

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE

Jointly with

COMMITTEE ON PUBLIC SAFETY,
COMMITTEE ON JUSTICE SYSTEM,
COMMITTEE ON HOUSING AND BUILDINGS

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May 14, 2018
Start: 10:09 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: Daniel Dromm
Chairperson

Donavan J. Richards
Chairperson

Rory I. Lancman
Chairperson

Robert E. Cornegy, Jr.
Chairperson

COUNCIL MEMBERS:

Justin L. Brannan
Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
Vanessa L. Gibson
Carlos Menchaca
I. Daneek Miller
Keith Powers
Ydanis Rodriguez
Paul A. Vallone
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Mark Gjonaj
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Carlina Rivera
Bill Perkins
Ritchie J. Torres
Alan N. Maisel
Deborah Rose
Eric A. Ulrich

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

James O'Neill
NYPD Police Commissioner

Vincent Grippo
NYPD Deputy Commissioner

Rodney Harrison
NYPD Chief of Patrol

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

John Cassidy
NYPD Assistant Chief

Brian Conroy
NYPD Assistant Chief, Commanding Officer

Theresa Shortell
Chief of Training at NYPD

Dermot Shea
NYPD Chief of Detectives

John Donahue
NYPD Chief of Strategic Initiatives

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Ann Prunty
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Michael McMahon
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Karen Friedman Agnifilo
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Leroy Frazer
Brooklyn District Attorney Chief of Staff

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

Jack Ryan
Chief Assistant District Attorney Queens

Bridget Brennan
Special Narcotics Prosecutor

Elizabeth Glazer
Director of Mayor's Office of Criminal Justice

Eric Cumberbatch
MOCJ Office to Prevent Gun Violence

Oswaldo Cruz
Chief Financial Officer at MOCJ

Dana Kaplan
Executive Director of Youth and Strategic
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Maria Torres-Springer
Commissioner at HPD

Eva Trimble
HPD Deputy Commissioner

Francesc Marti
Assistant Commissioner at HPD

Rick Chandler
Commissioner of Department of Buildings

Tom Farieljo
First Deputy Commissioner at Department of
Buildings

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

Sharon Neill
Deputy Commissioner at Department of Buildings

Patrick Wehle
Assistant Commissioner at Department of
Buildings

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3 CHAIRPERSON DROMM: Okay, good morning,
4 and welcome to the City Council's fifth day of
5 hearings on the Mayor's Executive Budget for Fiscal
6 2019. My name is Daniel Dromm, and I Chair the
7 Finance Committee. We are joined by the Committee on
8 Public Safety chaired by my colleague Council Member
9 Donovan Richards. We've been joined today by Council
10 Member Steve Matteo, Council Member Adrienne Adams,
11 Council Member Barry Grodenchik, and Council Member
12 Vanessa Gibson. Today, we will hear from the New York
13 Police Department, the District Attorneys, and the
14 Office of Special Narcotics Prosecutor, the Mayor's
15 Office of Criminal Justice, the Department of
16 Housing, Preservation and Development, and Department
17 of Buildings. Before we begin I'd like to thank the
18 Finance Division staff for putting this hearing
19 together, including the Director Latonya McKinney,
20 Committee Counsel Rebecca Chaisson [sp?], Deputy
21 Directors Regina Poreda Ryan and Nathan Toth, Unit
22 Heads Aisha Wright and Chima Obecheri [sp?], Finance
23 Analyst Steve Riester, and Sarah Gastelum [sp?], and
24 the Finance Division Administrative Support Unit,
25 Nicole Anderson, Maria Pergonne [sp?], and Roberta
Caterano [sp?], who pull everything together. Thank

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3 you all for your efforts. I'd also like to remind
4 everyone that the public will be invited to testify
5 on the last day of budget hearings on May 24th,
6 beginning at approximately 4:00 p.m. in this room.

7 For members of the public who wish to testify but
8 cannot attend the hearing, you can email your
9 testimony to the Finance Division at
10 financetestimony@council.nyc.gov, and the staff will
11 make it a part of the official record. Today's

12 Executive Budget hearing kicks off with the Police
13 Department. The Department's Fiscal 2019 Executive
14 Budget totals 5.6 billion dollars, which is 23.6
15 million dollars more than its Fiscal 2018 Adopted
16 Budget, and includes only 4.9 million dollars in new
17 needs in Fiscal 2019 for the Executive Budget. The
18 additional funding in the Executive Budget

19 corresponds with the recent announcement by the
20 Administration to ease congestion across the five
21 boroughs. The additional funding in personnel will
22 enable the Department to focus more on moving and
23 parking violations, double parking, and off-route
24 trucks. I know many Council Members have concerns
25 about the implementation of this program, and I look
forward to learning more today. In addition to part--

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2 in addition, as part of its budget response, the
3 Council called on the NYPD to hire more school
4 crossing guards by adding 2.9 million dollars to the
5 Department's budget. However, this funding was not
6 included in the Executive Budget. The Committee
7 would like to hear testimony as to why the Department
8 did not include this additional funding in its budget
9 and the current deployment strategy for school
10 crossing guards. Furthermore, we hope to hear more
11 on the Department's citywide savings plan and the
12 Department's role in school safety. Before we begin,
13 I'd like to remind my colleagues that the first round
14 of questions for the agency will be limited to three
15 minutes per Council Member, and if Council Members
16 have additional questions, we will have a second
17 round of questions at two minutes per Council Member.
18 I'll now turn the mic over to my co-chair, Council
19 Member Richards for his statement, and then we'll
20 hear testimony from Police Commissioner James
21 O'Neill.

22 CHAIRPERSON RICHARDS: Thank you, Chair
23 Dromm, and good morning, and welcome to the Public
24 Safety Committee's Fiscal 2019 Executive Budget.
25 Today, we will hear testimony from Commissioner

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2 O'Neill and his staff on the Police Department's
3 budget. The Department's Fiscal 2019 Executive
4 Budget, as Chair Dromm alluded to, is \$5.6 billion,
5 an increase of less than one percent compared to the
6 Fiscal Year 2018 Adopted Budget. This represents a
7 minimal change in the Department's budget. More than
8 90 percent of their budget supports personnel
9 services while less than 10 percent supports other
10 than personnel services. The Department's budget
11 supports a budgeted headcount of approximately 52,000
12 personnel which includes 36,000 uniformed personnel
13 and 16,000 civilians. The budget reflects new funding
14 for the Mayor's plan to ease congestion and funding
15 for the impending Raise the Age legislation and an
16 internally-funded initiative to equip all auxiliary
17 officers with bullet-resistant vests. I want to
18 thank the Speaker for his leadership on that, which I
19 applaud the Department for recognizing the need in
20 working quickly to equip auxiliary officers with new
21 vests. Today, I hope to learn more about the
22 Department's new initiatives, its capital program,
23 and the budget priorities for Fiscal Year 2019. I
24 also look forward to hearing more about the NCO roll-
25 out and the Department's efforts to bolster to the

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2 Special Victims Division. I'd like to thank my staff
3 and the committee staff for their hard work. As you
4 can see, we have a lot to discuss today and a lot to
5 consider. So let's begin. I'd like to welcome back
6 Commissioner O'Neill and his staff. Thank you for
7 being here today, and I'll go back to Chair Dromm.
8 Thank you.

9 CHAIRPERSON DROMM: Thank you, and I want
10 to say that we've been joined by Council Member
11 Powers as well, and I'm going to ask staff to swear
12 in the panel.

13 COMMITTEE COUNSEL: Do you affirm that
14 your testimony will be truthful to the best of your
15 knowledge, information, and belief?

16 COMMISSIONER O'NEILL: I do.

17 CHAIRPERSON DROMM: Okay, and just before
18 you begin, Commissioner, we've also been joined by
19 Council Member Chaim Deutsch. And Commissioner,
20 whenever you're ready.

21 COMMISSIONER O'NEILL: Okay, thank you.
22 Good morning, everyone. Thank you for the
23 opportunity to discuss the Mayor's Executive Budget
24 for the 2019 Fiscal Year. It's a pleasure, again, to
25 be here and to testify before you about the

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2 outstanding work the men and women of the New York
3 City Police Department have been doing, and continue
4 to do, each day and night. This week, in particular,
5 National Police Week, I ask that you please keep in
6 your thoughts all of our country's police officers
7 who made the ultimate sacrifice. The National Law
8 Enforcement Officers Memorial in Washington, D.C.,
9 already contains more than 21,000 names of officers
10 who died in the line of duty. This year, they will
11 be joined by the names of NYPD Detectives Miosotis
12 Familia and Steven McDonald, Sergeant Donald Conniff,
13 and two dozen other NYPD heroes who succumbed to
14 various September 11th-related illnesses. From
15 police officer to chief, these lives represent the
16 nation's largest and greatest police department, as
17 well as the very real risks that cops face every time
18 their put on their uniforms and venture out onto the
19 streets in the name of protecting New Yorkers.

20 Before I present the key budget highlights, I want to
21 update you on some core crime-fighting mission-- on
22 our core crime-fighting mission and the status of
23 several important public safety initiatives. I will
24 try to be as brief as possible, so we may get to as
25 many of your questions as possible. In my last

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3 appearance before the Council, at the Preliminary

4 Budget Hearing in March, I reported on the

5 consistent, focused efforts of our police officers to

6 foster even stronger relationships with the people

7 who live in, work in, and visit New York City.

8 Building trust and earning the full and willing

9 support of the people we serve is essential to

10 properly safeguarding New York City, because it will

11 help us drive crime and disorder down beyond the

12 record-low levels we have already achieved. And all

13 of this strengthens the fundamental notion that

14 public safety is a shared responsibility. New York

15 policing today means applying a crime-fighting

16 philosophy that keeps New Yorkers safe, and ensures

17 that they feel safe, too, which are two separate,

18 distinct, and equally-important ideals. The bottom

19 line is: The people we serve know that each of us has

20 a stake in keeping all of us safe. And I'm pleased

21 to inform you that this exceptional work is rapidly

22 expanding and paying fantastic dividends as we near

23 the halfway point of the year. Preliminarily as of

24 this morning, overall crime is down citywide by 3.5

25 percent from last year: 32,027 vs. 33,188. Homicides

are up 4.3 percent: 98 vs. 94; robberies are down 8.1

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3 percent: 4,341 vs. 4,724; felony assaults are down by

4 0.5 percent: 6,794 vs. 6,831; burglaries are down 7.3

5 percent: 3,949 vs. 4,261; grand larcenies are down

6 3.8 percent: 14,462 vs. 15,040; and auto theft, or

7 grand larceny auto, is down 0.9 percent: 1,748 vs.

8 1,763. The largest outlier, as we have detailed at

9 our monthly crime press conferences, is the rape

10 category, which is up by 33.7 percent: 635 vs. 475.

11 The increase in reporting of sexual offenses, which

12 the NYPD fully encourages, is further sustained by

13 the current national discussion on the topic, as well

14 as our various outreach initiatives that are done in

15 collaboration with our advocate partners. Similarly,

16 we have seen a substantial increase in the number of

17 reported rapes that occurred prior to 2018. Shooting

18 incidents, another major indicator of our

19 effectiveness, are down another 4.7 percent over last

20 year: 222 vs. 233. We continue to make massive

21 inroads into gangs and crews by focusing precisely on

22 the relatively small percentage of people who are

23 responsible for the vast majority of violent crime.

24 You will recall that at the end of 2016, our city

25 marked 998 shootings. At that time, it was the

lowest number of shootings ever recorded in New York

3 City, and the first time that figure had ever dropped
4 below 1,100. Then, at the end of 2017, our city
5 marked 790 shooting incidents. When one looks back
6 to 1990, when New York experienced more than 5,000
7 shootings and more than 2,200 murders a year, I do
8 not think it is possible to overstate how remarkable
9 our progress has been. Your NYPD, in 2018, is
10 continuing to remove illegal guns from this city at a
11 tremendous rate. The way we look at it: Every
12 illegal firearm we are able to take off the streets
13 represents at least one life saved and a family kept
14 intact. And at the same time that shootings and
15 other violent crimes are being reduced year after
16 year, NYPD police officers are also making thousands
17 of fewer street stops, issuing thousands of fewer
18 summonses, and making many, many, many fewer arrests.
19 Meanwhile, we continue to lobby heavily against
20 proposed legislation in Washington, D.C., that would
21 undoubtedly bring more guns into New York. The
22 Concealed Carry Reciprocity Act passed in the U.S.
23 House of Representatives in December. The Senate
24 version is still in the Judiciary Committee awaiting
25 a hearing date. What it would do, if passed and
signed into law by the President, is force all states

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2 to recognize concealed-carry weapon permits from
3 other states, regardless of how lax those state
4 permitting laws may be. In fact, some states do not
5 require gun owners to take any special training or to
6 obtain a license or permit before carrying a
7 concealed weapon. That, in my opinion, and the
8 opinion of many police leaders in our country, is
9 absolute insanity. That lowest-common denominator
10 approach to gun safety would become the law of the
11 land. It would effectively eviscerate state and city
12 laws meant to keep people safe from gun violence, and
13 it threatens to undo much of the incredible success
14 we have achieved here in New York City. Just after
15 the stroke of midnight this past New Year's Day, we
16 found ourselves truly in uncharted territory. The
17 crime reductions New York City achieved in 2017 were
18 categorically historic: The lowest per-capita murder
19 rate in nearly 70 years; the fewest shootings ever
20 recorded in the modern era; most major crimes down to
21 levels we have not seen since the 1950s. Simply put:
22 The city has not been this safe for three
23 generations. And, let me tell you, there were those
24 who believed we would never be this safe. They
25 assumed that more than 2,200 murders a year was just

3 the price of doing business in New York City, that it
4 was normal, and that nothing could be done about it.

5 There were others, however, who refused to believe
6 that, who refused to accept that life in our city

7 could not change for the better. Chief among these
8 idealists were the hardworking men and women of the

9 NYPD. But we are realists, too. We knew that

10 reversing the decades-long trend of rising crime and
11 violence would take time, and we knew that it would

12 not be a solo effort. We understood that reclaiming
13 our neighborhoods required the coordinated efforts of

14 the entire police department, in full partnership

15 with all the people we serve. That is why in 2018,

16 we are redoubling our efforts to complete the NYPD's

17 full conversion to Neighborhood Policing. To date,

18 63 of our 77 Patrol precincts are Neighborhood

19 Policing commands, plus all nine of our Housing

20 Bureau police service areas. And this year, we will

21 finish up the precincts and expand into all 12 of our

22 Transit Districts by the beginning of 2019. In

23 April, we debuted this crime-fighting strategy with

24 Transit District 12 in the Bronx, which covers the 2,

25 5, and 6 lines; and Transit District 30 in Brooklyn,

which covers stations along the 2, 3, 4, 5, A, C, B,

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2 D, Q, F, G, and R lines. I strongly encourage all
3 New Yorkers, especially regular riders, to reach out
4 to their Neighborhood Coordination Officers in the
5 transit system at nyc.gov/nypd/transit. Some might
6 wonder how we apply the principles of Neighborhood
7 Policing down in the subway system. I can tell you
8 this, as an old Transit cop who rode the A and D
9 trains alone, three round-trips a night, from eight
10 at night until four in the morning back in 1983, the
11 same people use the same subway lines every day to
12 get to and from work, to visit their friends and
13 families, and to explore this great city. And even
14 with a ridership of about six million passengers per
15 weekday, it is not unreasonable to believe that
16 individual police officers can form bonds and build
17 trust with many of those train riders. We're not
18 going to meet everyone, of course, just as we will
19 not meet everyone up on the streets, but we have an
20 obligation to try to foster those relationships and
21 to effect change. It can all begin with a simple
22 smile and a "good morning." And, as NYPD cops go
23 about their daily business of protecting New Yorkers,
24 wherever it may be in the five boroughs, we are
25 seeking to build that trust. We are now connecting

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2 in local neighborhoods in ways that simply were not
3 possible before. And we have found that these
4 partnerships speed and sharpen our entire
5 investigative process. Information flows from
6 neighborhood residents, to teams of sector cops, to
7 precinct detectives, and to specialty squads like
8 Gang and Narcotics. Over the last three years, the
9 relationships we have built with the public are
10 leading to valuable information that becomes integral
11 to the investigations we conduct. Our method of
12 crime-fighting focuses now on the real drivers of
13 crime. This means listening to New Yorkers and
14 angling our investigative resources toward the small
15 percentage of our city's population responsible for
16 most of the violence. Our laser-like focus on these
17 specific individuals is further sharpened by the
18 coordinated efforts of our patrol cops, detectives,
19 and all of our local, state, and federal law
20 enforcement partners. In no small way, we are able
21 to do what we do so well because of those
22 relationships. Through a number of joint task forces
23 and other coordinated efforts, we routinely work
24 seamlessly with the FBI; the Bureau of Alcohol,
25 Tobacco, Firearms and Explosives; the Drug

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3 Enforcement Administration; the U.S. Marshals
4 Service, the New York State Police and others to
5 combat crime in ways that could not previously be
6 conceived, even as recently as five years ago. Now,
7 these partnerships are truly stronger and vastly more
8 effective than I have ever seen them in my thirty-
9 five-and-a-half years in law enforcement. And as we
10 conduct short, medium, and long-term investigations,
11 we remain in lockstep with our five district
12 attorneys in New York City, the citywide Special
13 Narcotics Prosecutor, and the U.S. Attorneys for the
14 Southern and Eastern Districts of New York at the
15 federal level. We track everything from bank
16 robberies and other so-called traditional crime, to
17 the evolving and ever-present threat of international
18 terrorism. With our partners' assistance, many of
19 these criminals are pre-indicted before we even knock
20 on their doors to bring them in. Another enormous
21 benefit of this level of collaboration is that we see
22 these cases all the way through to convictions, and
23 appropriate, meaningful prison sentences. And this
24 interagency cooperation is proving effective for all
25 levels of crime. This is not a victory speech,
however, because there remains much work to be done.

3 The reality is that achieving further declines in
4 crime could become increasingly difficult with each
5 passing year. But we are optimists at the NYPD, and
6 we view this as both a challenge and an opportunity.
7 Let me address, for example, concerns about crime in
8 our subway system, where, overall this year, crime is
9 down 8.7 percent: 817 vs. 895. Felony assaults are
10 flat: 122 vs. 122; and grand larcenies, which spans
11 purse- or headphones-snatching, to removing a bag
12 from the shoulder of a sleeping passenger or items
13 from a rider's pocket without the use of force, have
14 decreased 14.4 percent: 527 vs. 616. Robberies,
15 however, have increased by 12.2 percent this year:
16 165 vs. 147. The number of robbery arrests is also
17 up, year-to-date, and I can tell you that about 40
18 percent of those arrested for robbery in the Transit
19 system this year also have a history of theft of
20 service, commonly referred to as turnstile-jumping.
21 To combat the uptick in robbery incidents, members of
22 our Transit Bureau have been conducting extensive
23 crime prevention outreach, and we have placed even
24 more of our personnel on train cars, where about half
25 of these crimes occur. And we continue to advise
riders, particularly in the overnight hours, about

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3 the steps they can take to keep themselves and their
4 property safe, including staying awake and alert to
5 their surroundings. Further, we continue to maintain
6 safety and order in the subway system by enforcing
7 quality-of-life violations that, if left unchecked,
8 will breed more serious crimes. I know, firsthand,
9 having been a precinct commander for a little over
10 six years, that I would not have remained a precinct
11 commander for very long if I had failed to address
12 those community complaints. The people we serve want
13 and expect us to keep answering their concerns, and
14 we do so with the knowledge that many issues, in the
15 subway system, as in our neighborhoods, can be
16 resolved in many ways that do not always involve
17 summary enforcement action. When enforcement is
18 necessary, our officers know they have options
19 available to them in the form of discretion and the
20 issuance of civil summonses in lieu of criminal
21 summonses for some low-level crimes. I can tell you
22 that about 75 percent of people stopped for theft of
23 service in the subway are issued a summons and sent
24 on their way. About 25 percent are arrested, for
25 various reasons that do not permit a summons to be
written on-scene. Of those arrestees, about 10

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3 percent are issued Desk Appearance Tickets and are

4 released from the police station house. Below

5 ground, as well as above, in every community in New

6 York City, our stated purpose is to relentlessly

7 continue our work fighting crime and keeping people

8 safe through our Neighborhood Policing philosophy.

9 And, it is always our mission to evolve and improve.

10 We are very confident we will do just that, in full

11 partnership with the public we serve. While the

12 possession and discrete use of marijuana continues to

13 become more socially tolerable and, in some cases,

14 legal across our nation, the public smoking of

15 marijuana has not. And I understand this is an

16 ongoing conversation. Even in states in which

17 possession have been legalized, public smoking of

18 marijuana, just like public consumption of alcohol,

19 remains a violation of the law and, depending on the

20 jurisdiction, can result in fines or imprisonment.

21 Here in New York, as you know, recreational use and

22 open possession of marijuana is still against the

23 law. NYPD officers have been instructed to issue

24 summonses to those who merely possess marijuana in

25 public, which has helped reduce the number of arrests

by 38 percent since 2013. Smoking of marijuana,

3 however, is a quality-of-life condition that New
4 Yorkers call 911 and 311 about with increasing
5 frequency. In addition to those community concerns
6 lodged by telephone or by 311 online, innumerable
7 complaints are also received through conversations
8 with residents, workers, and owners of local
9 businesses, who express concerns about groups of
10 people openly smoking marijuana in front of their
11 stores and homes, and in stairwells of buildings.
12 Still more complaints are culled in the five boroughs
13 at various community meetings, a great many of which
14 I regularly attend. Many New Yorkers clearly feel
15 this behavior reduces their quality of life. In
16 areas of our city in which marijuana enforcement
17 appears to be disproportionate to complaints
18 received, we are working to understand the reasons
19 for that activity and reviewing whether they are the
20 result of local complaints, larger numbers of
21 officers patrolling given areas, or other reasons. I
22 steadfastly reject the idea that these arrests are
23 racially motivated. I do recognize that a disparity
24 exists, and I know that these types of arrests affect
25 certain racial groups more than others. In
recognizing this disproportionality in all arrests,

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3 the NYPD has taken significant steps to further
4 reduce arrests. In the last four years, we have
5 reduced the total number of arrests citywide by more
6 than 150,000. In the case of smoking marijuana in
7 public, we have evaluated our data and NYPD executive
8 staff members know they must ensure that arrests
9 conform to the mission and vision of this police
10 department, that the enforcement will enhance quality
11 of life or bring about disorder- or crime-control.

12 We must consider previous complaints made at a
13 particular location, or about a particular person.

14 Further, during our weekly CompStat meetings,
15 commanders may be called to explain their officers'
16 arrests, especially when someone's first arrest is
17 for a low-level marijuana offense and take-- arrest
18 offense and take appropriate action when necessary.

19 As we move forward, I believe the NYPD's proactive
20 steps will help balance the reduction in arrests
21 while maintaining the quality of life of every New
22 Yorker. In sharing the responsibility for public
23 safety, we are scheduled to launch, within a month,
24 the Behavioral Health Diversion Program in all four
25 precincts on Staten Island. It is designed to
improve access to community-based behavioral-health

3 treatment, and reduce demands on the police and
4 emergency medical services. Calls to 911 involving
5 non-violent emotionally-disturbed people will be
6 diverted from a conventional NYPD/EMS response to NYC
7 Well, the City's crisis intervention and referral
8 service. The service offers free confidential
9 support, crisis intervention, and information and
10 referral services for anyone seeking help for mental
11 health or substance abuse concerns. Anyone with
12 behavioral health concerns who is determined to be at
13 imminent risk of danger to themselves or others will
14 continue to receive a direct NYPD/EMS response. Last
15 year, the NYPD responded to nearly 169,000 calls
16 about emotionally-disturbed people. So far in 2018,
17 our officers have responded to about 40,000 such
18 calls. Our department-wide crisis-intervention
19 training, which began in June 2015, is ongoing. Since
20 it began, more than 9,200 police officers have
21 received this valuable training, nearly 100 officers
22 a week. Every patrol lieutenant has taken the four-
23 day course, and all sergeants will receive the
24 training by September. As I stated back in March, we
25 continue to work toward safer streets for
pedestrians, bicyclists, and motorists alike. The

3 NYPD is playing a major role in Vision Zero, Mayor de
4 Blasio's plan to eliminate traffic-related deaths
5 entirely. As you know, we are in close partnership
6 with the New York City Department of Transportation,
7 sharing critical collision data and analysis. We
8 have partnered with DOT and the Taxi and Limousine
9 Commission on joint traffic education and enforcement
10 campaigns throughout the five boroughs. These
11 efforts are yielding very positive results and,
12 citywide, traffic fatalities are down by 12 percent
13 this year: 57 vs. 65. To counter the root causes of
14 many of these incidents, we continue our stepped-up
15 efforts coupling education with enforcement. With
16 the guidance of the Mayor's Vision Zero Action Plan,
17 I am confident we will continue to make significant
18 progress. In 2017, in fact, New York City had the
19 fewest traffic deaths on record, driven by a 32
20 percent drop in pedestrian fatalities. This marked
21 the fourth consecutive year of declining traffic
22 deaths. The success of our public safety mission
23 depends most of all on our efforts to forge even
24 stronger relationships with all New Yorkers. This is
25 paramount because we know that in order to drive
crime down past already record-low rates, we require

3 the insight and assistance of everyone. As I have
4 said many times before: No one knows a block, a
5 street, or a neighborhood better than those who live
6 and work there every day. We need that knowledge,
7 and we know that to gain it, we must ensure that our
8 partnerships are built on trust. One of the ways we
9 try to earn that trust is through transparency in our
10 reporting. On our publicly-accessible website, the
11 NYPD already provides several data sets that include,
12 but are not limited to: traffic collisions, crime
13 complaints, current and historic, and Stop, Question
14 and Frisk interactions. Before the end of this
15 fiscal year, the NYPD plans to expand the existing
16 complaint records to release several additional key
17 data sets, including: victim and suspect
18 demographics, arrest incidents, shooting incidents,
19 and criminal court summons occurrences. This new
20 data will provide an unprecedented look at overall
21 NYPD activity as we work to further our mission of
22 keeping this city, and all who live, work, and visit
23 here, safe.

24 CHAIRPERSON RICHARDS: Mr. Commissioner,
25 I know you have a hard stop at 12, so I'm going to
ask you to-- if we can get to questions, I think we--

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2 COMMISSIONER O'NEILL: You want me to
3 paraphrase the next nine pages?

