New York City sheriffs who
21 serve orders of protection should be equipped to
22 survey available databases to check whether the
23 person they're serving has a gun involved past. If
24 the sheriffs had specific information and demanded
25 guns to be surrendered, we believe the rates of

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2 gun removals would go up particularly of illegally
3 possessed guns. Thank you for your time.

4 CHAIRPERSON LANCMAN: Thank you.

5 ANDREA BOWEN: Good evening Chair Lancman
6 and committee staff. My name is Andrea Bowen, I'm
7 a consultant working on behalf of the transgender
8 and gender nonconforming solutions coalition which
9 is a coalition of the anti-violence project, the
10 Audre Lorde Project, Sylvia Rivera Law Project,
11 GMHC, a bunch of other organizations. These
12 organizations were spurred on by the LGBT caucus
13 of city council and the previous Speaker to sort
14 of learn from the TGNC community across New York
15 what they need in terms of policy solutions and,
16 and budget items moving forward and one of the
17 items... I've included all six that we've kind of
18 narrowed down. One of the items... two of the items
19 that they've brought up were related to needs of
20 TGNC immigrants. We have this problem right now
21 where there are agencies that have plenty of
22 lawyers who can help people with T-visas and U-
23 visas and so... visas that can help out TGNC
24 immigrants but that don't really know how to work
25 with the TGNC community and then there are

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2 agencies that have the knowledge of the TGNC
3 community and the special types of visas but they
4 don't have the capacity so we're asking... we've,
5 we've asked Mayoral staff and agencies to fund a
6 program that would provide lawyers into the system
7 at the cost of 715,000 dollars so that would be I
8 think ten lawyers to ten different non-profits and
9 so this would add capacity to the system so that
10 you can have lawyers who are at once competent to
11 work with TGNC people but also know about these
12 specialized visas and be able to do the right
13 work. So, we're hoping to get this money from the
14 Mayor but in the event that we don't we would love
15 the support of city council and I'll end my
16 comments there.

17 CHAIRPERSON LANCMAN: Thank you.

18 CATHY CRAMER: Good evening and I'm very
19 proud to be the last speaker of, of your very long
20 day and I'm really here to say a big thank you to
21 the city council. My name is Cathy Cramer and I'm
22 the new CEO of Legal Information for Families
23 Today known as LIFT, we're not the car service but
24 actually we are one of the few non-profits that
25 have a real strong presence in family court. And

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2 the council has been a long supporter of LIFT and
3 I'm just here to again say thank you and hope you
4 will continue the support. We work on civil issues
5 in family court having to do with child support,
6 custody, visitation and orders of protection. We...
7 there are over 250,000 filings in family court and
8 in most cases the litigants do not have legal
9 representation even if they can't afford a lawyer
10 there are no lawyers available particularly in
11 child support. Ninety seven percent of those
12 served by LIFT proceed in court without an
13 attorney and it's all on issues that really matter
14 to them and their families. For two decades we've
15 been around providing litigants with the tools
16 they need to successfully advocate for themselves,
17 we work with parents, grandparents giving them
18 expert legal advice, legal information and
19 compassionate guidance. Thanks to you all we've
20 been able to interact with almost 30,000 families
21 over each year, we're... and we're a tiny little
22 organization but we have a very... we touch tons of
23 people because we do limited representation. We
24 have a helpline that runs from nine to five every
25 day, we receive 14,000 calls every year, we have

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2 an attorney in each of the five family courts
3 across the city, we have lines outside our office
4 all day long answering questions with... and then
5 scheduling appointments for longer more intense
6 consultations. We also run programs in communities
7 trying to get to litigants before they have to
8 come to family court, parenting skills classes for
9 parents who are mandated by ACS in family court,
10 we run legal clinics and know your right workshops
11 in communities and we have short legal resource
12 guides on 40 different family law topics that are
13 in 5th grade language and they're also... 5th grade
14 reading level and they're also translated into
15 eight different languages, they're available
16 online and to communities throughout the city. We
17 also work closely with sister organizations across
18 the city like Her Justice and make warm referrals
19 whenever needed. You... LIFT has unique relationship
20 with the family court as we partner with them to
21 implement systemwide reforms to increase
22 sufficiency and really to improve the family court
23 litigant's experience. We're in a unique position
24 because we're on the ground in the courthouse and
25 so we can help suggest strategic solutions and

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2 work with the administrator, administrators. We
3 are very thankful for you for your ten years of
4 support and hope that you will continue to support
5 LIFT in our little but very important niche that
6 we serve.