4 CHAIRPERSON RICHARDS: [laughter] It's
5 almost feeling like a filibuster up here. So, if we
6 could just cut the testimony short--

7 COMMISSIONER O'NEILL: [interposing] Sure.

8 CHAIRPERSON RICHARDS: And then so we can
9 get to questions.

10 COMMISSIONER O'NEILL: Alright, no
11 problem.

12 CHAIRPERSON RICHARDS: Because we know you
13 have to-- unless you want to spend another half an
14 hour to an hour with us, we don't mind you reading--

15 COMMISSIONER O'NEILL: [interposing]
16 Alright, I'm going to skip to page 20, then.
17 Alright?

18 CHAIRPERSON RICHARDS: Alright.

19 COMMISSIONER O'NEILL: Alright, so
20 turning to budgetary issues, as discussed in March,
21 we have already started planning for the Federal
22 Fiscal Year 2018 Homeland Security preparedness
23 grants, although the applications guidelines have not
24 yet been released. This federal assistance allows
25 the NYPD to purchase personal protective equipment

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2 for uniformed members of the service, and enhances
3 our ability to protect New Yorkers and critical
4 transportation and infrastructure, including the
5 Financial District, the transit system, bridges,
6 tunnels, and ports. The timing of the Federal Fiscal
7 Year 2018 appropriation will significantly compress
8 the timeframe to announce and award these grants by
9 September 30, 2018. Consequently, grant applicants
10 will have a much shorter application period than in
11 recent years, and potentially as short as several
12 weeks. The NYPD relies on these funds to help
13 protect all New Yorkers and visitors to our city
14 against terrorist attacks, and to strengthen our
15 homeland security preparedness. Regarding the
16 Executive Budget and its impact on the NYPD, the
17 NYPD's Fiscal Year 2019 City Tax Levy Expense Budget
18 is \$5.2 billion. The vast majority of this, 92
19 percent, is allocated for personnel costs. The
20 police department's Capital Commitment Plan contains
21 \$1.97 billion for Fiscal Years 2018 through 2022. As
22 of early May, the department has committed \$294
23 million in fiscal year 2018, 44 percent more than
24 last fiscal year, \$204 million, and the highest
25 amount in the last eight years. As part of this

3 year's commitments, the construction contract for the
4 new 40th Precinct station house in the Bronx was
5 registered in April for a total of \$57.7 million.

6 The existing station house, built in 1924, is in very
7 poor condition and cannot be rehabilitated. It is
8 important to note, as well, that this will be our
9 first precinct that incorporates community space in
10 which residents and workers from all neighborhoods
11 can engage directly with the police officers who
12 serve them. We know policing is a profession that
13 must change with the times. And when it comes to New
14 York policing, we must always innovate and evolve.

15 We now have almost all of our detectives reporting
16 through the same chain of command. This Unified
17 Investigative Model encompasses traditional precinct
18 detective squad work, plus Narcotics, Vice, Warrants,
19 our Gun Violence Suppression Division, and much more.

20 It is those detectives, along with our Field
21 Intelligence Officers and our Neighborhood
22 Coordination Officers, who are honing in on the most-
23 troubled locations in the city. Soon, every police
24 officer will be working closely, in some way, with
25 community members to identify problems specific to
their neighborhoods, to develop intelligence about

3 crimes, and to lead problem-solving and crime-
4 fighting efforts. This is how trust is earned. This
5 is how lasting, productive communities are built. And
6 when we sometimes fall short, we need to quickly,
7 decisively, and transparently correct the issue. In
8 closing, I can tell you this city is in much better
9 shape today than when I became a cop in 1983. Those
10 of you who lived and worked here 25 or 35 years ago
11 know it, too. This is not the same city it was in
12 the 80s and 90s. And each year, we are making even
13 more headway. But we need everyone's help,
14 everybody's effort, if we are going to increase those
15 gains. Together, we are proving that New York City
16 is the place that others across the nation want to
17 emulate. As we redefine the role of NYPD police
18 officer and, in essence, redefine what it means to be
19 an engaged member of our society, we all have a
20 unique opportunity, right now, to set the tone for
21 the rest of the United States. Perhaps the most
22 important reason for our city's turnaround on crime
23 is our collective understanding that public safety is
24 the foundation of everything we do here in New York.
25 We are proving that when the public and the police
work together, we can make positive, lasting changes

3 in our society. That change begins when people are
4 safe, and it is sustained when they feel safe, too.

5 Everything we do is geared toward embracing our
6 differences and celebrating all of our common traits.

7 And I look forward to working with each of you as we
8 make our way forward, together. Thank you, again, for
9 this opportunity to testify today. At this point,
10 I'm happy to take your questions.

11 CHAIRPERSON DROMM: Thank you very much,
12 Commissioner, and thank you for summing up your
13 testimony. We are very proud and grateful for the
14 work that you have done in terms of bringing crime to
15 historic lows here in the City. We do have a number
16 of questions for you, though. Let me start off by
17 asking you a little bit about the citywide savings
18 plan. Spanning over three financial plans, the
19 Department posted 50.8 million dollars in savings in
20 Fiscal 19, consisting of vacancy reductions and
21 accrual savings, neither of which the Council
22 considers actual savings or efficiencies. The
23 Council recognizes the challenges in identifying
24 savings for a Department where over 90 percent of the
25 budget is personnel services. However, we have asked
agencies across the city for more aggressive savings.

3 What is the Department doing to truly identify
4 efficiencies?

5 DEPUTY COMMISSIONER GRIPPO: Vincent

6 Grippo, Deputy Commissioner of Management and Budget.

7 I think you spoke effectively to the challenge here.

8 When you look at our budget and you look at trying to

9 reduce it by an order of magnitude that would have

10 significance, the vast majority of our expenditures

11 cover personnel costs, and that's why in the last

12 couple of years you've almost-- you've basically seen

13 our savings put up in the form of either accruals for

14 personnel savings that results from delays in hiring

15 where there are positions that remain vacant. Some

16 of them are positions that are challenging to recruit

17 for. Some of them, the background process is

18 extensive. We end up with a certain number of those

19 vacancies. The one area where we put up a number of

20 personnel in this budget is Traffic Enforcement

21 Agency. Again, that's largely a result of challenge

22 recruiting sufficient TEA's and dealing with

23 background check issues. So we are trying to work

24 aggressively to improve our recruitment efforts

25 around TEAs, but ultimately we're going to for at

least next fiscal year be down 200 TEA positions.

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3 The OTPS situation, just to make it clear, when you
4 look at our OTPS budget, to support 52,000 some odd
5 employees, we have an OTPS budget when you look at
6 City Tax Levy funds of approximately 300 million
7 dollars, and a lot of that, as you can imagine,
8 because you know the nature of the work we do ends up
9 being non-discretionary. We have to pay for repairs
10 for vehicles, fuel for vehicles, and other, you know,
11 telecom bills, other things that we don't really have
12 discretion over. Our discretionary expense budget is
13 very small, and really, even if we were to be able to
14 put up savings, the amounts that you would get would
15 be an order of magnitude that's insignificant
16 relative to the personnel savings. So, through
17 personnel savings in any given fiscal year, we're
18 able to put up tens of millions of dollars to reduce
19 our cost. Whereas, on the OTPS side we'll be talking
20 about programs that cost and amount to about a
21 million dollars per year, and that's really not
22 getting at what the Mayor's looking at for this
23 Department. So, that's why you haven't seen those
24 things in our savings plan.

25 CHAIRPERSON DROMM: Okay, let's talk a
little bit about units of appropriation. The Council

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2 has requested additional units of appropriation, and
3 the budget in the NYPD's budget for increased
4 transparency. One of the examples the Council has
5 highlighted has been the unit of appropriation 001,
6 representing 3.4 billion or 60 percent of the
7 Department's budget. U of A 001's funds are
8 dispersed over ten of the Department's 18 program
9 areas. Has the Department considered further
10 alignment of its units of appropriation to the budget
11 function analysis?

12 DEPUTY COMMISSIONER GRIPPO: So, you
13 referenced the budget function analysis. We've done a
14 lot of work over the last few years with this Council
15 improving the budget function reports. The budget
16 function report deals with that U of A issue, the U
17 of A that captures that very large sum of money
18 that's traditionally dealing with the fact that our
19 overtime budget as well as our personnel cost aren't
20 split up by units of appropriation. So, the reason
21 that that is the case is in any given year, the
22 Police Commissioner and his executive staff need to
23 have the discretion to move officers around and move
24 overtime around to deal with the issues at hand. And
25 so if you look at what we did with the budget

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2 function report, we created 21 budget functions,
3 which when you look at that report, that reconciles
4 where the money was spent in each year, and tells you
5 if, you know, if both overtime and personnel if those
6 expenditures were coming in the Detective's Office
7 Chief of Transportation. If we were to do this for
8 units of appropriation, the work involved, you'd
9 actually be creating 42 units of appropriation, 21 PS
10 and 21 OTPS, and the issue would be trying to
11 reconcile that at the end of the year. So, that's
12 the challenge. We're willing to work with the
13 Council to improve transparency. There's not an
14 issue here in terms of giving the Council information
15 to see where the money is being spent. The issue
16 comes in budgeting in any given year. We need the
17 flexibility to move those resources around. So I
18 would recommend we meet with finance staff again to
19 look at the units of appropriation to see if we can
20 either improve the reports we provide or improve it
21 less of an order of magnitude than creating 42
22 individual units of appropriation.

23 CHAIRPERSON DROMM: So you're working
24 with OMB on this at this point?

25

3 DEPUTY COMMISSIONER GRIPPO: Yes. We've
4 explained to OMB that you guys have made this
5 request, and we-- they're in agreement that we should
6 all meet to discuss what would make sense.

7 CHAIRPERSON DROMM: Okay, good. The
8 school crossing guards, you know, I had a terrible
9 tragedy in my district about a week and a half ago
10 where in my district we have about 10,000 students
11 within a block of Northern Boulevard, and while the
12 accident did not happen on school time, the issue of
13 school crossing guards is one that's very important
14 to me. I was also Chair of the Education Committee
15 for four years and a New York City public school
16 teacher for 25 years. So, in the Council's budget
17 response, the Council called for hiring of additional
18 school crossing guards. However, this proposal was
19 not included in the Department's Fiscal 19 Executive
20 Budget. My local precinct commanders have flagged
21 this as a major public safety concern to me. Can you
22 tell me the budgeted and actual headcount for school
23 crossing guards at my local precinct and patrol
24 borough?

25 DEPUTY COMMISSIONER GRIPPO: For-- I have
the budgeted--

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2 CHAIRPERSON DROMM: [interposing] For 115th
3 [sic]?

4 DEPUTY COMMISSIONER GRIPPO: I don't have
5 it by precinct. I can get that to you if you want
6 the 115th precinct after the hearing. Basically, if
7 you want just overall citywide, it's 2,638 budgeted,
8 2,517 assigned. We have 121 that are being
9 processed, and so we only have actually 50 citywide
10 vacancies. And one of the ways that we've improved
11 the situation with school crossing guards is a few
12 years ago the Council and the Mayor funded 200
13 additional positions that are not assigned to
14 specific posts. So, those 200 school crossing guard
15 positions are used to backfill vacancies or to fill
16 new posts before we get budgetary approval to
17 increase the number of posts citywide. So on any
18 given day the Department makes sure that your school
19 crossing guard post is filled.

20 CHAIRPERSON DROMM: So, at the vigil for
21 this nine-year-old boy that was killed in Jackson
22 Heights, the principal of the school, IS230, said
23 that the has to send out his teachers every single
24 day to cross the students as they're getting out of
25

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3 the school. How do you determine where the need is
4 and how do you make that decision?

5 CHIEF HARRISON: Good morning, Rodney
6 Harrison, Chief of Patrol. So, a couple things we
7 take into consideration when we take a list of
8 community complaints that come into the commanding
9 officer to identify what's our priority locations
10 where we need a school crossing guard at,
11 particularly--

12 CHAIRPERSON DROMM: [interposing] And
13 those are complaints from the public?

14 CHIEF HARRISON: Yes, sir. Complaints
15 from the public, yes sir. Another one is a two-year
16 traffic condition analysis of the location, which
17 includes collisions and fatalities. We also take a
18 look at the distance of the proposed crossing for the
19 school as well as location, transit locations as
20 well. So, there's a couple different templates we
21 use to say hey, we identify a location that's being a
22 priority/not a priority.

23 CHAIRPERSON DROMM: So what is the
24 Department's position on the need for additional
25 crossing guards?

3 CHIEF HARRISON: We always are looking to
4 recruit more crossing guards. We use social media.
5 You know, every precinct has Facebook and Twitter.
6 We're out there promoting the need for school
7 crossing guards and how they are such a big part of
8 this Police Department. We also go out to the
9 different school facilities and recruit parents that
10 may be willing to assist in being a school crossing
11 guard as well. So, we're also doing boots to the
12 ground, not just social media.

13 CHAIRPERSON DROMM: Well, my thing is
14 really more, do you think that you need more crossing
15 guards?

16 CHIEF HARRISON: Well, we're putting 20
17 in on May 14th, which is today. Actually, 20 are
18 going in, and we're putting another 50, anticipated
19 50, on June 4th. So we always could use more.
20 Because I'm sure as time goes on, as traffic seems to
21 develop, we may need more school crossing guards
22 going in the future.

23 CHAIRPERSON DROMM: Okay. So, alright,
24 let me go on. Congestion mitigation: The Department
25 recently received significant funds for the
Administration's congestion mitigation initiative.

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3 Can you describe how the Department plans to deploy
4 those resources? And more specifically, what is the
5 Department's plan for Queens?

6 ASSISTANT CHIEF CASSIDY: Good morning.

7 Assistant Chief John Cassidy. I'm the Executive
8 Officer for the Chief of Transportation Bureau.

9 Alright, with regards to that, there are a number of

10 programs that are currently in place that we're

11 utilizing in Manhattan and Queens that have to do

12 with the clear curbs and clear lanes and clear

13 intersections, and if that's what you're speaking

14 about, there are six-month pilot projects that we're

15 currently assessing on Roosevelt Avenue, specifically

16 in Queens, as well as our Flatbush area in Brooklyn,

17 and here in Manhattan at a number of locations, the

18 clear lanes, clear curbs, and clear intersections

19 which is spillback [sic] initiative, are being

20 utilized to see what kind of results we can get along

21 these major thoroughfares in terms of easing

22 congestion and trying to accommodate business needs

23 and concerns and moving the vehicle in and out of

24 Manhattan along these major thoroughfares. So, at

25 that point, once we see how successful these will be

and/or not successful, then we'll be able to look at

3 additional areas. Some of the additional areas that
4 are being currently surveyed and looked at have to do
5 with areas in downtown Flushing, the Northshore of
6 Staten Island, Hunt's Point and downtown Jamaica.
7 Those are locations that DOT is currently looking at
8 to see if these programs in one fashion or another
9 are successful, areas in which we'll be able to go
10 forward and deploy those resources in specific places
11 along those areas that are identified as congested to
12 see if we're able to improve the flow of traffic and
13 the safety of pedestrians and bicyclists in those
14 areas.

15 CHAIRPERSON DROMM: Just before I go on
16 with the question, I just want to say that we've been
17 joined by Council Member Brannan, Vallone, Cabrera,
18 Cohen, Menchaca, Lancman, Van Bramer, Rosenthal, and
19 Moya, and we have a whole bunch of questions from
20 Council Members as well. But in specific regard to
21 the Clear Curbs program, in terms of your evaluation
22 of that program, are you going to take into
23 consideration the reaction and the response from
24 merchants in the area?

25 ASSISTANT CHIEF CASSIDY: Yes, that's
something that's an ongoing process. I know that DOT

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3 has had some concerns about that. We have seen to it
4 that we have our community relations people out
5 there. The Chief of Transportation's Office about a
6 year ago instituted its own Community Affairs Unit.
7 That Community Affairs Unit is currently going out to
8 those businesses at that location in Roosevelt as
9 well as our Flatbush area where there were some
10 concerns raised rather vocally by the businesses
11 along that stretch, to see if there are certain
12 improvements that we could make. In terms of trying
13 to get some parking on adjoining streets. We're
14 doing the timeframes in which the initiative is in
15 effect, that there might be places where we could
16 park the commercial vehicles, the trucks, that sort
17 of thing, in order for them to load or offload and
18 get the business operational like they were. One of
19 the other problems is across the-- something common
20 to New York City is sort of the stop run in, get the
21 coffee, get the thing, run back out, jump in the car,
22 and be on your way. That's a much more difficult
23 thing to overcome, only because again, you know, the
24 whole idea is to keep those lanes open, and if a
25 number of people continue that type of process during

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2 the hours in which we are trying to maintain it, it
3 becomes a useless effort. So, that's problematic.

4 CHAIRPERSON DROMM: So, in general, my
5 impression, I have not stated an opinion on the clear
6 curbs, but I see that it's been fairly effective in
7 removing the cars from Roosevelt Avenue for sure, but
8 one of the concerns that I have is that I see one
9 block away really which is 37th Avenue, is that you
10 have the tow trucks and you have the enforcement cars
11 sitting on 37th Avenue where there is another
12 congestion problem, and I'm wondering if instead of
13 just having those trucks and cars sit there, if they
14 could also do enforcement of other areas?

15 ASSISTANT CHIEF CASSIDY: Absolutely, and
16 37th Avenue, we've got to address that, you know,
17 based on your concern. Also, the issue of 37th
18 Avenue, I mean, when you do any of these sort of
19 things you displace traffic. That's what normally
20 happens regardless of where you do it, the traffic
21 has to go someplace. SO, 37th Avenue was congested
22 to begin with, which I'm sure you're aware of that,
23 because of the numbers of stores in the small
24 supermarkets, etcetera, that are there--

3 CHAIRPERSON DROMM: [interposing] And
4 schools--

5 ASSISTANT CHIEF CASSIDY: and it's a very
6 confined area.

7 CHAIRPERSON DROMM: [interposing] by the
8 way.

9 ASSISTANT CHIEF CASSIDY: Yes.

10 CHAIRPERSON DROMM: Because it's very
11 dangerous with those 18-wheelers coming in.

12 ASSISTANT CHIEF CASSIDY: Yes,
13 absolutely. So, you know, we actually about three
14 weeks ago we had a traffic stat in which [inaudible]
15 and we spoke to the XOs there who run the traffic
16 safety programs in those precincts. They expressed
17 their concerns. As a matter of fact, one of them
18 actually brought a PowerPoint presentation in of his
19 own volition, put it up for us to get a better
20 understanding of what was going on there. We of
21 course, at traffic stat, have a DOT representatives,
22 TOC representatives present during the meetings.
23 They were put together and they were going to go out
24 and do on-site at those locations. Independently of
25 that we have gone out and looked at it. We're in
complete agreement with you in terms of the necessity

3 to see to it that everything from spillback
4 enforcement along there, as well as additional foot
5 patrol, and working with the merchants as well. So,
6 it's sort of a two-handed approach. We don't just
7 want to go out there and summons everybody in sight,
8 but we try to work with DOT to do everything from
9 reduce the meter times so that we can attain a better
10 turnover at the meter sites along-- with the trucks
11 as well. Sometimes the truck loading and unloading,
12 they give them like three hours. It's just an
13 unreasonable period of time unless you're unloading a
14 tractor trailer full of a goods to a supermarket,
15 three hours is just much too long, and sometimes
16 those trucks sit there beyond what they should. So,
17 we're looking to work with them to try to reduce
18 those times and increase the turnover rates at those
19 locations. So there's a number of things we're
20 looking to do, and certainly that, as I said three
21 weeks ago, is identified as a problematic location.
22 So, I think you'll see many changes there very
23 shortly.

24 CHAIRPERSON DROMM: Okay, thank you. Let
25 me go to school safety. In October 2017, it was
reported by the press that the NYPD, DOE, and MOCJ

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3 were beginning the process to revise an MOU regarding
4 school safety. Can you provide the Council with an
5 updated copy of the MOU?

6 ASSISTANT CHIEF CONROY: Good morning.
7 I'm Assistant Chief Brian Conroy, Commanding Officer
8 for Safety Division. The MOU is now currently in the
9 hands of City Hall and the DOE for review. We made
10 our adjustments to it at the Department level, and we
11 forward it over to City Hall and the DOE to review
12 our changes to it.

13 CHAIRPERSON DROMM: So, we'll have that
14 shortly?

15 ASSISTANT CHIEF CONROY: I would assume
16 so, yes.

17 CHAIRPERSON DROMM: Okay, thank you.
18 What is the Department's position on cameras at
19 school, and what is your current access or policy to
20 these cameras?

21 ASSISTANT CHIEF CONROY: We're very
22 favorable on the installation of cameras. We think
23 they're very effective in helping us monitor what's
24 going on inside the school or reviewing past
25 incidents. Currently, though, we don't have-- we
only have access to the cameras from inside the

3 school location. We highly recommend that we have
4 remote access to that. So, for example, if emergency
5 responders are responding to a school that they could
6 look at what's going on inside the school from
7 outside. For example, an active shooter inside a
8 school, they could see where that shooter is inside
9 the school building, if we were able to have remote
10 access, which we do not have right now.

11 CHAIRPERSON DROMM: Chief Conroy, I know
12 that you've been working on restorative practices and
13 getting school safety agents trained in that. How is
14 that program going?

15 ASSISTANT CHIEF CONROY: I think it's
16 going very well, but the actual restorative practice
17 program, that's more-- that's a Department of
18 Education program. We do participate in it in
19 certain schools, and we join in that restorative
20 circles, but we also have school safety with our
21 training bureau. We do conflict resolution training
22 for all our agents, and we also do collaborative
23 problem solving for our agents, and each one of our
24 agents now getting mental health first aid training.

25 CHAIRPERSON DROMM: And I think part of
that program is that you were going to issue warning

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2 cards in some schools rather than other types of
3 enforcement. Is that the case?

4 ASSISTANT CHIEF CONROY: Yes, back in
5 September of 2015 we started a warning card program
6 for disorderly conduct offenses and for possession of
7 small amounts of marijuana. We've expanded that
8 program twice, and now we're looking, working with
9 the Department of Education to expand it a third time
10 to all high schools.

11 CHAIRPERSON DROMM: How is that going? I
12 mean, how is-- what type of numbers do you have
13 there?

14 ASSISTANT CHIEF CONROY: We've given out
15 since September 2016, we've given out 180 warning
16 cards, 68 so far this year since we've expanded the
17 number of schools. So I think it's going very well.
18 It's very well received by the principals, a very
19 positive reaction from the students because it gives
20 us an opportunity to have sort of a positive reaction
21 with those students and sort of correct the behavior
22 without issuing a criminal court summons.

23 CHAIRPERSON DROMM: And with those 180
24 warning card recipients, I guess, have been arrest in
25 the past?

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3 ASSISTANT CHIEF CONROY: They would have
4 received a summons, not necessarily--

5 CHAIRPERSON DROMM: [interposing] A
6 summons of some sort.

7 ASSISTANT CHIEF CONROY: Yes.

8 CHAIRPERSON DROMM: Okay. Alright. I
9 want to continue to work with you on that as well.
10 Thank you. Let me just go to NCO officers, and then
11 I'll turn it over to my co-chair. With the roll out
12 of the NCO program, how is the Department
13 specifically working with the LGBT community to
14 ensure that NCO officers are aware of issues and
15 programs available to the communities that they
16 serve?

17 CHIEF HARRISON: Rodney Harrison, Chief
18 of Patrol, again. So, not just the NCOs, but all of
19 the members of the service do get trained in LGBTQ
20 interactions, not just in the in-service training
21 which we do bi-annually, but also in the Academy, as
22 well as the supervisors that go through the BMO
23 [sic] training as well. They all get training at
24 different amounts of hours for-- depending on who it
25 is. If it's the recruits it's-- I think it's like
26 about a four-hour slot. If it's something where it's

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2 at the BMOC, it's a couple of hours as well. So,
3 it's a constant, constant training, not just a one-
4 shot deal. It's something that we do on a regular
5 basis with all the officers within the Police
6 Department.

7 CHAIRPERSON DROMM: I used to get invited
8 to come to speak to the new class of recruits. I
9 don't get that invitation any longer. Is the policy
10 on that changed?

11 COMMISSIONER O'NEILL: You're officially
12 invited.

13 CHAIRPERSON DROMM: Thank you. I used to
14 get it-- I used to get it as an activist in the
15 community, but then also as an elected official.

16 COMMISSIONER O'NEILL: No problem.

17 CHAIRPERSON DROMM: And that hasn't
18 happened. Do you bring an activist, those from the
19 community to talk to the new recruits before they go
20 into the street?

21 CHIEF HARRISON: We use some of our
22 members of the service from our goal fraternal
23 organization that come and talk to--

24 CHAIRPERSON DROMM: [interposing] And not
25 just for the LGBT, though, but I mean for overall.

3 They used to have-- you know, Jackson Heights is a
4 very diverse community, for example. Immigrant
5 community representatives, African-American folks,
6 LGBT people, you know, and come in and would speak to
7 the new recruits to give them an idea of what the
8 precinct is like.

9 CHIEF SHORTELL: Hi, good morning. Chief
10 Shortell, Chief of Training. We have the Gay
11 Officers Action League. They actually come to do the
12 recruit specifically, and they also can bring
13 advocates. They do have a four-hour curriculum, but
14 it's not just lecture-based, but it's also scenario
15 based.

16 CHAIRPERSON DROMM: Okay, good. I just
17 was wondering because I had not been invited in a
18 while. But I--

19 CHIEF SHORTELL: [interposing] But you're
20 invited.

21 CHAIRPERSON DROMM: I'll take you up on
22 that invitation, Commissioner. Thank you. Alright,
23 I'm going to turn it over to my Co-Chair, Donovan
24 Richards.

25 CHAIRPERSON RICHARDS: Thank you. Thank
you, Co-Chair. So, I'll start off with-- so I know,

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3 Commissioner, that the Department has certainly made
4 efforts to diversify its ranks including your 54
5 million dollar advertising campaign, but it seems
6 that as the Department becomes more diverse that a
7 lot of the officers are facing larger pay gaps in
8 comparison to other Police Departments, and they're
9 starting to fall, and they do fall into an inferior
10 pension tier. Simply to put it this way, the pay and
11 benefits were better when the Department seemed to be
12 more white, and I think that one of the concerns we
13 have is that as it diversifies we want to ensure that
14 the new officers coming and certainly are reaping the
15 same benefits from those in the past. So do you have
16 an opinion on what has happened, and why is it that
17 the pay and benefits are so much more inferior now
18 that the Department is diversifying, and do you
19 support changing the system so that as newer members
20 who are much more likely to be women and people of
21 color come on, that they would have the same
22 benefits?

22 COMMISSIONER O'NEILL: I mean, I support
23 equal pay for everyone. It's always been my position
24 since I came on in 1983. So, Chief Clone [sp?] works
25 in our Personnel Bureau. He's going to talk, speak

3 to some of the facts that you throw out-- some of the
4 questions you throw out there.

5 ASSISTANT CHIEF CASSIDY: Yeah, what
6 we've seen is the-- we're actually taking a look at
7 all-- resignation process itself, looking at the
8 whole reasons why people leave our agency. Over the
9 last four years we've seen anywhere from like one
10 percent of the agency resigns or moves away to other
11 agencies.

12 CHAIRPERSON RICHARDS: And one percent is
13 about 500?

14 ASSISTANT CHIEF CASSIDY: Yeah, we're
15 roughly falling between 317 back in 2014 to 512 in
16 2017, and it comes out to be about 1.4, 1.3 the whole
17 time throughout those years. Most of them, more than
18 half of them, are through other agencies. The other
19 agency in Nassau County, Suffolk County. As they
20 start putting in more classes, you see a little bit
21 of an influx of people that will resign. The reason
22 why they're leaving, predominantly-- I actually look
23 at each one of them. It's more of a commuting
24 factor. We have people that live farther away from
25 the City itself. They do have a tendency to look,
and that's their primary reason for leaving. Pay is

3 also one of them, and as you say, we do have just
4 people that leave the agency just because they want
5 to like look at their careers, but the majority of
6 them are for other agencies, sometimes out of the
7 state. People relocate with their families as they
8 move forward. What we've done now with looking at to
9 revamp the whole process, we actually can get a
10 better handle on why the people are leaving. That's
11 the only reasons why they're going. We have them do
12 it at the point of their resignation, but we also
13 have them do an anonymous one, that we try to help
14 them to go online. So this way if they feel
15 uncomfortable telling the real reason why they're
16 leaving, we'll gather some more information. But
17 we're in the process of building that system now. A
18 lot of things we do touch on, there are some
19 disparities, but this Department, I have seen some
20 people that do come back into this agency, especially
21 going to these outside agencies because they're a lot
22 smaller. They're smaller. What we do is we-- we do
23 have a lot more opportunities for our members, and we
24 try to push that, ask that before they resign. If
25 they're going to another agency, just to let them
know we do have a lot of benefits as well as up--

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2 like, for our military members, our educational
3 opportunities, and also details within the agency.

4 CHAIRPERSON RICHARDS: Alright. So,
5 thank you for that, and I think we want to continue
6 the dialogue with you, and will you be providing that
7 information to us, to the committees, respectively on
8 the numbers of people you're seeing leave and the
9 reasons, and we appreciate if the Council could stay
10 in touch with you on this particular matter.

11 ASSISTANT CHIEF CASSIDY: Yeah, we can
12 provide that information.

13 CHAIRPERSON RICHARDS: Okay, awesome.
14 I'm going to move onto the SVD Unit. So, obviously,
15 and we missed Larry Byrne today. I know he's away
16 today. Please give him my regards. So, obviously we
17 touched on the poor conditions of the SVD Unit
18 facilities and also underfunding of the unit, and I'm
19 interested in hearing, I know you did survey some of
20 the prior facilities and you're looking to do some
21 repairs on those. I'm interested in hearing where
22 we're at with that, and while I do applaud you on
23 this, I'm also interested in hearing conversation on
24 what we're doing to find new facilities, and where
25

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3 we're at on that. So, if someone could give us an
4 update on that.

5 DEPUTY COMMISSIONER GRIPPO: So, what we
6 did was we looked at all five, where the facilities
7 are one in each borough, and we assess them to figure
8 out what work could be done immediately to improve
9 the conditions for both our members and the people
10 coming to visit in the facilities with an eye towards
11 the recommendations that we have in the report. We
12 ultimately think that all of the boroughs require new
13 facilities, and we've made that request to DCAS and
14 OMB who have begun the process of site selection,
15 understanding the biggest challenge with the existing
16 facilities would be separate entrances, but knowing
17 that we really can't wait for new facilities to
18 improve the conditions, we're going to very
19 aggressively work between now and the end of the
20 fiscal year to make improvements in four of the five
21 boroughs and to relocate Manhattan out of their
22 current location to a location that we already have
23 control of at 137 Center Street. So, ultimately, 137
24 Center will actually provide nearly everything that
25 is requested in the DOI report and will provide a
much better facility. It will require some work,

3 because again, there are very specific
4 recommendations around how the rooms should be
5 situated, the detention area. So we need to do that
6 work, and it's going to take us a number of months.
7 We're looking at towards the end of Calendar Year
8 2018 to get Manhattan out of their current location
9 and over to 137 Center. Between now and the end of
10 the fiscal year we'll be repairing Brooklyn, Queens,
11 Staten Island and the Bronx. We won't get, again,
12 everything that we want, but we're going to make
13 significant improvements by the end of the fiscal
14 year. Brooklyn's going to take a little longer
15 because there are some capital improvements that are
16 necessary. That'll extend into the first quarter of
17 Fiscal 19, but while all of that is going on we're
18 working with DCAS to find new sites, and we thank
19 you, Council Member, for suggesting we reach out to
20 Safe Horizon. I'll tell you that we co-locate with
21 Safe Horizon in Staten Island in talking to the
22 people and special victims. They've found that
23 partnership to be very beneficial. So we're also in
24 contact with them. We plan to visit their
25 facilities, and we're going to incorporate some of
what they do in their sites in the repair work that

3 we're doing to our current facilities, and we're also
4 going to continue a dialogue with them to see if in
5 the future co-location would work in the other
6 boroughs in terms of our new sites.

7 CHAIRPERSON RICHARDS: That is certainly
8 good news, and I applaud you, and we should give
9 credit where credit is due. Although we're not at
10 the finish line yet, so we'll still be watching, but
11 I want to give credit where credit is due on this.
12 So, thank you. You know, people who experience
13 sexual violence certainly deserve this, and have
14 deserved it a long time ago. So very happy to hear
15 that. And then in terms of the new facilities, so
16 when do you anticipate more movement from OMB and
17 DCAS? When do you expect them to get back to you?
18 Because we really do want to push the buttons here to
19 get people into facilities that they will feel safe
20 and secure in.

21 DEPUTY COMMISSIONER GRIPPO: I can tell
22 you that everybody understands this is a Mayoral
23 priority, a council priority, an NYPD priority. So I
24 expect everyone will be very aggressive right now in
25 terms of identifying those phases. We are working to
prioritize them, because frankly the conditions

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3 range, and what we want to do ideally is make sure
4 that we find new sites for the facilities that are
5 the furthest from what they should be, but ultimately
6 this is going to be a very aggressive search, and I--
7 you know, we just started it with literally-- in the
8 last couple of weeks it had begun. So, it's hard to
9 say what the timeline looks like before DCAS gets
10 out, but again, the priority has been set that this
11 is of the highest priority.

12 CHAIRPERSON RICHARDS: Okay. Well, we
13 certainly want to hear a timeline on that. And then
14 I just want to hit on the staffing. So, DOI had
15 recommended 73 additional investigators, and I think
16 a lot of that came based on your internal memos from
17 Chief Osgood on staffing levels in the SVD unit. So,
18 I know that we did move to 20. What is your thoughts
19 on getting to that 73 number? And at 20 what-- how
20 will the caseloads be affected?

21 COMMISSIONER O'NEILL: Chief Shea, Chief
22 of Detectives will speak about that, but not only did
23 we put the 20 in, we also created a Special Victims
24 Cold Case Unit where there's an additional 14. Chief
25 Shea was just appointed Chief of Detectives I think
three weeks ago. Probably seems longer than that to

3 him. I asked him to do a top-to-bottom look at
4 special victims and see where we can make some
5 improvements. Dermot?

6 CHIEF SHEA: Chief Dermot Shea, Chief of
7 Detectives. Councilman, yeah, it's been about three
8 weeks. I've interviewed Chief Osgood as well as top-
9 to-bottom members of the Special Victims Division.
10 One of the things I'm looking at is the current rate
11 of cases coming in. also, what I'm looking at is how
12 the resources that effectively are there already and
13 how are they used. And I'm not prepared yet to say
14 the final findings, but I will tell you that, you
15 know, that there is some issues raised in my mind and
16 questions that need to be answered in terms of how we
17 use technology currently. So, it's not as simple as
18 number of detectives assigned and the caseload and
19 how many are needed. There were also questions
20 arising in terms of how are the assets that are
21 currently assigned there utilized, and can they be
22 used more efficiently. I expect in the near future
23 to be ready to present my findings to the Police
24 Commissioner, and then I'll proceed from there.

25 CHAIRPERSON RICHARDS: And victims can't
wait for a long time--

3 CHIEF SHEA: [interposing] Hundred
4 percent.

5 CHAIRPERSON RICHARDS: do we anticipate--

6 CHIEF SHEA: [interposing] Hundred percent
7 agree.

8 CHAIRPERSON RICHARDS: Okay. And just go
9 through your numbers again. You said-- so, I thought
10 there in the announcement, there was an announcement
11 of 20 new investigators so that--

12 CHIEF SHEA: [interposing] That was
13 completed.

14 CHAIRPERSON RICHARDS: Great. So, that
15 was completed.

16 CHIEF SHEA: Yes, it was.

17 CHAIRPERSON RICHARDS: And you said 12
18 cold case?

19 COMMISSIONER O'NEILL: Fourteen.

20 CHAIRPERSON RICHARDS: Fourteen added to
21 cold case. So, that's an additional 14 on top of the
22 20?

23 COMMISSIONER O'NEILL: Yes, it is.

24 CHAIRPERSON RICHARDS: Okay, so 34 total.
25 Okay, great. Alright, I'm going to move onto next
subject quickly so we can get to my colleagues. So,

3 Commissioner, in your testimony you said, "I
4 steadfastly reject the idea that arrest around
5 marijuana are racially motivated." And then you
6 said, "I do recognize that a disparity exists, and I
7 know that these types of arrests often effect certain
8 racial groups more than others." So, I'm confused by
9 your testimony where you reject the notion that these
10 arrests are racially motivated, and then in the next
11 sentence say you do recognize disparities exist. So
12 what are disparities? I'm interested in knowing how
13 do you define disparities when it comes to marijuana?

14 COMMISSIONER O'NEILL: We-- and this is
15 something that every Thursday morning Chief Pollock
16 and Chief Monahan we talk about summary enforcement.
17 I think you've been to a CompStat down to the lowest
18 level. We want to see if that summary enforcement is
19 connected to crime of violence. We-- in my testimony
20 I did acknowledge the disparity. Arrests are down
21 over the last four years, down considerably, and
22 they're down this year, too. They're down I think
23 12.7 percent this year. So this is something that we
24 look at. We're looking at 911 calls, 311 calls.
25 We're looking at community complaints. With our
Neighborhood Policing program we have our Build-a-

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2 Block sector crime meetings, Summit Safety Meetings.

3 So, this is where it's not just a matter of 911 and

4 311. We had over 51,000 calls last year about

5 marijuana, and it's something that we do have to--

6 there are quality of life issues here. So, this is--

7 we're looking to see why the disparity exists. I

8 don't have an answer for you today.

9 CHAIRPERSON RICHARDS: And that disparity
10 is? Can you speak to what-- how do you define
11 disparity in this case?

12 COMMISSIONER O'NEILL: As far as what?
13 What racial--

14 CHAIRPERSON RICHARDS: [interposing] So
15 what I'm trying to get at is black and brown people,
16 and I just want you to-- if you can acknowledge that--
17 -

18 COMMISSIONER O'NEILL: [interposing] Yeah,
19 no, I am acknowledging that, yeah.

20 CHAIRPERSON RICHARDS: that is the
21 disparity. Okay.

22 COMMISSIONER O'NEILL: I'm not trying to
23 be--

24 CHAIRPERSON RICHARDS: [interposing] Okay.

25

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3 COMMISSIONER O'NEILL: I'm not trying to
4 be--

5 CHAIRPERSON RICHARDS: [interposing] I
6 just wanted to be blunt here.

7 COMMISSIONER O'NEILL: No, I understand
8 that.

9 CHAIRPERSON RICHARDS: Okay. So, on
10 March 2nd we requested data regarding the enforcement
11 of marijuana laws and we did so because we needed to
12 evaluate whether your representation of enforcement
13 was based on community complaints, and I'm a little
14 taken aback that after waiting over two months we
15 were not sent what we were asked for last Friday. In
16 particular, we did not receive the time, date, and
17 location of 311 and 911 calls, arrests, or summonses.
18 So, there's no way for us to actually analyze whether
19 or not there is a direct correlation between
20 complaints that come in for marijuana smoking, and
21 whether or not subsequent arrests or summons resulted
22 from these complaints. So why didn't we get this
23 data if you're able to cite it in a way that is
24 broken down, I want to say truthfully, but it just
25 seems like the data is all over the place. I'll give
you one example, for instance. In the 105 precinct

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3 you sent over numbers in February showing 1,851
4 summonses were handed out in response to 185 9-1-1
5 calls and 3-1-1 calls, and now the numbers show 441
6 9-1-1 calls and 40 311 calls. Can you explain the
7 disparity in these numbers?

8 CHIEF DONAHUE: So, John Donahue, Chief
9 of Strategic Initiatives. with respect to your first
10 question involving the letter on March 2nd for the
11 data, tried to balance the need for time limits and
12 responsiveness the Council should have from us with
13 the request for the amount of data points that were
14 requested, which was all data elements regarding 9-1-
15 1 and all data elements regarding 3-1-1 and all data
16 elements for all arrests effective for 22105 and
17 22110. To get to the data that you have just
18 clarified, you wanted a lot smaller subset of data,
19 we would be able to do that, but I believe that in
20 attempting to balance the need to respond quickly, we
21 were able to pull out that information and provide it
22 to you, to the Council, and the spreadsheets that we
23 sent on Friday.

24 CHAIRPERSON RICHARDS: But that-- do you
25 acknowledge there are issues with the spreadsheet you
sent over?

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3 CHIEF DONAHUE: I acknowledge that the
4 data is representative of the information in 9-1-1
5 and 3-1-1, and as well as the arrest data.

6 CHAIRPERSON RICHARDS: I think your data
7 is incomplete. I think it's certainly showing that
8 there is no real rationale on why certain communities
9 like the 105 and others are disproportionately being
10 impacted by these arrests and summonses, and I don't
11 know how-- based on what you sent over I don't see
12 any rationale on your case, on the case you're trying
13 to make. Commissioner, I'm trying to understand, do
14 you still stick to the story that these marijuana
15 arrests and summonses are being issued based on 9-1-1
16 and 3-1-1 data, because your data, once again, is all
17 over the place.

18 COMMISSIONER O'NEILL: Yeah, that 9-1-1
19 and 3-1-1 data isn't all inclusive. I mean, there
20 are-- and you know as well as I do, Council Member,
21 that there are community meetings that we go to.
22 There are the NCOs, neighborhood policing now where
23 the complaints come through. So, it's not all going
24 to be reflected on 9-1-1 and 3-1-1 calls.

25 CHAIRPERSON RICHARDS: If I can be blunt
for a second? Again, your numbers are not adding up,

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2 and just to be very clear on this issue, it seems as
3 if the NYPD is preying on black and brown
4 communities, because these are easy-- would you
5 agree?-- easy summonses, easy arrests--

6 COMMISSIONER O'NEILL: [interposing] No,
7 no, I--

8 CHAIRPERSON RICHARDS: [interposing] that
9 can be made on low-level--

10 COMMISSIONER O'NEILL: [interposing] I
11 wouldn't agree at all.

12 CHAIRPERSON RICHARDS: marijuana?

13 COMMISSIONER O'NEILL: Yeah, I'm not
14 going to agree with that.

15 CHAIRPERSON RICHARDS: But your data
16 shows that?

17 COMMISSIONER O'NEILL: No, it doesn't. I
18 think our data shows that we are responsive to
19 community complaints as well as 9-1-1 and 3-1-1
20 complaints, and there is a disparity and we're trying
21 to find what that disparity is. I'm not looking--
22 we're not looking to arrest any people of color that
23 have no nexus to violence, to crime or violence.

24 CHAIRPERSON RICHARDS: But that's
25 happening.

3 COMMISSIONER O'NEILL: And we're
4 addressing it. We address it every Thursday morning.
5 I do acknowledge that. This is not-- this does not
6 help us reduce crime, but if it's a gang and crew
7 member that's smoking marijuana in public, that helps
8 us reduce crime, too. So, there are a lot of factors
9 to be taken into consideration.

10 CHAIRPERSON RICHARDS: And we understand
11 there's a balance that has to be made here, but at
12 the end of the day, in a lot of these cases, these
13 are not gang members. You know, these are young--

14 COMMISSIONER O'NEILL: [interposing] Yeah,
15 there are--

16 CHAIRPERSON RICHARDS: [interposing]
17 people--

18 COMMISSIONER O'NEILL: [interposing] If
19 they're-- I think, and Jack, tell me if I'm not
20 correct in this number, 36 percent of the marijuana
21 arrests we made in 2017 had no criminal history.
22 That's not what I'm looking for. That's not what
23 Terry Monahan's looking for. That's not what Lori
24 Pollock's [sp?] looking for, too. So, we-- you know,
25 we are addressing it, and we'll continue to address
it.

3 CHAIRPERSON RICHARDS: So, when can we
4 expect numbers that are going to reflect that you are
5 actually addressing this issue?

6 COMMISSIONER O'NEILL: The numbers
7 continue to go down, Council Member.

8 CHAIRPERSON RICHARDS: Alright, I'm going
9 to move on to 50A quick before we get to my
10 colleagues. So, obviously, you're rolling out the
11 body-worn cameras, and every day it seems to be that
12 your interpretation of 50A expands and broadens, and
13 you know, just last week, obviously, Council Member
14 Lancman had sponsored a bill on use-of-force, and we
15 were looking for data on excessive use of force in
16 which you cited 50A. Now we have body cameras
17 coming. Are we going to expect this same broadening
18 interpretation when it comes to 50A here? I'm also
19 interested in hearing what is the status of 50A in
20 Albany and can we get an update on what your plan is
21 to address this issue?

22 COMMISSIONER O'NEILL: Sure. Anne Fronte
23 [sp?] from DCLM is going to come up, but I need to
24 address what happened last week: disaggregating
25 excessive use of force down to precinct level. These
aren't decisions that we make in a vacuum here. We

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2 have to balance transparency with police officers
3 safety, and we're going to move forward, and we're
4 going to get that data to you by precinct, but again,
5 these-- there are people out here that are looking to
6 do police officers harm, and I know you know that.
7 So, you know, we just don't sit over in one police
8 closet making these decisions without careful
9 consideration. You know, we just had-- I have his
10 name here-- a man named Victor Kingsley [sp?] who was
11 mailing bombs to NYPD officers. These are real
12 issues. We had someone we arrested, he got our
13 police officer's name, and he left a message on this
14 detective's personal phone. I'm just going to give
15 you just a little bit of it: "Hey,-- officer's name--
16 highway cop, MF'er [sic]. Hope all is well. I'll be
17 seeing you very shortly. Hope you and your family
18 on-- where they live-- are doing very well. Hope to
19 see you soon." So these are real, real--

20 CHAIRPERSON RICHARDS: [interposing]

21 Right, and I don't think we're--

22 COMMISSIONER O'NEILL: [interposing]

23 threats.

24 CHAIRPERSON RICHARDS: interested in any

25 officer getting harmed,--

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2 COMMISSIONER O'NEILL: [interposing] And
3 I'm not saying that you are.

4 CHAIRPERSON RICHARDS: and I hope you
5 don't take it that way, but transparency and
6 accountability--

7 COMMISSIONER O'NEILL: [interposing]
8 Right.

9 CHAIRPERSON RICHARDS: is what's going to
10 keep your NYPD officers safe.

11 COMMISSIONER O'NEILL: And trust.

12 CHAIRPERSON RICHARDS: And we're not
13 asking for officer's names in a lot of these cases,
14 even though we'd love it, but we're not asking for
15 that. The bill reflected just breaking it down by
16 precinct.

17 COMMISSIONER O'NEILL: Right.

18 CHAIRPERSON RICHARDS: So, there are how
19 many officers on average in a precinct?

20 COMMISSIONER O'NEILL: Anywhere from 120
21 to 400.

22 CHAIRPERSON RICHARDS: Okay, so I don't
23 see how that would translate into someone finding
24 someone based on precinct-level data when we
25 wouldn't-- you're not giving us the name because

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3 you're citing 50A. So, they would really have to do
4 some real deep diving to get that sort of
5 information, and once again, our interest is not in
6 seeing any officer hurt.

7 COMMISSIONER O'NEILL: And I didn't say
8 you would be.

9 CHAIRPERSON RICHARDS: Right, okay.

10 COMMISSIONER O'NEILL: We've been working
11 together for a long time now, and I know that you're
12 interested in officer safety as much as everybody
13 from the NYPD. So I appreciate that. But I just
14 wanted you to know that we don't make these decisions
15 in a vacuum.

16 CHAIRPERSON RICHARDS: Right.

17 COMMISSIONER O'NEILL: We're not looking
18 not to be transparent.

19 CHAIRPERSON RICHARDS: So, you agreed you
20 are going to get the data.

21 COMMISSIONER O'NEILL: Yes, we are.

22 CHAIRPERSON RICHARDS: Okay, great. Why
23 do we make life so hard when we could just get it
24 right the first time? And last question, EDP
25 taskforce. So, obviously, we announced prevention
and response taskforce which will focus on developing

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3 a citywide strategy to prevent mental health crisis.

4 Just interested in hearing what roll the NYPD will

5 play. I know Susan Herman is here. In the Preliminary

6 Budget the Department received additional funding to

7 expand the full response teams to DOHMH. Is the

8 Department looking to expand these teams again, and

9 if so, what would be the cost? And then my last

10 question before we turn it over to my colleagues is

11 we have been waiting for the names of the officers in

12 particular around the Saheed Vassell shooting and

13 were still interested in knowing is the Department

14 going to release those names, and when can we expect

15 that to happen?

16 DEPUTY COMMISSIONER HERMAN: Good

17 morning. Susan Herman, Deputy Commissioner of

18 Collaborative Policing. As you know, the EDP

19 taskforce has been announced. There will be an

20 advisory committee made up of NYPD, DOHMH, MOCJ, DSS,

21 FDNY, Health + Hospitals, and City Hall. Then there

22 is a 40 to 50 person steering committee that will be

23 made up of people who work for city government,

24 people with lived experience, service providers,

25 managed care, policy makers, including City Council,

academics, and faith-based organizations. And the

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3 work will be divided into four different topic areas:
4 prevention, early intervention, crisis, and post-
5 crisis and stabilization. The hope is that the
6 committee begins in June actively and has a set of
7 recommendations by the end of December.

8 CHAIRPERSON RICHARDS: DO you anticipate
9 any additional costs here for additional call
10 response teams, or that's to be determined based on
11 the work with the taskforce.

12 DEPUTY COMMISSIONER HERMAN: I believe
13 the current budget has funding for an expansion of
14 call [sic] response to go from five days a week, one
15 tour, to seven days a week, two tours.

16 CHAIRPERSON RICHARDS: Okay.

17 DEPUTY COMMISSIONER GRIPPO: Yeah, that
18 was in the Preliminary Budget.

19 CHAIRPERSON RICHARDS: And my last
20 question, Commissioner, on the status of releasing
21 the names in the Saheed Vassell shooting?

22 COMMISSIONER O'NEILL: We still haven't
23 decided if and when. There's some security issues
24 that we're concerned about. So, we need to have
25 further discussion about that.

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2 CHAIRPERSON RICHARDS: And that security,
3 you're concerned of the officer's safety?

4 COMMISSIONER O'NEILL: Yeah, I have
5 concern for the officer's safety, yes.

6 CHAIRPERSON RICHARDS: And in the past
7 you have released names around--

8 COMMISSIONER O'NEILL: [interposing] It's
9 been a-- we have not officially released names. No,
10 we have not.

11 CHAIRPERSON RICHARDS: Okay, I look
12 forward to continuing this conversation.

13 COMMISSIONER O'NEILL: Okay.

14 CHAIRPERSON RICHARDS: I want to thank
15 you for the work that you have done. I'll come back
16 around for a last round of questions if there's time,
17 but I want to thank you for some of the things you've
18 said today. It certainly shows that you are
19 listening and hearing the Council's concerns, and the
20 public's more importantly, in responding to those
21 things. You have a long road to go, but we look
22 forward to continuing to work with you.

23 COMMISSIONER O'NEILL: I think I said
24 that in my testimony. We're far from finished.

25 CHAIRPERSON RICHARDS: Thank you.

3 CHAIRPERSON DROMM: Okay, thank you. We
4 have questions from Council Members now. Council
5 Member Grodenchik followed by Powers and Gibson and
6 then others.

7 COUNCIL MEMBER GRODENCHIK: Thank you,
8 Chairs. Good morning, Commissioner. It's almost
9 afternoon, but I'll stick with that. You had a very
10 long paragraph on marijuana, and my colleague, Chair
11 Richards, talked about that a little. Can you detail
12 in some way how much or how many resources this issue
13 eats up? I'm not going to ask you if you want to
14 legalize it, but if it were legal, how much money do
15 you think the Department would save a year? We have
16 any way of estimating that?

17 COMMISSIONER O'NEILL: No, we can't, but
18 in states where it's legal, you still can't smoke it
19 in public.

20 COUNCIL MEMBER GRODENCHIK: I understand
21 that.

22 COMMISSIONER O'NEILL: So, you're either--

23 COUNCIL MEMBER GRODENCHIK: [interposing]
24 [interposing] you can't drink in public either.
25

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2 COMMISSIONER O'NEILL: You're either
3 getting a summons or you're getting arrested
4 depending on the state.

5 COUNCIL MEMBER GRODENCHIK: I'm sorry, I-

6 -

7 COMMISSIONER O'NEILL: Even in the states
8 where it's legal you can't smoke it in public.

9 COUNCIL MEMBER GRODENCHIK: No, I
10 understand that. But presumably, the amount of
11 enforcement would go down if it were legal.

12 COMMISSIONER O'NEILL: Maybe, possibly.
13 But it's a-- if you can't smoke it-- as long as it's
14 not being smoked in public.

15 COUNCIL MEMBER GRODENCHIK: Okay.

16 COMMISSIONER O'NEILL: I mean, this is--
17 and I stated in my testimony, we're going to--
18 there's still going to be conversations about this.
19 This is something we're going to be talking about for
20 some time. These are the issues we have to talk
21 about moving forward.

22 COUNCIL MEMBER GRODENCHIK: Okay. Well,
23 thank you for your views on that. If I could turn to
24 school safety-- some people have suggested, not me,
25 but some people have suggested putting a police

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2 officer in every school or upgrading that, and has
3 the Department looked at the cost of this at all? I
4 know we're here to talk about the budget today.

5 COMMISSIONER O'NEILL: Yeah, I know.

6 Chief Conroy can speak to that a little bit. There
7 are 1,800 schools.

8 COUNCIL MEMBER GRODENCHIK: There's a lot
9 of schools. I got 32 in my district.

10 COMMISSIONER O'NEILL: Right, right. So,
11 right.

12 COUNCIL MEMBER GRODENCHIK: Only one of
13 which is locked currently.

14 ASSISTANT CHIEF CONROY: Just to speak to
15 what we do have. So, I don't have the cost of
16 putting a-- there is a tremendous number of school
17 buildings and schools. But currently we do have a
18 school safety agent in every school.