7 CHAIRPERSON LANCMAN: Thank you very
8 much. Yes, when I've been to family court I've,
9 I've seen you... [cross-talk]

10 CATHY CRAMER: Great, great...

11 CHAIRPERSON LANCMAN: LIFT there... [cross-
12 talk]

13 CATHY CRAMER: Yeah, we're right there,
14 yes.

15 CHAIRPERSON LANCMAN: Yeah. so... [cross-
16 talk]

17 CATHY CRAMER: Thank you so much... [cross-
18 talk]

19 CHAIRPERSON LANCMAN: Alright, thank you
20 all very much, I appreciate your patience.

21 CATHY CRAMER: Thank you.

22 CHAIRPERSON LANCMAN: Thank you and, and
23 we do have one more from the public, if you... if
24 you must because you were here before. I guess you
25 must. My burning desire to testify to us.

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2 UNIDENTIFIED MALE: Okay, so this meeting
3 today is about...

4 CHAIRPERSON LANCMAN: Slow down...

5 UNIDENTIFIED MALE: I'm sorry.

6 CHAIRPERSON LANCMAN: Well you got to... we
7 got to put you under oath. Raise your right hand,
8 do you swear or affirm the testimony you are about
9 to give is the truth, the whole truth and nothing
10 but the truth?

11 UNIDENTIFIED MALE: I do.

12 CHAIRPERSON LANCMAN: You have three
13 minutes sir.

14 UNIDENTIFIED MALE: Okay, I was
15 previously here, I testified before you about wage
16 stuff that was discussed today. As you know based
17 on my previous testimony I have litigation against
18 one of the business partners of HRA. Also, there
19 was a public meeting in Brooklyn on December 14th,
20 I recorded Steven Banks on audio legally about
21 getting legal assistance and here's exactly what
22 he had to say.

23 CHAIRPERSON LANCMAN: So, who is this now
24 we're hearing from?

25 UNIDENTIFIED MALE: Commissioner of HRA.

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2 CHAIRPERSON LANCMAN: Let me... let me tell
3 you I can't... I can't... I can't make that up, I
4 cannot make that out. What did... what did... so you
5 asked him so what'd he say?

6 UNIDENTIFIED MALE: I'll, I'll summarize
7 it for you. I asked for legal assistance, I've
8 repeatedly asked for legal assistance, HRA has a
9 legal obligation to provide me legal assistance
10 through the office of civil justice specifically
11 Section 13-B of the New York City Charter instead
12 Mr. Banks has been committing fraud all along. I
13 first asked him for legal assistance on March 1st
14 of 2016 at the Yale Club by Grand Central, I gave
15 him about six court transcripts to, to confirm to
16 him that I wasn't wasting his time that each and
17 every single claim was entirely meritorious. Well
18 now two years after that fact and I still have not
19 been provided with legal assistance. Two of the
20 people that were just in this... at this table were
21 Adriene Holder of the Legal Aid Society as well
22 as... as well as Raun Rasmussen they were recently
23 part of the special commission on the future of
24 the housing courts that was established by Chief
25 Judge DiFiore also Queens Housing Court Judge

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2 Clifton Nembhard who illegally evicted me from my
3 apartment in 2015 he was actually also a member of
4 that commission so the question is if this
5 committee is about justice and this special
6 committee one of its members is the same person
7 who illegally evicted me from my apartment what
8 can this commission that you Chair do for people
9 like me such that when the next person has... who
10 has to come before him at the Queens Housing Court
11 who is 66 year old... years old used to live in my
12 old apartment building in Rego Park that is being
13 sued by a slum lord that I previously prevailed in
14 without legal counsel what can you do to I guess
15 come to her assistance if it's too late in the
16 game for you guys to come to mine and the thing is
17 there's been absolutely no discussion about the
18 fact that Steven Banks wife is a supervising judge
19 citywide for the housing courts. So the question
20 is if he's telling me all along sorry but I don't
21 know what can be done about past cases, if his
22 wife issued a decision, a key decision in 2014
23 that led a tenant to be restored to possession of
24 her apartment that she was wrong, wrongfully
25 displaced from and the building where I currently

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reside the landlord pulled a bait and switch with me as well as additional tenants in the building. If there's fraud that's affecting other people there's no oversight of these apartment buildings, what can you do?

CHAIRPERSON LANCMAN: Alright, thank you sir. That concludes our hearing, I want to thank the council staff, my staff, our Sergeants at... Sergeants at Arms and I don't know what the legal effect of this is but I'm going to formally adjourn this hearing rather than conclude it so that we may hear testimony on the 20th from MOC J and you will certainly be inviting Jordan Dressler back. Thank you.

[gavel]

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

April 10, 2018