19 COUNCIL MEMBER GRODENCHIK: Right.

20 ASSISTANT CHIEF CONROY: And we work very
21 closely with our partners in the precinct.

22 Neighborhood, I think, policing has really sort of
23 enhanced the relationship between the patrol offices
24 and the school safety agents. So we have directed
25 patrols being conducted by patrol officers and our

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2 uniformed taskforce within school safety that are
3 visiting schools. So we have a presence of uniforms
4 at all our schools. So, I think that combination is
5 working for us, and I think it's working very well.

6 COUNCIL MEMBER GRODENCHIK: I think so
7 also. I have found that the-- without exception. I
8 visit every school every year and many schools
9 multiple times, and to get past that person is-- not
10 that I try-- but it's impossible. They're very
11 vigilant. They don't miss much, and they're dealing
12 with a lot of people, especially, you know, when many
13 kids are coming in, but I found them to be very
14 vigilant. Twenty seconds left. I'll yield the
15 balance of my time. Thank you, Commissioner.

16 CHAIRPERSON RICHARDS: [laughter]

17 CHAIRPERSON DROMM: Thank you. Council
18 Member Powers, Gibson, and then Adams.

19 COUNCIL MEMBER POWERS: I will be
20 accepting Council Member Grodenchik's 20 seconds of
21 time. I wanted to pick up on two things that came up
22 earlier. First, is the clear lanes enforcement and
23 the other initiatives in DOT and NYPD have around
24 congestion in my district? Can you give us an update
25 on where you are in staffing that? And in your first

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2 few weeks, how many tickets have been issued, and any
3 other updates you can share with us.

4 ASSISTANT CHIEF CASSIDY: Chief Cassidy,
5 again, Transportation.

6 COUNCIL MEMBER POWERS: I represent the
7 Midtown District.

8 ASSISTANT CHIEF CASSIDY: Alright,
9 Midtown? Okay, so at the Midtown Core, that program
10 was stood up on 4-16. Currently we have-- on the
11 Clear Lanes initiative we have 18 TEAs per tour, and
12 in the-- for a total of 65 in total, and the Clear
13 Curbs, 10 TEAs per tour. Enforcement-wise, a total
14 of 20,499 summons have been given out as of 5-10.
15 That's a combination of a.m./p.m. tows a.m./p.m.
16 total has been 226, and there have been four arrests
17 affected by CTF personnel for various infractions
18 like 511, along those corridors.

19 CHAIRPERSON DROMM: Just, I want to
20 interrupt and hold the clock. Can you give us the
21 other boroughs, the other sites as well for the Clear
22 Curbs and the Clear Lanes?

23 ASSISTANT CHIEF CASSIDY: Sure. With
24 regards to Roosevelt Avenue, that's 9 TEAs per tour,
25 so, 18 per day. There's been 2,206 summonses issued,

2 254 between a.m. and p.m. towed with a larger
3 majority on the p.m., 154 versus 100. On Flatbush
4 Avenue, eight, again, TEAs-- well, eight TEAs per
5 tour. Roosevelt was nine. A total of 2,173 summonses
6 were issued. Again, the p.m. 1,161 versus 1,012 on
7 the a.m., and tows on Flatbush Avenue 94. Again, the
8 p.m. seems to be more of the issue with 67 versus 27.
9 So, in total for Roosevelt Avenue and Flatbush,
10 you're looking at 348 total vehicles towed, and 4,379
11 summonses issued. That was as of 3-28. That program
12 began a little bit earlier than the Manhattan program
13 which was stood up on 4-16.

14 CHAIRPERSON DROMM: Okay, thank you.

15 Council Member Powers?

16 COUNCIL MEMBER POWERS: Thank you. I'll
17 pick up from there next. It strikes me as a very
18 high number. I'm not sure how to put that into
19 context. But it does reflect a concern that many
20 people had about starting enforcement early, doing
21 rapid enforcement versus giving the businesses and
22 the people who have been accustomed to a certain
23 behavior an opportunity to adjust their deliveries
24 and adjust their behavior.

3 ASSISTANT CHIEF CASSIDY: Well, my
4 understanding is that these programs, you know, there
5 was a considerable amount of outreach by DOT. There
6 was also some outreach by our units as well. There
7 was some signage issues. So that also led to an
8 extended time. I don't have a date for you. I can
9 get you the date--

10 COUNCIL MEMBER POWERS: [interposing]
11 Yeah, that'd be great.

12 ASSISTANT CHIEF CASSIDY: as to when we
13 began outreach with DOT. Again, was doing outreach
14 even before us when they started to do this. So
15 there was a considerable period of time in which
16 these businesses were alerted, to the fact that this
17 was coming. And again, it was actually-- the
18 initiative itself was put off twice due to issues
19 with signage, and so there was quite a period of time
20 in which they had time to consider those things. But
21 we are currently outreaching to them again now that
22 they know, you know, kind of like what this is. We're
23 hoping that the numbers go down and they are starting
24 to decline on a daily basis in terms of--

25 COUNCIL MEMBER POWERS: [interposing] Just
in the interest of time, sorry to--

3 ASSISTANT CHIEF CASSIDY: [interposing]

4 Yeah.

5 COUNCIL MEMBER POWERS: I had a follow up
6 question. But the-- we certainly appreciate data
7 when the education started, information to the
8 businesses. Also, when enforcement actions started,
9 because I was told there would be a grace period.
10 Just wanted to ask another follow-up question from
11 the earlier testimony. We talked about-- one of the
12 earlier folks had mentioned leaving the Department
13 and causes of leaving the Department. One of the
14 reasons, I think it was one percent of folks who-- I
15 know I'm done. Thank you for those answers and the
16 follow-up information. The question-- I think it was
17 one percent of folks that were retiring, I think
18 [inaudible] retiring. You said you had exit data on
19 other causes for it. Pay was mentioned as one of
20 them. I was wondering if there was a percentage or
21 information on how many folks were leaving due to
22 compensation. Sorry to make you get back up.

23 ASSISTANT CHIEF CONROY: What we do is we
24 capture like broad categories. So a lot of times
25 it's not specific down to it, and people put down
multiple reasons why they're leaving. Probably the

3 biggest one we have going to other agencies is that
4 it's the commute, commute factor. It says they're
5 closer to home more than anything else. We also look
6 at the other agencies that it just leads into. If
7 you see another agency in Nassau County, Suffolk
8 County, or Upstate New York, then it also was a pay
9 disparity, it's a little-- the pay.

10 COUNCIL MEMBER POWERS: So it is about
11 pay disparity in some cases. In other--

12 ASSISTANT CHIEF CONROY: [interposing]
13 They put it down with a multiple of reasons, that's
14 why. So, it's mostly the first thing they always put
15 down is mostly commute. We'll have better capturing
16 of the information as we move forward when we get the
17 electronic forms prepared, but right now that usually
18 seems to be the first category. We do see people
19 come back, though. It's not a big thing. Even when
20 they leave from our Department to go to the Fire
21 Department, we have people that do come back on our
22 job, just because once they see what these other
23 agencies do and the way they-- not the way they
24 function, but we have a lot more opportunities in
25 this agency.

2 COUNCIL MEMBER POWERS: So, is there an
3 ongoing concern, like we look at cities like San
4 Francisco a couple weeks ago through arbitration got
5 a pay increase. It seem like other major cities are
6 having a gap, I don't know if you want to call it a
7 gap, between our department, neighboring
8 jurisdictions as you note, and then I look at other
9 major cities, and they have comparable pay. San
10 Francisco being a city that's as expensive, if not
11 more, than New York City. They're concerned about
12 further attrition or recruitment because of pay
13 issues?

14 COMMISSIONER O'NEILL: Recruitment
15 doesn't seem to be an issue. Of course we're always
16 concerned about that compensation, and right now
17 unions are in collective bargaining. So, I don't want
18 to talk too much about it.

19 COUNCIL MEMBER POWERS: Okay, thank you.
20 I note that the Chair has moved me on. I don't get
21 the 20 seconds, but thank you. Actually, thank you
22 to the entire department for the work you do. I know
23 it's a difficult task every day. Thank you.

3 CHAIRPERSON DROMM: Okay, thank you.

4 Council Member Gibson, Adams and then Council Member
5 Deutsch.

6 COUNCIL MEMBER GIBSON: Thank you so much
7 Chair Dromm and Chair Richards. Good afternoon,
8 Commissioner, to you and the Executive team.

9 Certainly, on behalf of my borough of the Bronx, we
10 are deeply grateful for all of the work the women and
11 men, both uniform and civilian do each and every day.

12 Over the last term when I chaired public safety had a
13 great opportunity to work very closely with you, and
14 still working closely with you and all of your team,
15 and I certainly want to acknowledge and commend the
16 Department for all of the community engagement

17 efforts, the NCO roll-out, community partnership
18 program. We're promoting now for the Youth Academy

19 and the Cadets and Explorers, a lot of work we've
20 really done to make sure that New Yorkers are a part

21 of a conversation. I also want to recognize the work
22 the Department has really done with the New York City

23 Crisis Management system with many of our anti-gun

24 violence advocates and organizations that are on the

25 ground that have been working with you. I'm grateful

that they are acknowledged for keeping numbers low in

3 terms of crime as well in addition to the NYPD.

4 That's been a great step of progress, and I look

5 forward to more of that. I'm going to spit all of my

6 questions out, so I hope you're taking notes, and

7 then I'll leave the rest of my time for you to

8 answer. During the last four years we've been

9 successful in civilianization. At first there were

10 200 spots we agreed to, and then there was an

11 agreement on 415. So, I wanted to ask where we are.

12 Are we expecting to see any new additional slots for

13 civilianization? I wanted to ask specifically about

14 the recruitment for school crossing guards. It

15 sounds like we're adding two groups of 50 which will

16 get us to our budgeted amount of 2,638, but as we're

17 opening new schools every year, I wanted to make sure

18 there is a conversation with DOE and SCA as it

19 relates to adding on more school crossing guards.

20 And the recruitment efforts have been great, but I

21 still know that we struggle with certain areas that

22 our hard to recruit and retain school crossing

23 guards, who I believe are the lifeblood of our city.

24 Many of them are women of color and women, so I

25 definitely wanted to give you accommodation for that.

I wanted to ask about Summer All Out, a program that

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2 we usually roll out in June where we focus on areas

3 where we need additional officers. I wanted to ask

4 about that, and then DHS and all of their work

5 building out brand new shelters. You've been working

6 with DHS in terms of shelter security assessments.

7 So I wanted to find out is that still ongoing as the

8 City is opening more shelters? Are you still

9 working with them in that? And lastly, I wanted to

10 ask about Rodman's' Neck. When you were here during

11 Prelim in March, there was a two-year timeframe on

12 design and three-years of construction. So I wanted

13 to find out have there been any changes to that, and

14 are we able to expedite the renovation of Rodman's

15 Neck so that the residents of City Island and the

16 Bronx can have the noise mitigation that they have

17 been starving for for years. And I think that's it.

18 I did it.

19 COMMISSIONER O'NEILL: Only about 500

20 questions. Vanessa, just thank you for recognizing

21 the violence interrupters. They're-- as I stated in

22 my opening--

23 COUNCIL MEMBER GIBSON: [interposing]

24 Absolutely.

25

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2 COMMISSIONER O'NEILL: testimony, it's
3 certainly not the NYPD that does all this work, it's-
4 -

5 COUNCIL MEMBER GIBSON: [interposing]
6 Absolutely. Thank you.

7 COMMISSIONER O'NEILL: everybody in New
8 York City. Thanks.

9 DEPUTY COMMISSIONER GRIPPO: Okay, I'll--

10 COUNCIL MEMBER GIBSON: [interposing]
11 Civilianization.

12 DEPUTY COMMISSIONER GRIPPO: Yeah, so
13 I'll do civilianization, Rodman's Neck, and I think
14 we can both handle some crossing guards.

15 COUNCIL MEMBER GIBSON: Great.

16 DEPUTY COMMISSIONER GRIPPO:
17 Civilianization, you-- so, for the last plan of 415
18 we've hired 411. We have four more positions to fill,
19 but obviously that was very successful. We are
20 working with OMB now on a comprehensive look at the
21 Department. it's a new look because we've done a lot
22 of civilianization, even beyond what the Council has
23 funded, and we're now looking to assess what the last
24 piece would look like. And so we have a preliminary
25 of another 300 positions we've already begun

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3 discussing, but ultimately what we want to do is have
4 a comprehensive report that shows every single
5 position that could be civilianized working towards
6 the next year's budget process. SO, hopefully we can
7 incorporate it in that.

8 COUNCIL MEMBER GIBSON: Okay.

9 DEPUTY COMMISSIONER GRIPPO: So, for
10 Rodman's Neck, so I-- we are looking to get design
11 done in a year. Ultimately, the challenge with this
12 site, I need to stress, that site is park's land
13 property that was never really expected to be a
14 permanent installation. What we are looking to do
15 now is modernize it, and in modernizing it there's a
16 tremendous amount of work that needs to be done so
17 that the site could accommodate a permanent
18 installation, dealing with flooding conditions,
19 irrigation, the way the water runs, utility poles.
20 That's why this is-- this project is so complex. We
21 have heard loud and clear from the residents of City
22 Island the issues with sound, and we are ensuring
23 that the design incorporates sound mitigation that
24 would be installed prior to the beginning of
25 construction. So, we're not waiting for the project
to be completed, to have that sound mitigation in

3 place. Now, certainly, when we, you know, five years
4 from now when we're sitting here opening a new
5 facility the conditions are going to be significantly
6 better than they are today. We won't get all the way
7 there with the temporary sound mitigation, but we do
8 think we can reduce the noise significantly, and we
9 expect to do that quickly. So, we're not-- we're
10 going to look to address that sound mitigation with
11 temporary construction fencing in the immediacy, the
12 beginning, of the construction project, and it will
13 be designed first by the designer.

14 COUNCIL MEMBER GIBSON: Okay.

15 DEPUTY COMMISSIONER GRIPPO: So, I think
16 that will help with sound mitigation. For school
17 crossing guards, again, there-- so we're clear,
18 there's an ongoing process with DOE. I think we have
19 a great relationship with them in assessing new
20 schools and therefore new sites, and the 200
21 positions that the Council and the Mayor funded that
22 are non-assigned positions, those 200 school crossing
23 guards that report to precincts are mobilized.

24 COUNCIL MEMBER GIBSON: Right, the
25 supervisors.

3 DEPUTY COMMISSIONER GRIPPO: Yeah, and in
4 some instance those school crossing guards are
5 mobilized to new sites before we ultimately get
6 budget approval to increase our headcount. So, we
7 have a mechanism to deal with new sites before we go
8 through the formal budget process, which is why
9 you're not seeing an increase every single year. But
10 we've had a good dialogue with OMB. This is a
11 priority of both the Mayor and the Council. When we
12 get to an order of magnitude where we need additional
13 headcount, I have full confidence we will get the
14 additional headcount needed.

15 CHIEF HARRISON: If I could just go a
16 little bit into a couple of things. The application
17 process, we've kind of streamlined it. It's now go
18 on the internet through a smartphone and apply that
19 way. It's crossingguard.nypdonline.org. We also
20 have a candidate application for each precinct, and
21 then submitted to the Priority Civilian Hiring
22 taskforce for further processing based on vacancies
23 in their command. So, we're taking a look at on a
24 precinct level. The precinct identifies that there's
25 a location or intersection that needs school crossing
guards, we put a taskforce together to kind of help

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3 expedite that process to get school crossing guards
4 assigned to that location.

5 COUNCIL MEMBER GIBSON: Okay. Summer All
6 Out?

7 CHIEF MONAHAN: Summer All-- Chief Terry
8 Monahan, Chief of Department. We're going to have
9 200 police officers in the first week of June going
10 out to eight commands. Each command will get 25
11 police officers. In addition to that, we have around
12 100 cops who pass the sergeant's test that we're
13 going to move them out into commands also for the
14 summer. Plus, in June we have 750 recruits that'll
15 be coming out of the academy that will be getting out
16 on the streets for the summer months.

17 COUNCIL MEMBER GIBSON: Okay. We can
18 talk offline about shelter security. I know for the
19 sake of time we need to move on. Thank you so much,
20 Chair Richards and Chair Dromm.

21 CHAIRPERSON DROMM: Thank you. Council
22 Member Adams followed by Deutsch and Vallone.

23 COUNCIL MEMBER ADAMS: Thank you, Chair
24 Dromm, and thank you, Chair Richards for this hearing
25 this morning. Thank you all so much for being here
with us this morning. We really appreciate your

3 time, and I would like to echo the sentiment of my
4 colleague, Council Member Gibson when I say I truly
5 thank all of our offices, I thank them. Everyone
6 that represents District 28 and Southeast Queens and
7 all of our Southeast Queens offices, they do a
8 fantastic job for us. So I really want to start off
9 just by saying that. I thank you for the reduction
10 in crime, and I just thank them. Our NCO program is
11 terrific. It had a terrific start, and I think that
12 we've got some great, great work ahead of us with it
13 as well. Commissioner, I have to just follow up on
14 the sentiment of Chair Richard's questioning with
15 regard to your statement this morning, which I was a
16 little confused at as well in realizing the rejection
17 of the idea of disparity of marijuana arrests,
18 specifically knowing that earlier this year the City
19 Council questioned you regarding marijuana requests
20 specifically related to the incredibly high number of
21 arrests in the 105th precinct which is nearly 10
22 times the city average. So, I just would like to
23 know, as Council Member Richards said, the 311 data
24 does not match the claims made by the NYPD. So, your
25 statements says that you steadfastly reject the idea
that the arrests are racially motivated. So, I would

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3 like to know if not racially motivated in communities
4 of color, what would the other attributable factors
5 be in your eyes?

6 COMMISSIONER O'NEILL: I think
7 responsiveness to the residents. I mean, we talked
8 about the 105. In March, I mentioned this also. I
9 was at a community meeting in the 105, and somebody
10 spoke about disparity in marijuana enforcement. The
11 meeting was over and as I was leaving 10 or 15
12 homeowners came up to me and said, "You need to
13 continue to do this, because this makes us feel
14 safe." So there's--

15 CHAIRPERSON RICHARDS: [interposing] I'm
16 going to stop you there, though, because I was at
17 that meeting, and while appreciate those 10 to 15
18 constituents, they don't represent the broader
19 160,000 people I represent.

20 COMMISSIONER O'NEILL: Right. They-- we
21 also need to be responsive--

22 CHAIRPERSON RICHARDS: [interposing] We
23 just want to be careful and--

24 COMMISSIONER O'NEILL: to them too,
25 Chair.

3 CHAIRPERSON RICHARDS: Right, but they--
4 we could argue that, but I just want to say those 10
5 to 15 don't speak for an entire community.

6 COUNCIL MEMBER ADAMS: Well, I guess my
7 follow-up to that would be -- will there be a change
8 in policy, or is this the new norm for communities
9 and people of color?

10 COMMISSIONER O'NEILL: The neighborhood
11 policing program is coming into the 105 precinct, and
12 you'll see a noticeable difference in
13 community/police relations, and a subsequent
14 reduction in summary Enforcement.

15 COUNCIL MEMBER ADAMS: Okay, I appreciate
16 that very much. I'm going to switch gears. I've got
17 just a couple of seconds left-- If I may? Thank you
18 very much. Earlier last week, Council Member
19 Richards and I did also begin to introduce
20 legislation concerning the return of commissary funds
21 to formerly incarcerated individuals. So my
22 questioning goes along the line of property clear
23 facilities, can you provide us with any detail on
24 the existing property clerk sites?

25 DEPUTY COMMISSIONER GRIPPO: I'm not sure
what the question in. We have a number of property

3 clerk sites now. We are looking-- you're speaking to
4 the grand-- the idea of having a centralized property
5 and evidence warehouse. Yeah, so we are actively in
6 slight selection for a centralized property and
7 evidence warehouse. This is a project that begin
8 years ago through the DPSD program. Ultimately, we
9 need a modern facility to store all that, but
10 ultimately as you can imagine, it's a very large site
11 that's needed in an industrial manufacturing area.
12 So, we're working aggressively with DCAS and CBRE to
13 try to identify a site that could be used to house
14 that project. We have funding for it. We have 350--
15 375 million dollars' worth of capital funding, but we
16 need a site to put it in.

17 COUNCIL MEMBER ADAMS: Any ideas in mind?
18 Locations in mind.

19 DEPUTY COMMISSIONER GRIPPO: Honestly, we
20 have been working with DCAS. There are a few sites,
21 but ultimately, I think we should discuss after the
22 hearing, we can provide you with what information we
23 have.

24 COUNCIL MEMBER ADAMS: Thank you very
25 much. Thank you.

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2 CHAIRPERSON DROMM: Thank you. Council
3 Member Deutsch, Vallone and then Cabrera.

4 COUNCIL MEMBER DEUTSCH: Thank you. Good
5 morning, Commissioner, and Chiefs. So, first of all,
6 we're talking about 5. Billion-dollar budgets every--
7 I only have three minutes, so every minute I speak
8 it's a little over 1.8 billion, and I just used up
9 500 million just by saying that. But anyway, I'd
10 like to ask you for support. I have a bill in eh
11 City Council to raise the age limits for the NYPD
12 from 61 to 65, and I hope I could you support for
13 that. And also, I'd like to ask you to support us.
14 Each year we hold offices accountable, and we give
15 them challenges to bring, to keep crime down, which
16 comes with a lot more responsibility. So, if someone
17 is an executive of a company, yes that person has to
18 do the job and bring in the profits. But anytime
19 someone is given more responsibility it comes with a
20 pay raise. So, I'm asking all of us here in the
21 Council chambers to support the NYPD, to ensuring
22 that they get the fair raise, you know, still
23 together with the cost of living here in New York
24 City. in addition to that, the Mayor has stated that
25 New Yorkers are tired of asking for the same thing

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3 year after year, referring to speed cameras in school
4 zones, and getting nothing in return, referring to
5 Albany. And he also continues saying how many more
6 people must be killed. SO, yes, you know, we support
7 cameras in school cones, but also what is important
8 is not having a mechanical type of device, because by
9 the time you get caught with the speed camera it's
10 already too late, can be too late. So, I'd like to
11 ask you for your support in increasing traffic
12 control officers throughout the City, and it does say
13 in the NYPD website that traffic control offices keep
14 traffic moving and it reduces accidents and reduces
15 injuries. So, I like to ask you for your support in
16 increasing traffic control offices, especially during
17 the beginning of school and dismissal time during
18 school hours. So, that's when the children are
19 coming and the children are leaving. I know when I
20 take my daughter to school it takes me just-- it
21 takes me 45 minutes just to travel eight blocks. And
22 I get to Manhattan from my house, they go straight 45
23 minutes. So, so also reduces congestion. The less
24 people drive, the less people sit in traffic, the
25 less of a chance they get into an accident. And
finally, I just want to say I have visited a number

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3 of supportive housing throughout my district, and
4 there are times when someone, an elderly person dies
5 in an apartment, and that apartment is closed, and
6 they're waiting for detective to come and reopen that
7 apartment. I just want to ask if we can expedite
8 that time if it's not a crime scene, especially when
9 it comes to affordable housing, when it comes to
10 veteran supportive housing. So, this way we get the
11 people who are out in the streets, over 63,000
12 homeless people quickly into some type of affordable
13 housing or supportive housing. And finally, I just
14 want to say, I want to thank all the men and women of
15 the NYPD. You're doing a great job each and every
16 day. I have a NCO program throughout all three of my
17 districts. I have great commanding officers, and I
18 just want to say thank you. Thank you for everything
19 you do.

20 COMMISSIONER O'NEILL: So, just raising
21 the age to 65 while-- we're going to have to have
22 further discussions about this. It does seem like
23 maybe a decent idea, but we also have to make sure
24 that we keep the ability to bring up our new and
25 young leaders through the ranks. So, we just lost
Bob Royce about a month ago, three weeks ago. It was

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3 a big loss to the Department. We have a very abled
4 person in Dermot Shea to fill that spot. So, I think
5 we probably have to talk about that a little bit
6 more. If you're talking about executive pay raises,
7 I don't think anybody here would be opposed to that.

8 [laughter]

9 COMMISSIONER O'NEILL: Speed cameras, I
10 know it's always good to have cameras, but those
11 laws, I think, as we saw in the 78, those laws need
12 to be changed to not just link the vehicle to the
13 violation, but the person to the violation, too. So,
14 I know up in Albany they're working on that. And then
15 to your last point about releasing apartments, I'm
16 going to have to check into that and see if we can
17 expedite that.

18 CHAIRPERSON DROMM: Thank you. Council
19 Member Vallone, and let me just remind everybody the
20 Commissioner does have to leave shortly, so please be
21 succinct with your questions. Thank you.

22 COUNCIL MEMBER VALLONE: I will, and I
23 won't wrap 15 questions into my three minutes. Thank
24 you, Chairs. Good morning, Commissioner, and good
25 morning to every man and woman of the NYPD. We
always thank you for making this the best city in the

3 world. We only do that when we have public safety.

4 Put in perspective, we put on a suit, you put on a

5 bullet-proof vest. So thank you for everything that

6 you do. This year I'm on a crusade for our children

7 for school safety, and this is a budget hearing. We

8 want to fight for you to make sure you have the most

9 amount of money to do what you need to do to keep

10 this city safe. I didn't hear an increase for school

11 safety agents, for school officers who are making the

12 schools safer. We had an incident out in our

13 district, and it was handled as always when 9-1-1 was

14 called, and the parent's safety was only measured by

15 the amount of officers that were seen. Those

16 officers obviously can't stay there for longer than a

17 week or two to make sure things happen, but then they

18 disappear, and then we as the Council Members are

19 left to answer the parents, "Are my children safe?"

20 I'm proposing that the current system does not

21 provide the level of safety that the children

22 deserve. One school safety agent and one crossing

23 guard which is what 90 percent of my district has

24 with the remaining 60 percent of the schools not

25 having school security cameras is not enough. So,

what I'd like to see is to advocate in the budget and

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2 put the plan forth in the NYPD of using the success
3 of the NCO program of expanding that to school safety
4 dedicated agents through the NCO program of expanding
5 the ability to have maybe a dedicated ESU for school
6 safety and to do it district-wide, borough-wide, and
7 city-wide, and that's why we have the city taskforce
8 legislation. I just want to get your thoughts on if
9 we're not increasing the budget, how are we going to
10 increase school safety.

11 COMMISSIONER O'NEILL: Chief Conroy is
12 going to speak about what we're doing with
13 neighborhood policing in schools. Right now we have
14 5,300 school safety officers. I think-- Brian, if
15 I'm not mistaken, we have 140 school safety police
16 officers assigned to that taskforce, but we're
17 looking to up that number to get closer to 200. But,
18 Brian, you want to talk about the neighborhood
19 policing program at schools?

20 ASSISTANT CHIEF CONROY: Yes, we just
21 gave a presentation to the Executive Staff on how
22 we're going to bring the neighborhood philosophy to
23 schools. So we'll be starting that in September with
24 one of our Bronx boroughs, and then we'll be moving
25 it into the rest of school safety.

3 COUNCIL MEMBER VALLONE: Well, what I'd
4 like to see since we have 30 seconds is an-- to be
5 proactive and not reactive. We have an opportunity
6 now to take a look for the first time. We have
7 private schools, public schools, religious schools.
8 I have private schools that don't have a school
9 safety agent and have a secretary and a priest or an
10 orthodox, someone there that's at the door. If we
11 feel that's a comfortable level of school safety, we
12 are not addressing the issue. We need to provide,
13 take the opportunity to put some new measures in
14 place to really listen to the principals, the
15 teachers, the parents, and say, "What can we do? Are
16 school safety plans filed? Do we have access to the
17 schools? Why don't we have access to the video
18 cameras? Who's blocking us from having access to the
19 video cameras on the streets?" There's not one
20 parent in the City that would say, "You know what, I
21 don't think the police Department should have access
22 to who's coming into my children's school." So what
23 I'd like to do is just to be proactive, work with
24 you, fight for you to make sure you get the funding
25 to do with that, and take this opportunity to really
focus on our schools. Thank you.

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3 COMMISSIONER O'NEILL: We look forward to
4 working with you on those issues.

5 COUNCIL MEMBER VALLONE: Thank you,
6 Commissioner. Thank you, Co-Chairs.

7 CHAIRPERSON DROMM: Okay, and thank you.
8 We have Council Member Cabrera followed by Brannan,
9 Menchaca, and then last, Rosenthal.

10 COUNCIL MEMBER CABRERA: Thank you so
11 much to both of the Chairs for the wonderful work
12 that you're doing. Commissioner, I want to thank you
13 because the NYPD, I consider the best Police
14 Department in the nation, bar none. Often I feel
15 that the NYPD does not receive the full credit that
16 it truly deserves. So, I want to echo my sentiments
17 to those who have applaud your work, your staff, and
18 for the NYPD. Also, I want to thank you for the
19 earlier comment on equalizing the Tier III unequal
20 pension for newer [sic] officers, and because that's
21 needed for all of our officers. I do want to
22 address, and I'm going to take a different take from
23 some of my colleagues regarding the 3-1-1 marijuana
24 complaints. My district, I want the officers to show
25 up whenever those 3-1-1 calls are made or 9-1-1
calls. I can tell you there's not a week where

2 people, my constituents, they want their response.

3 So, I can't speak for my other colleagues, but in my
4 district I want it to happen. Please, do not stop
5 it. Please do not slow down. Second, we got to be
6 careful, and I would love to hear from your Chief
7 Stat Officer, that we do not confuse correlation with
8 causation. Sometimes people thing something is
9 correlated, that automatically there's a causation to
10 that. For example, we could say right-handed people
11 commit most of the crimes, therefore, because you're
12 right-handed, automatically, you know, this-- that's
13 the cost of why they commit the crimes. Sometimes
14 there is-- the both go together. So, I would love to
15 hear from your Chief Stats person regarding causation
16 and correlation, any studies that are being done,
17 because I think this is an important issue to
18 address.

19 CHIEF DONAHUE: Yeah, Council Member
20 Cabrera, you are correct that correlation does not
21 mean causation, and there's plenty of people that are
22 probably smarter than me in statistics that can speak
23 about it, but the fact that as we spoke here today
24 regarding the issues of marijuana enforcement and the
25 disparities that we spoke about is not the cause.

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2 That may be what the outcome is, and I think we've
3 committed to is continuing to look at that more
4 deeply.

5 COUNCIL MEMBER CABRERA: Thank you so
6 much. Thank you to both of the Chairs.

7 CHAIRPERSON DROMM: Thank you. Council
8 Member Brannan? Council Member Menchaca?

9 COUNCIL MEMBER MENCHACA: Thank you,
10 Chair. Hello, Commissioner, and to your team. I
11 have two sets of questions, and one of them is
12 relating to the Police Foundation. I asked some
13 questions at the last public hearing. And the second
14 are relating to some cadets that I met recently, and
15 they were telling me their story, and I kind of want
16 to get a sense from you, Commissioner. There are 400
17 former cadets that are now officers, and there's an
18 issue with their tier four pension, and I'm wondering
19 if you can kind of talk a little bit about what your
20 team is doing right now to kind of hear their voices?
21 These are all cadets that are, you know, of color and
22 have-- are raising through the ranks. So, it'd be
23 good to kind of get your sense of what that is. And
24 then the second question is really relating to the
25 Police Foundation and getting a better sense about

2 how the Police Foundation supplements things,
3 everything from materials to personnel, expenses, and
4 if you're willing to really reveal all the
5 supplemental impacts it has on the budget? Our
6 Council can't do oversight if we don't know how the
7 Police Foundation and other private institutions are
8 funding the NYPD. What we don't want to do is make
9 inferences and assumptions on the influence of
10 outside sources that are potentially positive or
11 negative. We want to reveal it and understand it so
12 we can make good policy decisions on the budget which
13 is what we're here to talk about. So, it'd be good
14 to talk about the cadets, and the--

15 COMMISSIONER O'NEILL: [interposing] Yeah,
16 they-- Council Member, the cadet issue, I'm going to
17 have to get back to you. I didn't realize that there
18 was a Tier IV pension issue. That hasn't been
19 brought to my attention. Ben Tucker, our First
20 Deputy Commissioner, might have that. He hasn't had
21 a discussion with me yet. So,--

22 COUNCIL MEMBER MENCHACA: [interposing]
23 Okay, so you'll get back to us and the committee on
24 that?

2 COMMISSIONER O'NEILL: Absolutely,
3 without a doubt.

4 COUNCIL MEMBER MENCHACA: Great. That's
5 really important.

6 COMMISSIONER O'NEILL: No, it is
7 important because that's part of the process,
8 bringing these cadets. I think not this last class,
9 the class before we had over 100 cadets were coming
10 into the Academy, and so I think they're coming out
11 in June. So we want them to stick around. I agree
12 [sic]. As far as the Police Foundation, I think you
13 know that started in the 1970s. We wanted to make
14 sure that any contributions made to the Police
15 Department were funneled through the Police
16 Foundation or made through the Police Foundation, a
17 legitimate source of assisting us. What they usually
18 do is provide seed money. We just had in 2014, we
19 had the body-worn camera pilot project. They helped
20 us with that. They helped us in the 70s with vests.
21 They do the foreign liaison program. I think
22 everybody here is familiar with that. They help pay
23 for that. And then the public engagement campaign
24 was a big part of their budget in 2017. Those, the

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3 commercials. The engagement campaign, you see about
4 Build-a-Block and Neighborhood Policing.

4 DEPUTY COMMISSIONER HERMAN: Council
5 Member, if I could just also add to the
6 Commissioner's comments. We routinely report to the
7 Conflicts of Interest Boards the donations that we
8 receive, and in addition because the Police
9 Foundation is a 501C corporation, I believe it is,
10 they have their own reporting requirements, and they
11 do so through their-- I believe their tax returns.

12 COUNCIL MEMBER MENCHACA: [interposing]
13 And then the only thing I'm going to say is that--

14 DEPUTY COMMISSIONER HERMAN: There is a
15 significant transparency.

16 COUNCIL MEMBER MENCHACA: there's still a
17 question about full transparency, and if we could
18 work toward that, that'd be awesome. If we can work
19 on that, full transparency about how we can help
20 provide oversight. Thank you.

21 CHAIRPERSON DROMM: Council Member
22 Rosenthal, and actually we're going to have another
23 question by Council Member Moya.

24 COUNCIL MEMBER ROSENTHAL: Thank you so
25 much, Chair Dromm and chair Richards. Commissioner,

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2 I really appreciate your time and attention here
3 today. It means a lot. And as you know, we went out
4 and toured the Manhattan SVD, and I really appreciate
5 Chief Shea, your-- Dermot-- you're coming out and
6 asking questions and hearing from the detectives
7 there. I thought it was a really helpful visit. So,
8 thank your thoughts about. The first one is one of
9 the things that we've learned over the, you know, the
10 past few months is that the vast majority or quite
11 many of the sexual assault cases are committed by
12 serial perpetrators. In contrast say to homicide.
13 And I'm wondering if the serial nature of the crime
14 increases the public safety need to address sexual
15 assaults, and does that factor into the resources
16 that you need for the SVD? And then my second
17 question is, did you say the new Manhattan facilities
18 was at 137 Center?

19 COMMISSIONER O'NEILL: Yes.

20 COUNCIL MEMBER ROSENTHAL: Which is the
21 current Sanitation Department facility?

22 COMMISSIONER O'NEILL: I'm not certain.

23 COUNCIL MEMBER ROSENTHAL: I just googled
24 it. It's Sanitation. So, when you renovate it, are
25 you going to be using as model for what's in there

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2 and how its laid out, the Child Advocacy Centers here
3 in New York with correlate the breadth of services
4 needed for investigating those assaults including
5 child protective services from ACS , detectives, of
6 course, from PD, Assistant District Attorneys, the
7 Corporation Counsel from the Law Department,
8 pediatricians from local hospitals, and clinic
9 forensic specialist from Safe Horizon. So, the
10 comparable, of course, for adult would be the SVD,
11 Assistant District Attorneys, advocates, support
12 groups, and of course, medical professionals. Those
13 are really my top two questions. The third, if you
14 have a moment, is what the breakdown is of detectives
15 by grade, one, two's, and three's, in the Homicide
16 Division and also in the Special Victims Division?

17 DEPUTY COMMISSIONER GRIPPO: I just want
18 to clarify one thing. Then I'm going to turn it over
19 to Dermot. On the 137 Center, so to be clear, we are
20 still going to ultimately look for a new location in
21 Manhattan.

22 COUNCIL MEMBER ROSENTHAL: That's fine.

23 DEPUTY COMMISSIONER GRIPPO: Right, yeah.

24 COUNCIL MEMBER ROSENTHAL: I just-- I'm--

25

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2 DEPUTY COMMISSIONER GRIPPO: [interposing]

3 We're going to try to take that facility as far as we
4 can to meeting all of the requirements laid out in
5 the DOI report, but ultimately, a new facility would
6 involve co-location as you described.

7 COMMISSIONER O'NEILL: Just, before
8 Dermot speaks, as far as the grade for-- homicides
9 are by borough, and Special Victims is the citywide.
10 We're going to have to get that to you, a breakdown
11 by grade, third, second, first, okay?

12 CHIEF SHEA: Councilwoman, in no
13 particular order, I likewise-- I thank you for coming
14 out this past week to see firsthand really the men
15 and women that do the work every day and to see their
16 dedication. I thought it was great. So, I thank you
17 again. 137 Center Street, I was not aware of what's
18 in the building currently. I'm very familiar with the
19 area. DCAS is in that area. The Manhattan Criminal
20 Court is right in that area. Rest assured that
21 before any move is done there's going to be
22 significant renovations, and we would not look to
23 move people into it. It's directly opposite of what
24 we're trying to do. As we get victim-centric and we
25 recognize the future is a holistic approach where we

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2 have co-located whether it's prosecutors, medical
3 professionals, advocates, and our detectives. So,
4 rest assured that if it is not acceptable, then it
5 quite simply will not be the location. But I do not
6 have any information regarding sanitation facilities,
7 and that's not to say that anything--

8 COUNCIL MEMBER ROSENTHAL: [interposing]

9 It's just I didn't-- I'm sorry. I didn't mean to say
10 there were garbage trucks there. There-- it's the
11 Department of Sanitation has, I think, it's
12 administrative people there. I'm not--

13 CHIEF SHEA: [interposing] Yeah, it's a

14 bustling area. So, that could--

15 COUNCIL MEMBER ROSENTHAL: [interposing] I

16 understand that could be--

17 CHIEF SHEA: very well be.

18 COUNCIL MEMBER ROSENTHAL: a city leasable

19 facility, that's all.

20 CHIEF SHEA: Yeah. So, that's exciting

21 that we can-- on a parallel track as we look to find
22 a new location, at least we can make improvements to
23 the existing location, and that's essentially what
24 the 137 Center Street would be. On your first point
25 about the serial nature of the offenders, I do not

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3 have any data on that to report to you, and in fact,
4 in my experience in looking at many of them, I can't
5 point to the fact that these sex crimes, at least in
6 the cases that we've been investigating throughout
7 the city, are showing up at a disproportionately
8 higher recurrence rate. I certainly have many
9 incidents that I could highlight to you where we see
10 individuals victimize multiple people, but we see
11 that in other crimes as well. And I could offer an
12 alternative that we see many where it's the only case
13 that they have victimized somebody. Now, again, that
14 is reported. That's not to say that there are not
15 other victims.

16 COUNCIL MEMBER ROSENTHAL: Are you
17 equating, like, robberies to the serial nature of
18 this crime? I'm-- all I asked was given that-- and
19 you seem to be disputing it, but given that the
20 nature--

21 CHIEF SHEA: [interposing] Maybe it
22 wasn't-- I didn't fully understand your question, but
23 I can tell you that when we have re-victimization or
24 offenders victimizing multiple people, that would
25 fall into the category quite frankly a pattern, and

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2 the data does not suggest that we have a number of
3 patterns more than any other crime types.

4 CHAIRPERSON DROMM: Okay, thank you. We
5 need to go to our next--

6 CHIEF SHEA: [interposing] And I can
7 follow up with you afterwards if you'd like.

8 COUNCIL MEMBER ROSENTHAL: I mean, that
9 really-- I would be surprised if that were true. If
10 we're talking about homicides and we're talking about
11 rapes, and whether or not one person does it over and
12 over again in the rape situation versus one person
13 doing it over and over again in homicides. I trust
14 you're not thinking about robberies. So, I'm really
15 just interested in those two particular crimes, and
16 very concerned, and obviously by my question, that
17 we're-- that given that the nature and the frequency
18 of a repeat pattern, if that's the language you use,-

19 -

20 CHIEF SHEA: [interposing] Yeah.

21 COUNCIL MEMBER ROSENTHAL: in rapes, and
22 I just-- I want to point out the import of that in
23 terms of public safety. That's-- that should
24 frighten every woman, right, who--

25

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3 CHIEF SHEA: [interposing] Yeah, I agree
4 100 percent with you on those points, and I'd be more
5 than willing to--

6 COUNCIL MEMBER ROSENTHAL: [interposing] I
7 mean, the importance of getting a pattern or somebody
8 who's out there raping someone over and over again,
9 the importance of getting that person off the street,
10 it would strike me as paramount.

11 CHIEF SHEA: I can tell you, and you can
12 rest assured, that no one wants that person off the
13 street more than myself or the detectives that work
14 for me throughout the Detective Bureau. I'd be more
15 than happy to sit together again, and we can go over
16 in much greater detail what we see across the entire
17 landscape of sex crimes.

18 CHAIRPERSON DROMM: Council Member Moya?

19 COUNCIL MEMBER MOYA: Thank you, Chair
20 Dromm, and thank you to Chair Richards, and thank you
21 to you, Commissioner. I just have a very quick
22 question. Given the fact that at the national level
23 we're seeing that there is the pressure to come down
24 on Sanctuary Cities such as New York, I represent one
25 of the most diverse districts in the entire country
with a high immigrant population, and as we've been

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3 seeing these trends happening, I'm just asking are
4 there any additional accommodations that the NYPD has
5 made to ensure that victims of domestic violence or
6 witnesses entering the courthouses are not easy prey
7 for ICE? The NYPD has always been very good at
8 making sure that they're protecting the immigrant
9 community here in New York, and I just want to know
10 if that is still a standard practice here? Thank
11 you.

12 COMMISSIONER O'NEILL: Absolutely it is
13 still a standard practice. I've come out strongly.
14 We don't engage in immigration enforcement. That's
15 not the job of the NYPD. We have to use our
16 resources to battle traditional crime and obviously
17 in our fight against terrorism. That's not what we
18 do. And we look to build the trust of every community
19 across all New York City.

20 CHAIRPERSON DROMM: Okay, thank you. I
21 want to say we've been joined by Council Member
22 Rodriguez and Williams, and I'm going to turn it back
23 over to my Co-Chair, Council Member-- Chair Donovan
24 Richards.

25 CHAIRPERSON RICHARDS: Thank you,
Commissioner, once again, and we're going to begin to

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3 close this hearing out. Just, earlier I did ask a
4 question on 50A, and what was your particular plan in
5 Albany? Have there been conversations or are there
6 any bills up there that in particular your department
7 is supporting, and what does an action plan look like
8 moving forward over the course of the next year to
9 make sure that we make some progress here.

10 ASSISTANT DEPUTY COMMISSIONER PRUNTY:

11 Ann Prunty, Assistant Deputy Commissioner for Legal
12 Matters. Presently, the Department supports
13 legislation that's currently pending in Albany.
14 Senator Kevin Parker's bill is the one that we have
15 worked with the Senator on and we support. And under
16 that bill, that would allow us at the conclusion of
17 all disciplinary proceedings to reveal basic
18 information about the disciplinary proceeding, the
19 charges, the disposition, the penalty, and so we're
20 supporting that, and it demonstrates that we have a
21 commitment to transparency.

22 CHAIRPERSON RICHARDS: Right. And where
23 are we at? Where's the bill at in Albany?

24 ASSISTANT DEPUTY COMMISSIONER PRUNTY: I
25 think it's been introduced in the Senate. In the
Senate.

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3 CHAIRPERSON RICHARDS: And I'll just add,
4 I haven't looked at that piece of legislation and I
5 do have concerns that, you know, disciplinary process
6 can take upwards of three to four years for all we
7 know sometimes. So I'm a little concerned about how
8 long we would-- the public-- would gain transparency
9 through this bill. So, that's to be continued. And
10 will there be any public lobbying for a shift in 50A?

11 COMMISSIONER O'NEILL: [interposing] So,
12 we have--

13 CHAIRPERSON RICHARDS: [interposing] Are
14 we expecting the Mayor to also--

15 COMMISSIONER O'NEILL: [interposing] We've
16 come out, in the interim, we've come out with an
17 itemized receipts of disciplinary cases that's
18 currently in litigation right now. We should have a
19 finding on June 7th. We do support, and as I've said
20 since I've gotten this job on September 16th, 2016,
21 I'm in favor of increased transparency, obviously,
22 and to do that we need to do that through
23 legislation.

24 CHAIRPERSON RICHARDS: Thank you, and I
25 do want to commend you on the NCO program and all
these things, but I want you to also just remember

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2 that without transparency and accountability around
3 officers' discipline, that you will never gain-- the
4 Department will never completely gain the public's
5 trust. So, hoping we share that and I think that
6 that would help us to ensure that this is--

7 COMMISSIONER O'NEILL: [interposing] I
8 couldn't agree with you more.

9 CHAIRPERSON RICHARDS: safe [sic] city.
10 Yeah.

11 COMMISSIONER O'NEILL: I couldn't agree
12 with you more.

13 CHAIRPERSON RICHARDS: Alright, awesome.
14 Thank you.

15 CHAIRPERSON DROMM: Okay, thank you very
16 much. I want to thank the Commissioner and this panel
17 for coming in. We appreciate you giving testimony,
18 and we will come back in about 1:00 p.m. to start
19 with the District Attorneys.

20 [break]

21 [gavel]

22 CHAIRPERSON DROMM: Okay, we will now
23 resume the City Council's hearing on the Mayor's
24 Executive Budget for Fiscal 19. The Finance
25 Committee is joined by the Committee on Justice

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3 System chaired by Council Member Rory Lancman. Our
4 colleagues are probably coming up shortly, and I'll
5 introduce them as they arrive. We just heard from the
6 Police Department, and now we will hear from the
7 Bronx District Attorney Darcel Clark, the Staten
8 Island District Attorney Michael McMahon, the
9 Brooklyn District Attorney Chief of Staff Leroy
10 Frazer, the Special Narcotics Prosecutor Bridget
11 Brennan, the Chief Assistant District Attorney from
12 Queens Jack Ryan, and the Chief Assistant Karen
13 Friedman Agnifilo from Manhattan. In the interest
14 of time I will forgo making an opening statement, but
15 before we hear testimony, I will open the mic to my
16 Co-Chair, Council Member Lancman.

17 CHAIRPERSON LANCMAN: Thank you, and good
18 afternoon. I'm Council Member Rory Lancman, Chair of
19 the Committee on the Justice System. At our
20 Preliminary Budget hearing in March we had a lengthy
21 discussion on the budgetary needs of each of the
22 District Attorney offices and the Special Narcotics
23 Prosecutor. Collectively, they requested a total of
24 34.1 million dollars for core operations and
25 innovative initiatives; \$14.8 million of that would
be designated salary and staff parody across the five

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2 offices; \$2.7 million would support the staff and
3 technology to process new body camera footage; \$1.4
4 million would enable certain offices to change their
5 discovery policies to provide defense attorneys with
6 earlier access to more information; almost two
7 million would fund drug diversion and treatment
8 programs; and another \$1.6 million would support
9 various domestic violence and human trafficking units
10 across the city; \$425,000 would create a Conviction
11 Integrity Review Unit in Staten Island; and \$295,000
12 would support immigration units and collateral
13 consequence review attorneys. We heard about the
14 impact that those requests would have on the
15 infrastructure of your offices, both in being able to
16 hire and retain talent, and to enhance the
17 rehabilitative efforts that we have come to expect
18 from District Attorneys around the country. In the
19 Council's Preliminary Budget response to the Mayor,
20 we highlighted your funding needs as a justice system
21 priority. The funding that you seek is a critical
22 component of criminal justice reform, and I am very
23 disappointed to find that only a small fraction of
24 those requests were added into the Fiscal 2019
25 Executive Budget. The Council is making significant

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3 investments into criminal justice reform, but our
4 reach will be limited if the City does not support
5 our District Attorneys. The critical role that your
6 offices play in the criminal justice system can only
7 be enhanced by providing the funding you requested.
8 I hope today that we can get clarity on your requests
9 and remind the Administration of the important role
10 your offices have in criminal justice reform and
11 public safety. I want to thank my Committee Staff
12 for coordinating today's hearing, and Mr. Chair, I'm
13 ready when they are.

14 CHAIRPERSON DROMM: Okay, very good. I'm
15 going to ask my Counsel to swear in the panel.

16 COMMITTEE COUNSEL: Do you affirm that
17 your testimony will be truthful to the best of your
18 knowledge, information and belief?

19 CHAIRPERSON DROMM: So, did we toss a
20 coin, or decide who's going to go first here? Okay,
21 District Attorney Clark?

22 DISTRICT ATTORNEY CLARK: Thank you, and
23 good afternoon, Chairman Lancman and Chairman Dromm,
24 and members of the Justice System and Finance
25 Committees. Thank you again for this opportunity to
return to the Chamber and speak to you about our

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3 critical funding needs to ensure public safety and an
4 equitable criminal justice system for the people of
5 the Bronx. I want to express my gratitude and
6 appreciation for your support of our request at last
7 March budget hearing, and we also are in appreciation
8 of the Mayor's 2.7 million dollars in his proposed
9 budget increase, out of the nine million dollars
10 requested by my office on March 12th. We plan to put
11 to use-- we plan to put it to use to implement bail
12 reform, expand discovery, and enhance services for
13 crime victims, because justice means fairness to
14 defendants and providing safety to victims and
15 witnesses. We have embraced the criminal justice
16 reforms and the goal of reducing the population at
17 Rikers Island, all while we battle the opioid
18 overdose crisis in the Bronx. As 21st Century
19 prosecutors, we are pleased to partner with the City
20 Council, the Mayor's Office, and the NYPD to carry
21 out these reforms, but to achieve reforms, we must
22 have the reformers. No initiative, no idea, no plan
23 can be realized without talent, and that means the
24 people. I came here two months ago to plea for
25 parody, to be able to pay the dedicated and
hardworking Assistant DAs of Bronx County equitable

3 salaries, asking for 6.3 million dollars to do so. I
4 told you how we are losing our most experienced
5 talent to other city and state agencies. I recognize
6 that we cannot compete with the salaries of the
7 private sector. However, our request is for parity
8 with the other New York City and state prosecutorial
9 and municipal agencies performing similar, if not the
10 same, work. Since I last spoke here, 24 Assistant
11 District Attorneys have resigned, a total of 42 since
12 January. We are forecasting an attrition of 106 ADAs
13 for all of 2018. I had informed you that our ADAs on
14 average are the lowest paid in the City. The
15 starting salary for an ADA in the Bronx is \$61,200 a
16 year. After taxes that comes to \$23.53 an hour based
17 on a 35-hour work week, but they rarely work 35 hours
18 a week. It's more like a 45-hour a week or more
19 because they are on duty nights, weekends, holidays,
20 special duties, and all the time. They are not paid
21 any overtime. So the actually hourly take-home pay
22 for ADAs rates down to about \$18.57. That's just
23 \$3.57 more than the minimum wage of 15 dollars an
24 hour that will be enacted in New York State at the
25 end of this year. This is egregious. It's unfair,
and it reflects a lack of recognition for the

3 education and training required to become an
4 attorney, and it disregards the heavy burden of
5 student loans, cost of living, and transportation in
6 New York City. I would like to also offer some
7 counter points to some of the remarks made to the
8 Committee on March 20th by one of my esteemed
9 partners in our quest for a criminal justice model
10 for the nation. You were told that salary parody,
11 and I quote, "should be able to be done within the
12 context of their budget. It's also not like we're
13 living in a time of a crime boom." Yes, overall
14 crime is down, but please remember that the Bronx
15 bears an inordinate share of the city's crime, and so
16 far this year, the Bronx is experiencing an upsurge
17 in homicides. We have had 34 persons killed in the
18 Bronx out of some 82 homicide victims citywide.
19 Police Commissioner O'Neill spoke about these
20 alarming developments last week, and responding to
21 and prosecuting these crimes is reactive, and it's
22 unpredictable, and it takes a lot of personnel, and a
23 lot of time. As we speak, we are working with the
24 NYPD to address the 40 percent increase in violent
25 deaths in the Bronx. There was also testimony that
it is, and I quote, "within our discretion as to how

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3 we allocate our budgets. That's what we have to do as
4 managers of our offices." And then the City's
5 funding for my office for vertical prosecution and
6 opening the Rikers Island Bureau in 2016 was cited to
7 you. That funding had to be used specifically for
8 new hires so we could staff the initiatives that the
9 Council, OMB, and the Mayor's Office recognize as
10 necessary investments to public safety in the Bronx
11 and citywide. We hired 120 new Assistant District
12 Attorneys, but they are new. They cannot fill the
13 shoes of veteran prosecutors who are leaving. We
14 answer to the tax payers. We must use funding we get
15 for its specific purposes. We use restraint. We
16 cannot hand out raises without regard to the fiscal
17 impact. I feel that my office is being penalized for
18 our fiscal prudence, and being encouraged to
19 mismanage funding. Money for initiatives must be
20 used for initiative. We cannot carry them out if use
21 that money for parody. The bottom line is that if we
22 continue to lose experienced prosecutors, we will
23 have to scale back on important initiatives. And I
24 do not want to modify the vertical prosecution model,
25 which was the lynchpin of my mission and has resulted
in improved quality of cases, efficiency, a reduced

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3 backlog, and trimming arrest to final disposition

4 time, but I may have no choice. As I said two months
5 ago, the parody issue has to be addressed quickly.

6 There is a massive talent drain away from my office:

7 high attrition and lost productivity. The average

8 experience level of our ADAs is already low at 3.8

9 years, and without parody, it will continue to drop.

10 This historic disparity predates my tenure, and I

11 need your help to correct it. So, I ask you once

12 again for the money to put my legal staff on equal

13 footing. For example, the starting salary for an

14 attorney at the Law Department is about 68,500

15 dollars. A Bronx ADA who has been in the office for

16 three years make 3,200 dollars less than that. In

17 March, I requested 6.3 million dollars to pay our

18 ADAs the equivalent to the average salary of

19 prosecutors in the other New York City DAs offices

20 and State and City attorney's offices. Right now, on

21 average, our ADAs make 12,000 dollars less. In

22 March, Special Narcotics Prosecutor Bridget Brennan

23 mentioned how she has ADAs from each of our offices

24 with the same level of experience doing the same work

25 for her all making different salaries. If we receive

just half of the 6.3 million dollars it would allow

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3 us to reduce by half the existing overall disparity.

4 It would also allow us to increase the starting pay

5 of our new ADAs, modestly increase the salaries of

6 all other ADAs in a graduated manner to avoid

7 compression of salaries, and with the future in mind,

8 it would allow us to structure and target a schedule

9 of pay increases towards ADAs so that in their third

10 year they will be at least making what other agencies

11 are enticing them with now. This will require us to

12 come back to this body and request funding to phase

13 in the remainder of parody. Any part of this parody

14 money would allow us to become more competitive at

15 retaining the talent we develop. So, again, I thank

16 you for your time and consideration. My home county

17 has been underserved for decades, yet it remains a

18 place of relentless hope and the people succeed among

19 struggle. I cannot accept the City treating the Bronx

20 differently than other boroughs. I plead with you to

21 give the people of the Bronx the respect and passion

22 they deserve by giving them the best DAs office to

23 achieve criminal justice reform and ensure public

24 safety. I will not let you down, and I will not let

25 the people of the Bronx down either. Thank you very

much.

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3 DISTRICT ATTORNEY MCMAHON: District

4 Attorney McMahon. I have to follow that now? Thank
5 you very much. It's an honor, and in deed, a
6 pleasure to be here with you today, Chair Dromm and
7 Chair Lancman, to you and your staffs and to your
8 colleagues. We thank you very much for having us and
9 to Speaker Johnson, thanks for working with us in
10 partnership to make the New York City District
11 Attorney's Offices the best in the country, and of
12 course, I have to give a shout-out to my Staten
13 Island delegation of Minority Leader Steve Matteo,
14 Council Member Debbie Rose, and Council Member Joe
15 Borelli, because they will check if I did that before
16 I go back to do any more budget request, so I have to
17 do that. I am doubly honored to be here, first as a
18 former member of the Council. I always get little
19 goosebumps on the back of my neck when I walk up
20 those center stairs here at City Hall and come here
21 to the right into the People's Chamber. It's really
22 great to be here, and we thank you for your continued
23 advocacy on behalf of the people of the City of New
24 York and also to sit at this table with Judge Clark
25 as well as the representatives for Cy Vance, Eric
Gonzales, and Judge Brown. It's really a pleasure to

3 call them colleagues, and an honor in deed. Since
4 the Preliminary Budget hearing in March, we're
5 encouraged that the City Council supported many of
6 our initiatives, and as Chairman Lancman said in his
7 opinion statement you certainly seem to get that
8 without fully funded and operational District
9 Attorney's offices, we cannot have law and order in
10 the City of New York. We need to be on equal footing
11 with our partners in law enforcement. For us in
12 particular in Staten Island, we are grateful that
13 working in the Council, the Administration and their
14 Exec Budget baselined 333,000 dollars in funding for
15 the Peer Engagement portion of our HOPE program, and
16 gave us the money to have the personnel to do the
17 body-worn camera, downloading, storage and retrieval,
18 which is so crucial to make sure that this program
19 works, but that's a perfect example where the City
20 adopted a new policy, changed rules, and with that
21 came an increased work load on the DA's Office, and
22 you guys heard us on that, and we appreciate it. In
23 terms of the HOPE program, it continues to work
24 successfully in Staten Island. It has-- and the
25 other counties are following the program as well, but
I want to be very clear that in my mind that this

2 post-arrest, pre-arraignment diversion is a very
3 useful and effective tool to help people who suffer
4 from addiction illness, get into the treatment they
5 need when they're in touch with the law enforcement
6 or the criminal justice system, but the opioid crisis
7 is still a raging five-alarm fire across our city. It
8 is no longer-- in America it was originally limited
9 to the Ohio Valley, Appalachian, Northern New
10 England. It is here. It is in New York City, and I
11 urge the City Council to stay focused on that issue,
12 because in mind, it is the most acute, critical
13 public health and public safety crisis that we face
14 in our city and in our country right now. Before I
15 join in with Judge Clark's eloquent remarks about
16 parody, I just want to highlight three initiatives in
17 addition to what is in the packet that we submitted
18 and the testimony, the full testimony that we
19 submitted. I would just like to briefly highlight
20 some requests that we have. The first would be money
21 that would allow us to create a separate domestic
22 violence complaint room with a projected cost of
23 200,000 dollars. I am embarrassed to say with all
24 the improvements we've made in our office that I'm
25 very, very proud of really bringing in the Staten

3 Island DA's Office into the 21st Century. We still
4 have an unacceptable dismissal rate when it comes to
5 domestic violence complaints that are filed in our
6 borough, and quite frankly, it's because we do not
7 get in contact with the complaining victim early
8 enough. We lose that connection, and then as everyone
9 knows, over time, quite often the victims continue
10 their victimization, if you will, or continue to be
11 victimized because they recant or they refuse to
12 cooperate. Our partners in the other boroughs have
13 brought down their dismissal rate because they
14 introduce very forward-thinking and effective
15 methodologies, whether it's in-person draw-up, or
16 electronic communication draw-up, and all we're
17 asking for is the staff so that we can do that in
18 Staten Island as well, and give the victims of
19 domestic violence in Staten Island the same level of
20 legal protection that they deserve, and I'm sure that
21 this Council would want us to implement. Right now,
22 as you know, in Staten Island we do not have
23 arraignments at night or 24-hours as in some of the
24 boroughs. We operate basically from nine to five,
25 and what we would want to do is extend the hours of
our complaint room, move it out of our courthouse and

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3 back into our office, and have the staff to do that,
4 and that's what that money would allow us to do.

5 Nothing troubles me more than the fact that the
6 victims of domestic violence, in Staten Island
7 particular, are not able to break out of that cycle
8 of oppression. The second request is-- and again, as
9 Chairman Lancman mentioned, our request to create an
10 Immigrant Affairs and Collateral Consequences Unit.

11 The amount we request for that 150,000 dollars. You
12 notice we're trying to bring down our numbers to make
13 it easier for you guys to help us. We are the only
14 office in this city that does not have that type of
15 bureau or unit. It is a very specialized area,
16 immigration law, how it affects those who are charged
17 with crimes, how it affects the victims and their
18 unwillingness to come forward and cooperate with us,
19 and what the collateral consequences of the criminal
20 justice system are, and so we're asking for the help
21 to do that, to hire someone who has those skills and
22 can work with us and also in doing our T and U Visas.

23 And that's something that we've worked with in our
24 office to bring the community and to have these
25 discussions, but we're unable to fully provide that
service because we do not have people who are well

2 versed in that area of law. And then lastly, what

3 I'd like to do in addition to the Conviction

4 Integrity Review Unit and the other items outlined in

5 our testimony is to talk about ADA salary parody as

6 well. And quite frankly, I think Judge Clark said it

7 extremely well. The same is true for Staten Island.

8 I'm sure the other counties. We use incredibly good

9 talent, surprisingly not always to the private

10 sector, but more so to other city agencies and to the

11 court. So, these are people who are government

12 service lawyers. They are devoting their life to

13 public service, but the District Attorney's salaries,

14 the ADA's salaries are just the lowest of the bunch,

15 and so quite often we lose people in that regard.

16 And as the judge said, just to give you sort of a

17 sense in Staten Island, 60 percent of our ADA's have

18 five years or less of experience, and 32 percent have

19 less than two years of experience. And those with

20 that mid-range, that five to ten year, they find it

21 almost incredibly-- almost impossible to make ends

22 meet to start their family, to pay off their school

23 loans and still serve in the way that they would

24 prefer to serve their community, their city, their

25 state, and their country. So, again, I thank you

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3 very much for this opportunity. We thank you for
4 your advocacy on behalf of the DA's, vis a vis the
5 Administration, and we urge you to please keep it up,
6 because again, this is what the people of the City of
7 New York and our individual counties deserve. Thank
8 you very much.

9 CHAIRPERSON DROMM: Thank you very much.
10 Next, please?

11 ASSISTANT DISTRICT ATTORNEY AGNIFILO:

12 Good afternoon Chairman's Lancman and Dromm, and
13 members of the Committees of the Justice System and
14 Finance. My name is Karen Friedman Agnifilo, and I'm
15 the Chief Assistant District Attorney for the
16 Manhattan DA's Office, and I'm honored to be
17 testifying here today before you on behalf of Cyrus
18 Vance Junior, who unfortunately could not be here
19 today. Thank you so much for holding today's hearing
20 and for giving me this opportunity to speak with you.
21 When we testified before you in March, we outlined
22 two pressing funding issues facing our office: the
23 costs associated with the New York City Police
24 Department's Body Worn Cameras program and the issue
25 that DA Clark so well established in her testimony
which is the salary parody issue with junior ADAs,

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3 and I'm pleased to report that as part of the Mayor's
4 Fiscal Year 19 Executive Budget, our office was
5 allocated \$613,353 to support the Body Worn Camera
6 program beginning in July 2018. Which is something
7 we're very excited about and we're very much in
8 support of the Body Worn Camera program. So this is
9 going to be very helpful, and we're extremely
10 grateful for this additional funding, thanks to the
11 advocacy of the City Council on our behalf. Since
12 this pilot began in Manhattan, our office has handled
13 over 3,800 body worn camera arrests with over 8,100
14 videos that we've had to save. The NYPD is expected
15 to complete its roll out of the cameras in Manhattan
16 by the end of August. SO, those numbers are just the
17 pilot program. So, when it goes full-scale, you can
18 only imagine the magnitude of videos that are going
19 to be coming in here. So, we expect the new staff
20 that we hire with these funds to handle an enormous
21 influx of camera footage and other digital evidence.
22 We are, however, we'd like to just alert you to this
23 issue that all of us are going to face, that we are
24 going to continue to be challenged by the limitations
25 of the NYPD's system that they chose when they chose
this particular body worn camera system, which is,

3 the lack of long-term storage. We don't have the
4 storage capacity necessary to properly store this
5 critical evidence which, I'm sure you're all aware,
6 that per state law we must preserve all evidence for
7 25 years in cases that we prosecute. So, this now
8 becomes a new piece of evidence that we are going to
9 have to store for 25 years. So, when you're talking
10 about this volume of thousands and thousands and
11 thousands of cases and cameras and evidence, we are
12 going to have to come up with a citywide long term
13 solution that obviously doesn't just apply to
14 Manhattan. So, we're currently working with the City
15 in considering strategies for this long term storage
16 and retrieval of this digital evidence in the coming
17 months, and we will develop a forecast for additional
18 capital and OTPS funds necessary to meet these
19 technological demands of this program. And we just
20 ask for your support in fully addressing this
21 critical citywide budget need in the future. While
22 we are grateful for this funding that we've received,
23 I must note that our request for an additional \$3.9
24 million in baseline funding necessary to offer a
25 competitive salary to our most junior ADAs continues
to remain unaddressed by the Administration.

3 Furthermore, I just want to alert you to the fact
4 that we haven't had substantive conversations with
5 the Administration concerning this issue since last
6 summer. So, we very much appreciate City Council's
7 support, as expressed in your FY 19 Preliminary
8 Budget response, and we're hopeful that you will
9 continue to encourage the Mayor's Office to reengage
10 on this matter. As DA Vance and his colleagues have
11 laid out when they were here before you in March, the
12 starting salary of an Assistant DA in New York City
13 is considerably lower than those of other public
14 service lawyers. And our starting salary for newly
15 admitted attorneys is \$63,000 a year. This is
16 particularly concerning when compared to the New York
17 City Law Department which is \$68,494 to its new
18 attorneys many of whom perform a very similar
19 prosecutorial function as assistant DAs in Family
20 Court. But even in cases where our starting salary
21 is similar to or even exceeds other agencies, our
22 assistant DAs quickly fall behind due to less
23 generous step increases. Now, there's more I was
24 going to talk about in the salary parody issue, and
25 it's in our fully submitted written testimony, but I
can't express it as well as Darcel Clark, so I'm

3 going to just kind of continue on here, and just say
4 this low starting salary combined with the twin
5 burdens of law school debt and the cost of living in
6 New York City makes it obviously very challenging for
7 our offices to recruit recent law school grads in the
8 competitive legal market, and has just made it very
9 challenging for us to attract and retain talent at
10 this salary level. Law school enrollments down by
11 about 20 percent since 2013. Graduation rates are
12 down, and our applications at the Manhattan DA's
13 Office have decreased by 45 percent over that same
14 period. So, we're very proud that we've maintained a
15 consistent diversity of staffing levels over the past
16 few years. However, we are just concerned about are
17 we going to be able to keep this up and how are we
18 going to deal with the changing landscape given the
19 salary structure and salary parody issue? So, we
20 would just ask for your continued support while we
21 continue to face this challenge. Lastly, I'd like to
22 briefly mention the physical state of our Manhattan
23 Court complex. It's an issue that's been under
24 discussion without any real resolution, for more than
25 20 years. I think, in fact, the Manhattan Court
complex is the only court complex in the entire city

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2 that has never had a renovation and has never fully

3 been addressed by the City, and we are located in

4 several buildings. We are in 80 Centre Street, 100

5 Centre Street, 111 Centre Street, Manhattan Criminal

6 Court, Supreme Court, our office, we're scattered all

7 over the place. And the residents of Manhattan and

8 the public service professionals who serve them

9 deserve court facilities that properly reflect the

10 respect and dignity that we hold for the criminal

11 justice system. The offices of our 1,300 employees

12 are spread out amongst four buildings currently, none

13 of which are interconnected. We've created patchwork

14 of solutions to our space problems that has been

15 compounded over the course of many decades. And

16 indeed, I would argue that the substandard state of

17 our facilities negatively impacts recruitment, when

18 prospective attorneys learn that they could be

19 sharing cubicles with six other people in a defunct

20 elevator bank-- which is true, we actually have that--

21 - that-- and it's been transformed into office space

22 out of necessity. That's not appealing. But it also

23 has an impact on victims of crime, on witnesses of

24 crime, and on defendants. There's a certain

25 procedural justice aspect when you sort of walk in

3 and you're looking to kind of see where you're-- you
4 want to be proud of your surroundings and you want to
5 trust in your government; and on the criminal justice
6 system. When you sort of see the substandard
7 conditions that we are working in, I think it does
8 have an impact on the people who come in and want to
9 trust in our justice system. The Mayor's Office has
10 completed an analysis, yet again. I think this is-- I
11 think we've-- at least I've been involved in three,
12 at least three master plans for the court complex in
13 the last 20 years, but we've done yet again another
14 court complex master plan, comprehensive plan for
15 improving the facilities, and they've allocated \$500
16 million for this project in the City's Capital plan.
17 But, it's our understanding that this earmark,
18 although it is substantial, is insufficient to
19 address all these issues. And this is-- I would hope
20 that this one will be the "third time is a charm,"
21 that this one will be the one that actually works.
22 So, I would ask for your support in ensuring that
23 this effort does not meet the same fate as its
24 predecessors, and I would encourage you to encourage
25 the administration to utilize these existing
earmarked funds and begin improvements to these

3 deteriorating buildings, and to finally address the
4 issue of the Manhattan Court complex. And I thank
5 you very, very much for the opportunity to speak
6 today, and for your continued support of the
7 Manhattan District Attorney's Office.

8 CHAIRPERSON DROMM: Thank you very much.

9 Next, please?

10 LEROY FRAZER: Good afternoon. My name
11 is Leroy Frazer. I'm Chief of Staff for Brooklyn
12 District Attorney Eric Gonzales. He too wanted to be
13 here, however, he had a commitment long prior to the
14 date being set for this hearing that he could not get
15 out of. Thank you Chairman Richards and the Public
16 Safety Committee and Chairman Lancman and the Justice
17 Committee for this opportunity to express to you on
18 the-- to address you on the Mayor's Executive Budget
19 and its impact on the Brooklyn District Attorney's
20 Office. During Fiscal Year 19 Executive Budget plan,
21 our office saw several changes to our Fiscal Year 19
22 budget including funding for additional lease cost at
23 350 J Street headquarters as well as collective
24 bargaining adjustments. Unfortunately, while the
25 Mayor's budget added baseline funding for every
9other District Attorney's Office to cover growing

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3 costs of managing video evidence generated from body
4 worn cameras by the Police Department, our office was
5 not provided those funds. It is our hope that this
6 oversight will be corrected, and that OMB will
7 provide the 600,000 dollars in baseline funding we
8 are requesting during the Adopted Budget plan, and we
9 ask for your help in securing that. In his last
10 testimony, District Attorney Gonzales spoke
11 passionately about the need for salary parity between
12 the District Attorney's Offices. This is imperative
13 not to foster competition between the offices, rather
14 to level the playing field for all the lawyers who
15 are working hard throughout the city on behalf of New
16 Yorkers. Assistant District Attorneys in Brooklyn
17 shouldn't earn less than others when they start out
18 in their career. This remains one of the greatest
19 staffing challenges for the office. With a starting
20 salary of 60,000 dollars, Brooklyn's starting salary
21 is still the lowest among the offices. We have asked
22 the City for assistance in raising the starting
23 salaries so that we can retain the talented
24 assistants that we invest time and resources in for
25 three years only to lose them to the private sector
or other city agencies that can pay them

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3 substantially more. This request for \$1.6 million in
4 baseline to raise the starting salary to \$65,000 was
5 made back in November. This need has not been
6 funded, and there haven't been any additional
7 discussions from OMB about the possibility of
8 providing this funding in the future. The greatest
9 asset we have that they offer is our amazing
10 workforce. Investing in them is the wisest use of our
11 resources and ensures that the people of Brooklyn are
12 getting the best of the best. Like our colleague in
13 the Bronx. We have decided to move the prosecution
14 in the office to the more efficient prosecutorial
15 model of vertical prosecution. In order to
16 effectively implement this change, more staff is
17 required. The City has been supportive of this model
18 and other offices and has demonstrated their support
19 by providing baseline funding to cover the cost of
20 additional staff, both for legal and nonlegal. In the
21 request to OMB we have also asked for additional 80
22 Assistant District Attorney's. That's 20 per year
23 over the next four years to increase our total ADA
24 headcount to an average of about 530. This will
25 require an additional 5.6 million dollars in baseline
funding. In addition, we have requested 1.9 million

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3 dollars in baseline funding to hire 21 Senior
4 Assistant District Attorneys to work on high level
5 felony cases. This cohort of ADA's has been lost
6 through record attrition, and we are in great need of
7 attorneys at this level as we respond to the changing
8 caseload in Brooklyn which includes more long-term
9 criminal investigations requiring experienced
10 attorneys. While arrests are down citywide, Brooklyn
11 remains the county with the highest level of felony
12 arrest, with the next highest county having 7,000
13 fewer felony arrests in Brooklyn. This total funding
14 request of \$7.5 million in the baseline will cover
15 the cost of transitioning the office to meet the
16 prosecutorial needs of today. I'd like to talk about
17 our CLEAR program. Brooklyn's Collaborative Legal
18 Engagement and Addition Response, known as CLEAR,
19 launched in February-- actually, on February 15th,
20 2018. District Attorney Gonzales would like to again
21 thank the City Council for providing \$700,000 in
22 funding to the office to develop this pre-charge
23 program to divert into treatment and other services
24 individuals arrested for possessing personal use
25 quantities of hard drugs as opposed to marijuana.
Brooklyn CLEAR began with a response to the opioid

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3 overdose epidemic which has taken the lives of over
4 1,000 people in Brooklyn in the last five years.

5 This program was piloted in six precincts in Brooklyn

6 and has been promising thus far. Of the eligible

7 cases through April 30th, nearly half of the

8 individuals, that's 47 percent, agreed to enter the

9 program. We hope as the program continues we will

10 see that number increase. This month, the program

11 expanded to the other seven precincts in Brooklyn

12 South, and it's our intention to expand borough-wide

13 in Fiscal Year 19. Similar programs in Staten Island

14 and the Bronx have been baselined in the Mayor's

15 Executive Budget, and we urge you to push OMB to

16 baseline funds for CLEAR as well. In the event that

17 these funds are not baselined, however, we ask that

18 the Council provides \$1.4 million in funding so that

19 this important effort can continue throughout the

20 borough of Brooklyn. During Fiscal Year 17, OMB

21 provided 600,000 dollars in baseline funding to the

22 office to cover the cost to lease a file storage

23 warehouse in Brooklyn. This funding was provided

24 with the anticipation that we would require 60,000

25 square feet of space to handle to the amount of files

that we have. Once that funding was provided, DCAS

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3 began working on the space analysis and brought in an
4 architect who specializes in legal file storage.

5 Based on that assessment, DCAS recommends that an
6 additional 40,000 square footage is necessary to
7 accommodate the files we are required to store. DCAS
8 has identified a space in industry [sic] city and the
9 landlord is ready to move forward with the lease.

10 The annual cost fo9r the space is \$2.2 million and we
11 have requested OMB that they increase the funding by
12 \$1.2 million in baseline. In Brooklyn we process the
13 most cases citywide. Each file from the misdemeanor
14 shoplifter to the homicide defendant requires a case
15 file that is created and retained. Retention rules
16 require that some cases are kept indefinitely while
17 many other cases have 25-year lifespan. DORIS cannot
18 effectively take on our long-term storage. They are
19 often unable to take an additional file, and
20 constantly are unable to locate a file they have in
21 their custody without extensive delays. Mismanagement
22 of case files has a real world impact for a
23 prosecutor's office. Judges are reluctant to hold up
24 a case or prolong detention because of our office is
25 waiting for a file to be retrieved. The risk of a
case being dismissed because a file cannot be

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3 retrieved is real. It is also a risk we do not want
4 to continue to take. Moving into the space identified
5 already be DCAS is imperative to our operation. With
6 this space we will be able to consolidate the current
7 file management operations and move out of 210
8 Joralemon, which we have to do anyway because it's
9 been sold by the City and it's preparing for
10 construction to begin in that space within the next
11 two months. SO, this couldn't be more urgent for our
12 office and the City as well. Therefore, we ask for
13 your support to get OMB to fund an additional \$1.2
14 million so that DCAS can complete the negotiation of
15 the lease with the lender or allowing this already
16 funded project to move forward to completion. Over
17 the course of the last year, our office has lost
18 federal grants which supported important programs in
19 Brooklyn totaling \$654,000. In spite of attempts to
20 renew the funding, none of it will be available in
21 Fiscal Year 19. These programs which address the
22 needs of some of some of the most marginal groups in
23 Brooklyn must continue, and we urge the Council to
24 push for baseline funding. If these funds don't make
25 it into the Mayor's Executive Budget, we ask the
Council to provide these funds for Fiscal Year 19

3 while we seek out other funding sources for these
4 programs. The programs are: Smart Prosecution
5 initiative, which supported our Young Adult Court;
6 the Brave program, which is part of the Violence
7 Against Women Act, which provides trauma-informed
8 direct services and sensitivity training for law
9 enforcement regarding domestic violence and sexual
10 assault, particularly amongst immigrant, non-English
11 speaking, and LGBTQ communities, and also an end
12 violence against and abuse of women later in life
13 grant which addresses domestic violence and elder
14 abuse. Finally, District Attorney Gonzales would like
15 to again mention the upcoming capital request that
16 the office will be making to OMB for a technology
17 infrastructure upgrades which will enable the
18 implementation of software for e-discovery. As many
19 of you know, the office has practiced open file
20 discovery since the mid-90s on the vast majority of
21 our cases. This practice accelerates the disposition
22 of cases, and we're confident that we can enhance
23 open file discovery process and make it more
24 efficient by developing and implementing a system for
25 electronic discovery. Technology is pushing the
world and that includes the way in which we prosecute

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3 cases. Having the technology to share discovery
4 electronically in our office will enhance the process
5 and save time and money. We will work with OMB over
6 the summer to submit a capital request for server
7 upgrade that will enable us to support new software
8 for this electronic discovery. Once again, we thank
9 you, Chairman Richards, Chairman Lancman, and all the
10 members of the Public Safety and Justice Committees,
11 and the entire Council for your tireless support of
12 the office as we make the case for these additional
13 resources. With your support it is our hope that
14 this funding will be provided by OMB and the Adopted
15 Budget plan so that we can continue to ensure safe
16 neighborhoods and peace of mind to the great people
17 of Brooklyn. Thank you.

18 CHAIRPERSON DROMM: Thank you. Chief ADA
19 Ryan?

20 CHIEF ASSISTANT DISTRICT ATTORNEY RYAN:
21 Good afternoon, Council Member Dromm, Council Member
22 Lancman, and all the members of the Council. Thank
23 you for hearing us this afternoon. The District
24 Attorney, unfortunately, could not be with us this
25 afternoon, but he asked me to send his best wishes.
Since we were last here in March, unfortunately not

3 much has changed. Accordingly, the testimony that we
4 have submitted is pretty much identical to what we
5 submitted to you in March. Unless there's a great
6 call for me to repeat all of that, I'm just going to
7 touch upon some of the highlights and go from there.
8 One aspect that we did get additional funding on was
9 the body worn cameras. Queens is basically the new
10 kid on the block when it came to the body worn
11 cameras. We're the last county really where it's
12 starting to kick off. So we underestimated what our
13 needs were. We put in for \$250,000, which I believe
14 is far less than our colleagues did, and we learned
15 from them. so we requested-- at this point in time,
16 only six precincts, six of the sixteen, not to count
17 the housing PSAs, only six have any body worn
18 cameras. Only three of them are all three tours, and
19 by the end of the year we're told all of them will be
20 up to speed, and all of them will be all three tours.
21 We're increasing our request on the body worn cameras
22 by another 250, and my guess is we may have
23 underestimated that as well. As my colleague has
24 mentioned, this really cries out for a citywide
25 solution to deal with the massive amounts of body
worn cameras we're getting. I get copied on every bod

2 worn camera footage in Queens, and my email mailbox,
3 which was full to start with, is just overflowing
4 with the amount of additions we're getting almost
5 every day. I also want to note that I believe all of
6 my colleagues deserve all the money they've requested
7 and they receive, and so I certainly don't want to
8 take a nickel away from anybody else. Our concern is
9 to take care of Queens. We recognize that there are
10 differences between their counties. There are
11 differences in population. There are differences in
12 the amount of arrests, and we realize that those
13 differences will amount to some degree of disparity
14 between the budgets, but the budgets that Queens has
15 been faced with, we believe the disparity is
16 irreconcilable with the actual numbers. I mean, at
17 the current time, just citing a few numbers-- why not
18 a few numbers? The Bronx has 77 percent more ADAs
19 than we do. That's 247. Kings County has 65 percent
20 more ADAs; New York County 88 percent more ADAs. Yet
21 the arrest differences are far less. The Bronx has
22 12.38 percent more arrests than we do, Kings 43.13
23 percent, New York County 30.35. I left out Staten
24 Island because their numbers don't work for us, so
25 I'll let Mike make his own arguments for that, but

3 Mike, you got some arguments on this as well. And
4 yet, the Adopted Budgets with the Bronx has 33
5 percent more budget; Kings 52 percent more; Manhattan
6 84 percent more, and that's before the latest changes
7 that were made by Office of OMB, which only increase
8 that disparity. Again, our assistants, the average
9 assistant in New York City, and again, you can count
10 these different ways, but the average assistant
11 carries approximately 131 cases total in Queens. The
12 average is 179 cases in total. So these numbers just
13 don't add up, and the disparity just goes on. The
14 amount paid for arrest for New York City as an
15 average is 1,124 dollars, but Queens County it's 920
16 dollars. So, we've made some requests that we think
17 are important, and I'll outline some of them to you.
18 Certainly, there's been a lot of discussion about the
19 ADA salary parody disagreement, that disparity.
20 Certain entities such as the Corporation Council,
21 some private entities have -- are able to pay their
22 assistants a lot more, and that is something that is
23 citywide and something that has to be addressed, and
24 we all have our own different numbers, and we show in
25 some cases 30,000-dollar-a-year disparity between
what some of our colleagues pay their senior people

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3 and what we can pay ours. But that's always going to
4 vary, but we are seeking for and what we've asked
5 for, again, we're not asking for 247 more ADAs, we
6 don't need them, and quite frankly, I don't want to
7 get into all these space issues that have come up, we
8 would have no place to put 247 more ADAs, and we too
9 are scattered about in area of Kew Gardens in five
10 different buildings, and we have ADAs-- again, Karen
11 mentioned elevator banks. We have ADAs in rooms that
12 we have four ADAs in it, and they literally have to
13 climb over their assistant's-- associate's desk to
14 get to the front door. So, we are requesting, and
15 some of it I mentioned in our last testimony. We had
16 to sacrifice and maintain our core mission, and our
17 core mission is really strained. The staffing of our
18 Criminal Court and Supreme Court Bureaus, and that
19 might not be the glamorous thing to request, but
20 that's what I'm going to lead with. We're looking
21 for 12 more ADAs for Criminal Court staffing, plus
22 six paralegals, 15 more ADAs for Supreme Court, plus
23 five paralegals. We have our opioid and prescription
24 drug unit that we're looking for increase of ADAs and
25 analysts. We have a program called QTIP-- maybe not
as glamorous of a name as some of the others-- Queens

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3 Treatment Intervention Program where we partner with
4 Samaritan Village and we're doing that right now off
5 the Criminal Court arraignment. We'd like to move
6 that up like my colleague has so we can intervene in
7 those cases earlier on in the process. We have a
8 Human Trafficking Unit which we think is one of the
9 most productive, if not the most productive in the
10 state, no offense to my colleagues. It's essentially
11 run by one full-time assistant, and then we borrow
12 and beg from other parts of the office. We're
13 looking to increase that by additional three ADAs,
14 plus two paralegals. Economic crimes, we're drowning
15 in identity theft and mortgage theft and whatever--
16 looking three ADAs for that. Civil Litigation, we're
17 all getting swamped with FOIA request. As I
18 mentioned, body worn cameras, we're asking for
19 additional money there. Property Release Unit-- I
20 believe my colleagues in the Bronx have briefly
21 entered into an agreement on how to handle property
22 releases. We've studied that agreement. We feel
23 we're going to have to do it and probably everybody
24 else. I believe we were the first in the City to
25 have an Animal Cruelty Unit. We're looking to
increase that. The number of those cases keeps

3 growing. And domestic violence, something we've
4 always been very active in and the forefront of
5 technology. What we're looking to do now is, as you
6 may know, I'm sure you do know with the domestic
7 violence cases, the cooperation or the continued
8 cooperation of the victim is one of those things that
9 can literally vary from day to day. For any number of
10 reasons, the victims don't often stay involved, and
11 we have found that if we can get involved early on
12 and explain to the victim what's involved and get the
13 victim's cooperation, it's a lot easier to keep the
14 victim involved through the end of the case. And
15 what we've seen is not in every case is the arrest
16 made on the scene. If the defendant stays around and
17 gets arrested, then we have at least uneven playing
18 field to talk to the victim and get the victim
19 involved, but that's not always the case. Often,
20 it's not the case. The victim-- excuse me-- the
21 defendant is smart enough to stay away for a while,
22 and when nobody's looking goes back and approaches
23 the victim and either through threats or coercion or
24 "you know I still love you," whatever, by the time we
25 get to the victim we no longer have a case. And we
did a pilot project in a precinct where our assistant

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2 working off the NYPD's 61's tracked the case, scored
3 them on their lethality and the danger to the victim,
4 and reached out to those victims before the defendant
5 was in custody. It was very successful as a pilot
6 program. We want to enhance that so we can move it
7 all over the counties. And again, we set up an
8 Office of Immigrant Affairs. In this day and age
9 it's very important. It provides critical services to
10 members of the community and additional outreach. I
11 promised I would be brief. I might have broken that
12 promise a little bit, but if there's any question, be
13 happy to ask them, and I turn it over to my colleague
14 Bridget Brennan.

15 BRIDGET BRENNAN: Thank you, and good
16 afternoon. Thank you, Chair Dromm. Thank you, Chair
17 Lancman, and thank you to the City Council for your
18 steadfast support of my office and the five DAs. In
19 our budget request we did request for additional
20 funds for paralegal support to support our
21 sophisticated investigations, and we did receive the
22 funding that we asked for. There is some funding
23 that we did not receive for IT support. We'll be
24 continuing to press on that. And then finally, with
25 respect to body worn cameras, we had been told that

2 we should not expect to see that from the Narcotics
3 Division, and we haven't seen it at least yet from
4 the Narcotics Division, but some of the other cases
5 that we have been supervising, the investigations we
6 have supervising involving some of the other city
7 units, have brought in body worn cameras and the
8 videos. So we will have to request funding to assist
9 us in the processing of that. So, with those thank
10 yous, I'd like to support my colleagues, the five DAs
11 in their request for additional funding. And I'd
12 like to use my office as an example, but I think it
13 is very like any of the other offices. With respect
14 to my office, we are facing a very pressing, deadly,
15 opioid crisis. This year-- or in 2017, I believe
16 that once again we will see a record number of deaths
17 in New York City due to the opioid crisis. And it
18 started with prescription drugs, went to heroin, and
19 we have seen a huge increase in fentanyl. Fentanyl
20 is a very, very deadly substance, 30 to 50 times more
21 potent than heroin. It's 100 percent synthetic,
22 manufactured primarily in China and in Mexico, and in
23 bulk it's shipped across the southwest border, and it
24 arrives here in New York City, packaged. It looks
25 just like heroin. The nation's largest fentanyl

2 seizure, single fentanyl seizure was in Kew Gardens,
3 Queens. It was a case handled by our office, 140
4 pounds of fentanyl. And just to give you a sense of
5 how deadly that is, just a few grains of the fentanyl
6 that looks like just a few grains of salt is enough
7 to kill you. Now, in 2016, my office seized about 40
8 pounds of fentanyl in New York City. In 2017, we
9 seized nearly 500 pounds of fentanyl, and another
10 about 900 pounds of heroin, and it's getting worse.
11 It's getting worse because what we are seeing now is
12 what we call "analogs, fentanyl analogs." They're
13 just little tweaks to the molecular composition of
14 fentanyl making it far more deadly, but also often
15 not illegal. Far more potent and so smaller amounts
16 of it are coming in through the mail and through
17 parcel delivery services. In fact, in one area of
18 the city where the deaths escalated very rapidly,
19 when we got the toxicology report from the ME's
20 office we realized that in 2017 40 percent of those
21 who had died showed a fentanyl analog in their
22 system, and the analog wasn't even illegal. So what
23 this means for our office is that we have to fight
24 this battle on many different fronts. We are looking
25 at medical professionals who are selling

3 prescriptions, just like drug dealers, except they're
4 selling prescriptions and flooding the streets with
5 black market pharmaceuticals, and those are very
6 sophisticated investigations, and I would support my
7 colleague's request for assistance because those
8 cases consume huge amounts of resources. We are
9 fighting--

10 CHAIRPERSON LANCMAN: [interposing] Sorry,
11 I don't--

12 BRIDGET BRENNAN: Okay, you want me to get
13 to the point here?

14 CHAIRPERSON LANCMAN: First of all,
15 you're stealing all of your own thunder, because it
16 is our hope in June that the hearing of my committee
17 will focus on the opioid crisis and how prosecutors
18 are dealing with it, and we want to get MOCJ on--

19 BRIDGET BRENNAN: [interposing] Okay, well
20 let me get to the point here, which is this: in the
21 midst of the escalation of this problem, I have my
22 lowest staffing level in years. Last year I received
23 a class of one in terms of new assistants, whereas
24 historically through the years I have received
25 classes, new classes, generally of six assistants. I
am losing experienced assistants left and right. My

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3 staffing level is at its lowest level that it's been
4 in many, many years, and I can't sustain the kinds of
5 investigations we're doing trying to protect this
6 city when the deadly substances are coming in all
7 different-- from all different directions, I can't
8 sustain that with this level of legal staffing. And
9 we can't-- I mean, the DAs can't send me assistants
10 unless they can fill their own staff. So, that's why
11 it's so important to me that the Council support the
12 DA's request for additional staffing so that we can
13 bring in more attorneys and that we can hold them for
14 longer. Thank you very much.

14 CHAIRPERSON DROMM: Thank you very much,
15 and I think Chair Lancman and I have both heard you
16 very, very clearly on the issue of salary parody and
17 some of the other budget issues as well. As a matter
18 of fact, due to the compassionate plea by District
19 Attorney Clark, I am crossing off my question on that
20 issue for right now so we can proceed with other
21 questions. Let me go to Raise the Age. In the
22 previous hearing with the Police Department just
23 earlier this morning, we proposed a question on how
24 the recently passed Raise the Age legislation would
25 affect department's operations. Now that Raise the

3 Age is passed, have your offices determined how it
4 will impact your operations at your offices?

5 DISTRICT ATTORNEY CLARK: Well, I can say
6 for the Bronx we have been working diligently with
7 the citywide committee that is run by the courts to
8 discern what is going to be needed, and there is
9 still a lot of questions unanswered, but in the
10 meantime internally, my office is meeting regularly
11 to prepare for what we believe is going to be how
12 we're going to effectively work with the Corporation
13 Council and getting ready to deal with the Raise the
14 Age. I think I have a little different approach
15 since I came from the courts as well, so I have
16 little bit more to conceptualize what needs to
17 happen. So, I think we're going in the right
18 direction, but it's just still too early to determine
19 because we just don't have a lot of answers.

20 CHAIRPERSON DROMM: Do you know
21 approximately how many cases might be impacted by
22 Raise the Age in your court?

23 DISTRICT ATTORNEY CLARK: It's hard to
24 say. I would think somewhere around 1,000-1,200,
25 perhaps, because those are misdemeanors that are just
automatically going through Family Court. The

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3 problem is those that are the felonies which we have
4 to draft first, and then it'll be transferred over to
5 them. That's the-- the devil is in the details with
6 that. So it's really-- it's really hard to know
7 until we get it done, and it's just the logistics of
8 it even more. Forget about the substantive law part
9 of it. It's the procedural aspects that's really
10 going to cost. Does the Department of Corrections
11 take charge? Is it Juvenile Justice? How are they
12 physically going to get there? Separate facilities,
13 because now they are not adults so they can't be
14 mixed in with adults. Are the arraignments going to
15 be done all in Manhattan at night? I mean, all kinds
16 of questions like that. So, it's really still too
17 early for us to determine.

18 CHAIRPERSON DROMM: And we only have till
19 October 1st to make these decisions?

20 DISTRICT ATTORNEY CLARK: That's correct.

21 CHAIRPERSON DROMM: Alright.

22 CHIEF ASSISTANT DISTRICT ATTORNEY RYAN:
23 Excuse me, if I could? We're estimating in Queens
24 approximately 1,800 misdemeanor cases will go to
25 Family Court, and 200 non-violent felonies which we
presume most of them will go to Family Court, and

3 then there's the violent felonies that, you know, we
4 assume most will stay with us.

5 DISTRICT ATTORNEY MCMAHON: And we'll
6 follow up and get you the exact numbers, but whenever
7 they get to those, we're a few hundred in terms of
8 the misdemeanors, and the felonies somewhere around
9 150 to 200. But I think what the-- I think the
10 Committee is right. Mr. Chairman, you're right in
11 looking is this issue, and the way we see it
12 operationally-- I think, from our perspective we'll
13 be able to handle it form the DAs office and there's
14 working groups that we have with the different
15 agencies led by MOCJ, and then we're doing it
16 locally. But the Family Court on Staten Island
17 physically is the worst courthouse I've ever been in
18 my lifetime, and in anywhere, across the state, or
19 anywhere. It's small. It's cramped. It was an
20 original municipal court when we had municipal
21 courts. That's how old it is, and I do not know how
22 physically they're going to be able to do it in that
23 court house. And I know in the other counties
24 they're much bigger buildings, but as well,
25 overburdened already, and the judges in terms of
security, in terms of helping the victims, all the

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2 things that we do normally in the Criminal Court
3 setting and then the Supreme Court setting, to move
4 that to the Family Court-- and every borough I know
5 is going to be difficult, but in Staten Island the
6 Family Court is literally in a trailer. So, it's
7 going to be a very, very difficult operation.

8 LEROY FRAZER: I would just add in
9 Brooklyn that we have a representative that's on the
10 citywide committee also that DA Clark was mentioning,
11 but I do have a concern that, you know, the Law
12 Department is probably going to be looking to hire
13 new attorneys, and once again, we won't be able to
14 complete.

15 CHAIRPERSON DROMM: That mic is not on.

16 ASSISTANT DISTRICT ATTORNEY AGNIFILO: We
17 estimate about 2,600.

18 CHAIRPERSON DROMM: Twenty-six-hundred,
19 okay. The Fiscal 19 budget includes 4.2 million and
20 76 additional positions for the five District
21 Attorneys and the Special Narcotics Prosecutor.
22 However, the budgets were not increased equally over
23 this plan which has contributed to different budgets
24 across the DA's offices. Over the years this has led
25 to different baseline funding levels for the DAs.

2 Furthermore, the last time OMB did a workload
3 analysis was in 2012. In each of your opinions, what
4 input or factors should OMB and MOCJ consider if they
5 were to do another workload analysis?

6 DISTRICT ATTORNEY CLARK: I think that
7 they need to look at the level of the crimes and the
8 amount of crimes in each borough and what we're
9 dealing with. I don't know what formula they came up
10 with to determine how the money should be
11 distributed, but I think that it's just something
12 that should be looked at every year or, you know,
13 every two or three years. You can't just set a
14 formula and just let that be the formula forever,
15 because things change. So, I think they definitely
16 need to see the amount of work and crime that each
17 county is dealing with in order to determine whether
18 or not money should go to that particular county,
19 because they're combatting a different level of
20 crime.

21 DISTRICT ATTORNEY MCMAHON: Would like to
22 add to that, that in preparation for last year's
23 budget and then throughout the year, I know the five--
24 - the six offices have provided our friends at MOCJ--
25 I see Director Glazer here-- with sort of in-depth

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2 analysis of our workloads, of our productivity. I
3 remember caseloads even on a great measure, right?
4 Because some cases require a certain amount of work
5 and other cases involving investigation, if they're
6 special victim cases, the work-- the case number
7 doesn't matter; it's the workload. So you really need
8 an in-depth, ongoing analysis. We have provided a
9 lot of that information. We are more willing to
10 continue to provide that information, but it can't--
11 as you see from our testimony, it's been a hit or
12 miss, sort of ad-hock approach through the years, and
13 that's how you get to a situation where-- when Judge
14 Clark and I came in, our boroughs went completely out
15 of whack. And then there were some efforts, thanks
16 to the Council, and the Administration to help a
17 little bit, but then when you hear from Queens and
18 Special Narcotics and Manhattan and Brooklyn,
19 everybody has a story, and it really isn't a rhyme or
20 reason to it. So, I think that perhaps with the data
21 that we've all provided already, which we can
22 continue to enhance and build out even better, we can
23 provide a more thorough analysis.

24 CHAIRPERSON DROMM: Just before we go, is
25 there a difference in the average salary paid to the

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2 ADA in the Bronx versus Queens due to experience of
3 the ADAs? How great of a difference is that?

4 DISTRICT ATTORNEY CLARK: There is a
5 difference. You know, we all start relatively the
6 same, but throughout the years some are able to be
7 paid more than others, and through the analysis that
8 my office did, on average between all of the
9 officers, we're behind 12,000 dollars, and we don't
10 have-- we can't maintain the mid-level assistants
11 anymore. They're all gone. The average amount of
12 experience in my office now is 3.8 years. They sign
13 a commitment to take the job for three years. So,
14 literally, right after their commitment is over, I'm
15 losing people.

16 CHAIRPERSON DROMM: What about in Queens?

17 CHIEF ASSISTANT DISTRICT ATTORNEY RYAN:
18 Council Member, I can give you a chart we prepared
19 recognizing we prepared it, and which would-- we
20 broke down by year and by county, and then the
21 average. Queens's assistants do okay for the first
22 two years. They sort of get tired about the third
23 year, and after the fourth year we start to lose. I'd
24 be happy to give a copy of this to the Council. We
25 can send you copies. And we did from the first to

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3 the 20th year just to break out as our understanding
4 of the average salaries and then the median salaries,
5 and you know, how our people compare. And you know,
6 we show our people starting lose fairly significantly
7 after the fourth year.

8 CHAIRPERSON DROMM: And the salary is
9 determined by the-- just the District Attorney?

10 CHIEF ASSISTANT DISTRICT ATTORNEY RYAN:
11 Yes. We make a decision based upon the staffing we
12 have, and quite frankly, the amount of funds we have,
13 how much we can afford to pay.

14 CHAIRPERSON DROMM: Let me just go on, I--
15 since we're a little bit behind here in schedule, and
16 I want to move on. Let me go to the Special
17 Narcotics Prosecutor. The city is engaging in a
18 citywide effort to address narcotics and opioid
19 overdose cases. What funding and resources is your
20 office devoting to these efforts, and what are your
21 thoughts about the diversion programs that currently
22 exist? I think you need that mic on.

23 BRIDGET BRENNAN: Our office, our-- you
24 know, is entirely involved in addressing the opioid
25 issues. Our office has jurisdiction of our only
26 felony narcotics offenses. So, the narcotics aspects

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3 includes the addictive pills, heroin, fentanyl,

4 cocaine. Cocaine is on the rise, too, now. And so

5 we're deeply, deeply involved in the supply side

6 issues. We also do drug court and are involved in

7 that. Our experience with that has been on felony

8 cases, over the last-- well, really since the-- there

9 are two things that happened that were significant.

10 The drug laws changed and the penalties decreased in

11 2009. In addition, the courts started running the

12 diversion programs, and we-- and the arrests are way

13 down. And so we saw the number of people

14 participating in diversion go way down, and we also

15 saw the percentage of our cases that are involved in

16 diversion go way down. I think it's probably mostly

17 because people are not-- it's no longer in a sense an

18 alternative to incarceration program, and so there's

19 not that incentive to participate. In addition,

20 strategically our focus is much different. We are

21 really not arresting nearly as high. A percentage of

22 our cases are not low-level narcotics offenses.

23 They're more high-level traffickers. So, that's the-

24 - but our whole office is devoted to addressing the

25 epidemic. We've also engaged in and we've done work

on prevention and prevention messaging. We would

2 love to see the City develop a comprehensive
3 curriculum in public schools. I think we are sorely
4 lacking in drug education, in up-to-date education
5 that could really engage students. So, I'd love to
6 see that. I'd like to see a really full-fledged
7 prevention campaign, and I think we need to figure
8 out a way to engage people in treatment. It's not
9 going to be in the sense alternative to
10 incarceration, because it's-- they aren't facing
11 incarceration nearly as they were in the past, and so
12 there has to be something done differently now by the
13 providers to engage people in treatment.

14 DISTRICT ATTORNEY MCMAHON: If I could,
15 Mr. Chairman, just add to that.

16 CHAIRPERSON DROMM: Sure.

17 DISTRICT ATTORNEY MCMAHON: Just two
18 things that SNP Brennan didn't mention that she's
19 done for us. as we develop the early diversion
20 program for misdemeanor arrests, diversion in lieu of
21 arraignment, we consulted in her as a resource, and
22 then she funded a study for Staten Island, and I
23 think now they're doing one in the Bronx as well to
24 look at the population and also to look at holes in
25 providers and what's their resources for those who

3 suffer from addiction illness, and both of those have
4 provided very useful tools for us. I think where you
5 see a lot of efforts with our HOPE program and the
6 CLEAR program and others is diversion efforts in the
7 front part of the system and early on with those
8 arrested for misdemeanors at arrest, and you're not
9 seeing as much down the road at sentencing or in
10 felony cases.

11 CHAIRPERSON DROMM: What about supervised
12 release programs, how is that going in each of the
13 boroughs?

14 DISTRICT ATTORNEY MCMAHON: In Staten
15 Island it works fairly well. It's overseen by CCI and
16 I think that overall I would say it was a success.
17 I'll be honest, was a little reluctant as it came in,
18 but we have not had too many cases where it has
19 failed. We always thing that those who are doing
20 supervision, compliance, accountability is always
21 important, and we work on that, but overall we think
22 it's fairly successful.

23 LEROY FRAZER: I would add to that. In
24 Brooklyn it's also we see that it's working along
25 very well. As an antidote, just I recently was
speaking to a Criminal Court judge who told me that

3 this arraignment part was pretty much-- He's not
4 judging. The only thing he's doing is pushing papers
5 because we're asking for bail in less and less cases
6 and going along with the release.

7 DISTRICT ATTORNEY CLARK: I think the
8 same is true in the Bronx. I've looked at in detail
9 our bail policy and have instituted some reforms, and
10 part of it is to seek out more supervised release in
11 those cases where previously we would have asked for
12 bail. So, and I think MOCJ is probably going to do
13 more in that area, but I'll leave that up to them to
14 speak about.

15 CHIEF ASSISTANT DISTRICT ATTORNEY RYAN:
16 I think you have to define success for the program.
17 We see a number of cases where we believe but for a
18 supervised release the defendants probably would have
19 been released on their own recognizance, and the
20 courts have decided to impose a condition of
21 supervised release. We have not been impressed by
22 the recidivism numbers for people in supervised
23 release. Also, for whatever reason the statistics on
24 it are maintained only up until the time of the plea,
25 and they do not count the time from the plea to the
sentence, and we see the appearance rate for a lot of

2 these cases in that small window increase
3 significantly. But overall, if its intent is just to
4 get people to come to court, that seems to be
5 working. If its intent is to change the behavior,
6 we're not seeing evidence of the change in behavior,
7 and we're certainly welcome for others to take a look
8 and see if they draw the same conclusions for the
9 data. Also, at present, at least, supervised release
10 can suggest that a defendant go to a certain program
11 and recommend a certain program, but supervised
12 release cannot make the defendant go to that program.
13 The defendant doesn't go, the defendant doesn't go.
14 I think it would be beneficial for the defendants if
15 they believe that they should be out and go to a
16 program that they should have to go to the programs.

17 CHAIRPERSON DROMM: Who does supervised
18 release in Queens?

19 DISTRICT ATTORNEY MCMAHON: Who does?

20 CHAIRPERSON DROMM: Yeah, Center for
21 Court Innovation was one organization?

22 DISTRICT ATTORNEY MCMAHON: I thought it
23 was CJA, was it? No? Yeah, I believe it's CJA,
24 Council Member.

25 CHAIRPERSON DROMM: Okay. Manhattan?

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3 ASSISTANT DISTRICT ATTORNEY AGNIFILO: In
4 Manhattan we think that supervised release has been
5 enormously successful. We think the Mayor's Office
6 has done an excellent job at helping us implement
7 this program, and we look forward to expanding it and
8 seeing if there are other opportunities to do greater
9 supervised release in Manhattan.

10 CHAIRPERSON DROMM: Alright, you know,
11 I'm going to just say we've been joined by Council
12 Member Adams, Cohen, Ulrich, Maisel, Gibson, and
13 Grodenchik. Council Member Cohen has a question.

14 COUNCIL MEMBER COHEN: Thank you, Chair.
15 First, I do want to say, you know, along with my
16 colleague Councilwoman Gibson that we really have
17 heard the Bronx DA about pay parody, and we are
18 really working as hard as we can to try to get you
19 some relief on that front.

20 DISTRICT ATTORNEY CLARK: Thank you so
21 much.

22 COUNCIL MEMBER COHEN: I have a question
23 about safe injection. It's my understanding the
24 mayor has made a deal or has an understanding with
25 the Brooklyn District Attorney and the Manhattan
District Attorney, but not with the Bronx District

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3 Attorney. Do you know what the status is of that?

4 Or can you tell us what the status is of that?

5 DISTRICT ATTORNEY CLARK: Yeah, I guess

6 that falls to me, huh? Quite frankly, Councilman

7 Cohen, I am really studying the matter. I just need

8 more information before I can make a decision, and

9 when I make decisions, as in all my decisions, I want

10 to have an informed decision. So, I'm looking at it.

11 I'm working with the people in my office, speaking

12 with people in the treatment community, you know,

13 speaking with law enforcement, and really taking a

14 deep look at it before I make a decision. I

15 understand the need for it, absolutely, and the Bronx

16 leading in the overdoses. I know that we need

17 something, but also there's a number of-- we've now

18 received resources where we can do a lot more in the

19 area of overdoses in the Bronx. I started a program,

20 the Overdose Avoidance and Recovery Program, which we

21 call OAR, where people who-- we have high frequency

22 users in the Bronx, as you know. We not only have

23 the first time users, but we have a population that

24 have been addicted and substance abusers for a very

25 long time, and this particular program has those high

frequency people coming in. We suspend the criminal

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2 prosecution of the case, and we put them directly in
3 treatment. This is for misdemeanor possessors, and
4 they're going right into treatment. The Brooklyn
5 Community Solutions is helping us with that. We
6 screened a number of people. Several of them have
7 gone in, and I think that we have saved 80 lives so
8 far. We just started it in December. So programs
9 like that, we're going to bring Bronx HOPE very-- the
10 similar program that DA McMahon has in Staten Island
11 will be coming to the Bronx. Those programs, I think,
12 will help us in the area, but I'm just not ready to
13 sign on to the safe injection facilities, because I
14 need to do more research.

15 COUNCIL MEMBER COHEN: But I-- you know,
16 the devil's in the details on these kinds of things,
17 and I totally understand due diligence, but I think
18 there is value in harm reduction, and I hope that
19 you-- also, in your testimony you talked about trying
20 to make additional discovery reforms. Are those
21 moving toward open file also?

22 DISTRICT ATTORNEY CLARK: Yes. Well, we
23 have what we call-- we have voluntary discovery now,
24 but again, that's an area where I've looked at in my
25 office. I've made some changes there. I will be

3 making some announcements very soon, but we've looked
4 at discovery. We're working more to give more
5 information to the defense earlier. We set up at
6 least a program for misdemeanor discovery, and we
7 will-- we've already started it as well. Not only
8 did I come up with the policy after dealing with the
9 executive team, I then pushed it out to the line
10 assistants, meeting with them in town hall-like
11 meetings to get their buy-in as to whether or not it
12 should work and how it should work, and after doing
13 all of that we came up with the policy, and then
14 we're doing CLE's to make sure that everybody
15 understands it. So, it's coming soon and we're doing
16 more and more, and I think the defense bar will tell
17 you that they've seen the difference already.

18 COUNCIL MEMBER COHEN: Thank you very
19 much. Mr. Chair, I have one more question. I don't
20 know if you want me to come back, or? I just on the-
21 - the body cameras, this is for anybody on the panel.
22 In terms of percentage of cases, I understand, you
23 know, that all of the patrol officers are wearing
24 them, but I wonder how often they actually play a
25 role in prosecutions. And secondly, you know, I was
an advocate for HD cameras, and we have SD cameras,

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3 so obviously storage capacity would be a challenge if
4 we ultimately go to HD, which I suspect eventually we
5 will. Can you talk about those two things? Thank
6 you.

7 KAREN FRIEDMAN AGNIFILO: I think it's
8 way too soon to answer question number one, because
9 we're just all in the pilot phase, and it's just
10 beginning to get started, but even that, we're
11 already seeing tens of thousands of cases. So we
12 expect to see them in most cases where there's an
13 immediate arrest, where the police officers come upon
14 the scene and are in a situation where there's some
15 kind of evidence or something to see, if you will. In
16 cases where they are making an arrest after the fact
17 or a detective goes out after the fact, perhaps
18 you're not going to see it in those types of cases,
19 but I think in most patrol-type cases we're going to
20 be seeing more and more of them. And of course,
21 you're correct in pointing out that in HD cases
22 storage will become even more complicated, but to be
23 determined.

24 COUNCIL MEMBER COHEN: Thank you, Chair.

25 CHAIRPERSON DROMM: Okay, I want to thank
this panel for coming in, and it was the first time I

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2 had the op to question you. I appreciate it, and I
3 look forward to continuing to work with you as we
4 move down the path. Thank you.

5 DISTRICT ATTORNEY CLARK: Thank you.

6 CHAIRPERSON DROMM: I'm now going to call
7 up the Mayor's Office for Criminal Justice.

8 [break]

9 CHAIRPERSON DROMM: Okay, we will now
10 resume the City Council's hearing on the Mayor's
11 Executive Budget for Fiscal 2019. The Finance
12 Committee is joined by the Committee on Justice
13 System chaired by Council Member Rory Lancman. WE
14 have been joined by Council Member Barry Grodenchik,
15 Council Member Adrienne Adams, Council Member Vanessa
16 Gibson, and we'll be joined by other Council Members
17 shortly. We just heard from the five District
18 Attorneys and the Special Narcotics Prosecutor, and
19 now we will hear from the Director of the Mayor's
20 Office of Criminal Justice, Elizabeth Glazer. In the
21 interest of time I will forgo making an opening
22 statement, but before we hear testimony I will open
23 the mic to my Co-Chair, if he wants to make an
24 opening statement.

25

3 CHAIRPERSON LANCMAN: Good afternoon.

4 Welcome back. I'm Councilman Rory Lancman. Today, we
5 will hear testimony from the Mayor's Office of
6 Criminal Justice, which plays an extraordinarily
7 important role in setting criminal justice policy in
8 New York City. Through their budget-- though their
9 budget is supported by the Mayor's Office, the
10 Mayor's Office of Criminal Justice provides critical
11 resources, oversight and policy direction for many of
12 the city agencies involved in criminal justice and
13 public safety. The Fiscal 2019 Executive Budget for
14 the Mayor's Office of Criminal Justice is 6.2 million
15 dollars, which is nearly unchanged since last year's
16 Fiscal 2018 Adopted Budget. However, MOCJ is also
17 responsible for managing the City's indigent defense
18 system, including contracting the legal service
19 providers and community-based organizations to
20 provide a variety of criminal justice programs and
21 coordinating the implementation of Raise the Age. In
22 the Mayor's-- in the Council's Preliminary Budget
23 response to the Mayor we highlighted the collective
24 request of 34.1 million dollars for the District
25 Attorneys and the Special Narcotics Prosecutor and
specifically called for 14.8 million dollars to

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2 support pay and staff parody. The Executive Budget,
3 unfortunately, includes no money for salary parody
4 and only a fraction for the other important requests.
5 We also highlighted the 100 million dollars necessary
6 to cover service enhancement in the new trial-level
7 indigent defense contract slated to start in January
8 2019, which will have institutional public defenders
9 newly covering homicides as well as increasing the
10 number of support staff such as social workers,
11 investigators, and paralegals. The Executive Budget
12 did include funds to cover defenders' operating
13 deficits through December, the very least the
14 Administration can do after postponing the beginning
15 of their new contract, but there is no indication
16 that the budget recognizes the true cost of providing
17 increased services anticipated by the new contract.
18 Additionally, while the Administration has asserted
19 in the past that it would require 200 million dollars
20 for Raise the Age, and that is what the Council
21 called for as well, the Executive Budget includes
22 only 113 million dollars. We are interested in
23 whether the expectation for needed funding has
24 changed, or whether more is required. Thank you for

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2 your being here today, and I look forward to your
3 testimony and our questions.

4 CHAIRPERSON DROMM: I'm going to ask
5 Counsel to swear you in?

6 COMMITTEE COUNSEL: Do you affirm that
7 your testimony will be truthful to the best of your
8 knowledge, information and belief?

9 ELIZABETH GLAZER: Yes. Do you want to
10 swear my colleagues in as well in case they say
11 anything or just do it at the time? Excellent.

12 CHAIRPERSON DROMM: Okay, whenever you're
13 ready.

14 ELIZABETH GLAZER: Great. Thanks so
15 much, Councilman. Good afternoon Council Chairs
16 Lancman and Dromm and members of the Justice System
17 Committee and Committee on Finance. My name is
18 Elizabeth Glazer, and I'm the Director of the Mayor's
19 Office of Criminal Justice, and I appreciate the
20 opportunity to testify here today. I'd like to
21 introduce you to my colleagues who are sitting with
22 me at the table here and will help answer questions,
23 Eric Cumberbatch who leads our Office to Prevent Gun
24 Violence, Ozzy [sic] Cruz who's our Chief Financial
25 Officer, Dana Kaplan, who's a Deputy Director of my

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3 office and, as I think you know, plays a crucial role
4 in leadership on Raise the Age and closing Rikers. I
5 also have other members of my senior staff here
6 available to answer questions in case you have
7 additional ones that we can't answer here. The
8 Mayor's Office of Criminal Justice advises the Mayor
9 on public safety strategy and together with partners
10 inside and outside of government develops and
11 implements policies that promote safety and fairness
12 and reduce unnecessary incarceration. In the last
13 four years in New York City we've seen an
14 acceleration of the trends that have defined the
15 public safety landscape in this city over the last
16 three decades. New York City's jail population has
17 fallen by half since 1990, by 22 percent in the last
18 four years, giving us the lowest incarceration rate
19 of any large city in the US, and the steepest four-
20 year decline in the size of the jail population since
21 1998. This weekend, the jail population stood at
22 under 8,500, the lowest it has been in 37 years, and
23 this follows four years of decline in almost every
24 category of person held at Rikers with the exception
25 of state parole violators. Although the fluctuation
and arrest is not the sole driver of the jail

3 population, it's because very few people who are
4 arrested are admitted to jail. It's an important
5 piece of the future of New York's safety picture. At
6 the same time that the size of the jail population
7 shrunk, crime and arrests have also fallen, and
8 there's been a gentling of New York City reflected in
9 the shrinking number of New Yorkers who commit
10 crimes, the lightening of the enforcement touch by
11 our police and an emerging and significant role that
12 our neighborhoods are playing in driving this
13 virtuoso cycle of reducing crime, arrests, and
14 incarceration. Here, the work of the Mayor's Action
15 Plan for Neighborhood Safety, and we have two leaders
16 of it, Amy Sananman and Renita Francois with us here
17 today, as well as the Office to Prevent Gun Violence
18 and the scores of neighborhood groups that make up
19 our crisis management system, an idea born out of a
20 Council taskforce, have been important forces in
21 democratizing the responsibility for the safety of
22 our City. New York City's experiences continued and
23 unique proof that we can have both more safety and
24 less incarceration. My office's goal is to invest
25 public resources to help create the safest possible
New York City with the smallest and fairest justice

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3 system. As I testified in March, we're pursuing an

4 array of efforts to drive towards this goal and to

5 reshape the way we deliver safety and fairness in the

6 city. These strategies can be grouped as first,

7 partnering with New Yorkers to co-produce public

8 safety. It's here that we're centering the ideas and

9 action of democratizing safety. Second, creating a

10 smaller, safer, fairer justice system in the City, an

11 enormous piece of work, which is nothing less than

12 justice reform and a joint effort in raising multiple

13 entities including every New Yorker. And three,

14 promoting fairness, a value that we aim to realize

15 concretely and then animates our goals of promoting

16 safety and justice. Last year, the Mayor announced

17 that the City would close Rikers Island and replace

18 it with a smaller network of borough-based jails.

19 This is now the everyday work of the government of

20 New York City and the decision-makers responsible for

21 moving with urgency towards a smaller, safer, and

22 fairer justice system. In the last year we've made

23 concrete progress which I covered at our last budget

24 hearing in March, and the demonstrable progress is

25 best illustrated by the successful efforts to further

reduce the jail population, work that continues every

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3 day as we understand better why people enter and how
4 long they stay. Today, our population is almost nine
5 percent below where it was last year, and while this
6 number will surely go up and down day to day, the
7 trajectory is trending downwards. This did not
8 happen by accident. It is the result of intentional
9 efforts by many to focus enforcement resources on
10 public safety risks, to operate alternatives to jail
11 that earn the trust of judges and prosecutors, and to
12 work with New Yorkers to keep crime low. In the last
13 year, we've partnered with working groups of judges,
14 prosecutors, defenders, nonprofit providers and
15 others to launch several new programs to accelerate
16 safe reductions in the jail population. In addition
17 to the initiatives that I covered at our Preliminary
18 Budget hearing, these initiatives include new
19 behavioral health services for defendants assigned to
20 supervised release. This is a pre-trial alternative
21 to jail program that's diverted over 8,000 people
22 from jail since launching in March 2016, and to drive
23 closer to a system that provides judges with more
24 alternatives to setting bail, the Executive plan also
25 includes an additional investment of 620,000 dollars
to expand supervised release in Manhattan, and

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3 allocates an additional million to expand supervised
4 release in the Bronx. We're grateful for the ongoing
5 partnership with the court's prosecutors and
6 defenders it has contributed to this successful
7 implementation of these diversion expansions. While
8 supervised release is an important driver of reducing
9 the jail population, giving judges and option between
10 release with no conditions and bail at remand, these
11 meliorate, but do not eliminate the ills imposed by a
12 cash bail system created by statute. The only way to
13 fundamentally reform the system is to eliminate cash
14 bail, something that the Mayor has called for and the
15 Governor has tried to persuade the legislature to do.
16 For those instances in where a judge still decides to
17 set money bail, New York City is working to make that
18 payment process easier, including the recent launch
19 of an online bail system. this together with a slew
20 of other efforts, the citywide bail fund, borough-
21 based bail funds, Legal Aid's De-carceration Project,
22 expanded numbers of bail expeditors is focused on
23 making the system we have easier to navigate. These
24 efforts are happening against a background of
25 reductions in key areas driven by the dynamics I've
already described. A few examples of the results:

3 the number of people detained on misdemeanors is down
4 34 percent since 2013; the number of people detained
5 on bail of \$2,000 and less is down by 60 percent
6 since 2013; the number of people in jail who are
7 bailable [sic] is down by 33 percent from last year;
8 the number of people in custody with cases pending
9 for longer than three years is down by 53 percent
10 since April of 2015 when the city courts, DAs and
11 defenders launched a joint initiative to reduce case
12 processing delays. Finally, I'd like to provide a
13 brief update to the Council on the city's efforts to
14 implement Raise the Age, the state legislation to
15 treat 16 and 17-year-olds as juveniles within the
16 criminal justice system, a change long sought and
17 advocated for by the City. My office is leading the
18 planning process with the participation of the
19 relevant city agencies, the courts, District
20 Attorneys, defenders, and nonprofit providers. We
21 are all planning for the significant increase of
22 these young people into the Family Court system, the
23 development of adolescent defender parts, a full
24 continuum of diversion opportunities and community-
25 based programs, and the identification and
preparation of juvenile justice facilities to house

3 this expanded population. As we shared in the past,
4 there's currently 300 million dollars in capital
5 funding allocated to improve these sites and work is
6 now well underway at Crossroads and Horizon, the
7 City's two existing juvenile detention facilities.

8 We continue to advocate aggressively to the state for
9 the use of the New York State Office of Children and
10 Family Services' facility, Ella McQueen, to have
11 sufficient capacity to house safely all of the
12 adolescents that are both in the current juvenile
13 justice system and that are required to be off Rikers
14 by October of 2018. Our jail population reduction
15 efforts are also directed at the group of adolescents
16 that need to be moved off Rikers. The number of 16
17 and 17-year-olds on Rikers today is 101 people. That
18 number is down by 30 people from when I testified in
19 March and represents a 45 percent decline since 2016
20 when 183 16- and 17-year-olds were in our jail. As
21 my office testified recently last April, at this
22 juncture we believe the City can still meet the
23 ambitious deadline for moving juveniles off of Rikers
24 Island, but meeting that deadline and the law's
25 objectives will require that the co-mingling
restrictions within housing, education, recreation,

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3 and programming be determined by the City's

4 classification system rather than by the adolescents'

5 court status alone. Overly restrictive co-mingling

6 requirements failing to provide the City the use of

7 the virtually empty state facility of Ella McQueen,

8 and the delay in issuing regulations all hindered the

9 City's ability to implement Raise the Age in a matter

10 that is safe and appropriate for juveniles. The

11 funding reflected in the Executive Plan will enable

12 the agencies to take on the elements of Raise the Age

13 that will go into effect on October 1st, 2018 only.

14 Specifically, by October 1st of this year, newly

15 arrested 16-year-olds will be treated as juveniles

16 and will no longer be prosecuted as adults, as many

17 if not most will go to Family Court, and a relative

18 few will go to a newly created youth part in Criminal

19 Court. Additionally, New York City must house all

20 16- and 17-year-olds in a specialized juvenile

21 detention facility that cannot be located on Rikers

22 Island. We plan to learn from the first year of

23 Raise the Age to assess an appropriate resource level

24 for agencies which will then better inform the

25 additional resource needs to take on newly arrested

17-year-olds being treated as juveniles and no longer

3 being prosecuted as adults a year later on October
4 1st of 2019. The additional funding needs will be
5 addressed in future financial plans. I'm grateful to
6 the City Council and to all of our other partners who
7 work with us in implementing this work, knowing that
8 it's complicated and time consuming, but with this
9 shared responsibility and shared effort, we have a
10 rare, real opportunity to construct a smaller, safer,
11 and fairer justice system in New York City that will
12 endure. Thank you for the opportunity to testify,
13 and I'll be happy to answer any questions.

14 CHAIRPERSON DROMM: Okay. Thank you.

15 I'm just going turn it over to Chair Lancman to ask
16 some questions.

17 CHAIRPERSON LANCMAN: Thank you. So, I'd
18 like to break my questions up into three areas. The
19 first, the District Attorneys. We were very
20 disappointed in the Executive Budget's response to
21 our-- the request of the District Attorneys which by
22 in large the Council supported. I'm sure that you
23 agree that it's very important to having a well-
24 functioning, fair criminal justice system that our
25 District Attorney offices are adequately funded,
including in the broad sense that they are not losing

3 young and mid-level assistants to other government
4 offices, as for example, Judge Clark described, and
5 that they're able to engage in the kind of
6 programming and programmatic reforms that I know this
7 Administration supports, whether it's Project Hope or
8 Project CLEAR, opioid abuse diversion programs, or
9 wrongful conviction unit, or greater open file
10 discovery. So what can you say for why the
11 Administration's response was so lacking in funding
12 those other areas?

13 ELIZABETH GLAZER: So, I would hardly
14 call a 32 percent increase in the DA's budget over
15 the course of this Administration lacking. We have
16 put almost 90 million dollars, 89 million dollars
17 into the DA's offices. The Bronx alone has seen an
18 increase of about 47 percent in their budget. So,
19 there's been an extraordinary injection of funds into
20 the DA's budgets. We have worked with them hard to
21 sort of figure out what their needs are and to try
22 and fund the things that we think are the most
23 effective. So, there are some very, very modest
24 programmatic projects that have been funded this
25 year, like a Hope-like effort in the Bronx. But
right now, essentially what was funded across the

3 board, except for sort of some modest programmatic
4 investments, were the body worn cameras, adjusting
5 their trial preparation assistant ratios to be more
6 uniform across the DA offices, some necessary lease
7 and other adjustments, collective bargaining things,
8 but I would push back significantly. There has been
9 an extraordinary infusion of money into the DA's
10 offices over the past four years.

11 CHAIRPERSON LANCMAN: Well, that may be
12 true over the past four years, but you heard-- I
13 think you were here for part of the testimony of the
14 DAs, who don't normally come in in the Executive
15 Budget, but wanted-- we wanted them to have the
16 opportunity to emphasize how important these budget
17 requests are. I don't know if you heard Judge
18 Clark's testimony, but others were similar, that they
19 cannot keep good people that in Judge Clark's case,
20 for example, because they did have an infusion after
21 decades of time for a new way of doing things in
22 Bronx, let's put it that way. And what do you say to
23 them when they testify that they're losing people and
24 cannot keep the staff that they're hiring, and it's
25 creating a culture of turnover and having difficulty
instituting a vertical prosecution in one case, or

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2 staffing other essential offices in another case;
3 what is the City's response to that parody issue?

4 ELIZABETH GLAZER: So, retention is
5 important, no question about it. The DA's do have
6 discretion to allocate their budgets in ways that
7 they would like. They have a lot of money right now,
8 and they should use that discretion to allocate it,
9 and they do use that discretion to allocate it. They
10 have different starting salaries. They differently
11 use retention bonuses, etcetera, and we-- so right
12 now we're not at a position. We're willing to put
13 more money in on the salary parody issue. We think
14 it's something worth talking about. It's something
15 that we are talking to them about, but right now that
16 would be our answer. Use the 32 percent increase,
17 the 89 million dollars, use your discretion to figure
18 out how to arrange the work in your offices.

19 CHAIRPERSON LANCMAN: So, my issue with
20 that is I feel like the Administration has been
21 talking about it, talking about it for several years
22 now. I remember when I first got the committee I was
23 made aware that there was some study that was being
24 done or some higher level of inquiry that was being
25 done as to how the DA's offices were being funded. I

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3 don't feel like we're really talking about it. It's
4 not reflected in the budgets that the Mayor's putting
5 out, and I would ask you, are there aspects of the
6 DA's office that you think are wasteful that makes
7 you say to us, or-- hey, we're not giving them more
8 money for salary parody, which is a legitimate issue,
9 there's no question that there's a salary parody
10 problem. We're not giving them more money because
11 they're wasting it in these other ways. Is there
12 something--

13 ELIZABETH GLAZER: [interposing] To be
14 totally frank with you--

15 CHAIRPERSON LANCMAN: [interposing] Yes.

16 ELIZABETH GLAZER: I-- it's pretty dark
17 to us what's happening inside the DA's offices. So,
18 we don't actually have insight into how they're
19 allocating their ADAs, how exactly they're using
20 their money, and I think that a first step to
21 figuring out what salary parody looks like would be
22 that. I think a second step would be thinking about
23 DA performance. When you look over the course of
24 history what conviction rates look like-- let's just
25 take that-- they're relatively flat and they're not
all that high. Now, that is not something that is

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3 solely within the power of a DA's office to effect,
4 because it depends on what the quality of evidence
5 is, and who, what witnesses come forward, and how
6 judges rule, and a whole array of other things. On
7 the other hand, at a point at which we're putting so
8 much money into them and have so far, and that we
9 would then consider with additional data
10 understanding how they're structured and how they
11 think it would be better used, I would suggest we
12 would also want to work with them together to future
13 out, and will things improve?

14 CHAIRPERSON LANCMAN: I agree with that
15 way of looking at things, and honestly I thought and
16 would have thought over the last years that that's
17 what was going on MOCJ, that there was some effort
18 to, I guess, determine metrics and forms of
19 evaluating what offices are doing and come up with
20 some kind of formula or benchmarks for how they
21 should be funded. Instead, it seems very ad hoc.
22 So, from my perspective, we're going to continue to
23 push for them to get this funding this year, and I
24 would be more than happy to work with you and support
25 any legislation that you need which would, you know,
bring that level of scrutiny, analysis, evaluation to

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2 the DA's offices, but at some point they need the
3 money because as they testified, and they were here
4 testifying under oath, as they testified they have a
5 very, very serious problem keeping their people, and
6 it's having a ripple effect on their ability to do,
7 as the Queens DA's Office referred to it, their core
8 functions, let alone all the good criminal justice
9 reform stuff that we want them to do.

10 CHAIRPERSON DROMM: So, Ms. Glazer, what
11 I don't understand is doesn't the-- don't the DA
12 salaries go through the City payroll system?

13 ELIZABETH GLAZER: I don't know
14 functionally how that works, but we don't approve--

15 CHAIRPERSON DROMM: [interposing] But I
16 think that it does.

17 ELIZABETH GLAZER: for example-- so,
18 Council--

19 CHAIRPERSON DROMM: [interposing] I think
20 that it does, and therefore you'd have the ability to
21 look at the salaries.

22 ELIZABETH GLAZER: So, I don't think
23 that's right. So, for example, on a city agency, as
24 I understand it-- and I can be corrected and somebody
25 who actually knows this can step in-- my

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3 understanding is that OMB or other controls actually
4 know sort of person by person what's happening. We
5 don't know that for the DA's offices.

6 CHAIRPERSON LANCMAN: Listen, whatever
7 you feel the City needs to know that it doesn't know,
8 I'd be happy to partner with you in any way that I
9 can to get you and us that information, but from my
10 perspective we're at a point where we need to start
11 giving them the money, and then we can continue to
12 sort things out, because if they're telling us that
13 it's a crisis. And Judge Clark's testimony was very
14 compelling, not just because of its force of
15 delivery, but the information that's in it.
16 Something's got to be done, and it's a little
17 concerning that the Administration would be lacking
18 this essential information, and we're kind of just
19 hearing about it now. We've been talking about
20 salary parody for a number of years.

21 CHAIRPERSON DROMM: Does anyone on your
22 team have that information?

23 ELIZABETH GLAZER: Which information?

24 CHAIRPERSON DROMM: About how they get
25 paid and through whom the checks come?

3 ELIZABETH GLAZER: I don't know. I know
4 OMB knows how that works.

5 OSVALDO CRUZ: Good afternoon. So,
6 there's information on actuals that come through, I
7 guess, but what Liz was saying is it's-- once-- the
8 budget is a planning tool and you start by allocating
9 cost as a plan. What you choose to do in actuality
10 is what we then see from a base plan that we believe
11 we're funding. So, what we don't have complete
12 clarity into is how one plans to I want to say fund
13 budgets for the DA's offices. There's a lot of
14 discussion around zero base budgeting and other types
15 of--

16 CHAIRPERSON DROMM: [interposing] No, but
17 my question was that you have the ability to know
18 what the salaries are, because Ms. Glazer said that
19 you don't have that ability.

20 ELIZABETH GLAZER: So, I think-- and why
21 don't we get back to with what the actual answer is,
22 but my understanding is I guess if we knew the name
23 of every single person, we could put that into See
24 Through New York [sic] or whatever and we can find
25 that out, but we don't have the same kind of access

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3 that we do with city agencies, but why don't I get
4 you a precise answer, and I'll send that to you.

5 CHAIRPERSON DROMM: Okay, and I just want
6 to say I'm surprised that you don't have that answer,
7 especially because as Chair Lancman has said, the
8 issue of salary parody has been, you know, on the
9 table for such a long period of time. But for now,
10 we hope to get that information.

11 CHAIRPERSON LANCMAN: Also, so next,
12 indigent defense. There was what 12 million dollars
13 for homicide representation, 7.something million
14 dollars to cover the-- any shortfalls from the
15 current contract. Is that about right?

16 ELIZABETH GLAZER: Just one sec. So, it's
17 about a total of 20 million dollars, and I think it
18 looks like about 7.8 for non-homicide, an increase of
19 7.8, and an increase of about 20 million for
20 homicide.

21 CHAIRPERSON LANCMAN: So, am I correct?
22 I am missing something that there's been no
23 additional money in the budget set aside for the RFP,
24 the contract that is supposed to now start July 1st,
25 2019, that it will be at the same level as the
current contract?

2 ELIZABETH GLAZER: No, these are
3 additional-- this is additional money that's been put
4 into the budget.

5 CHAIRPERSON LANCMAN: Alright, so the--

6 ELIZABETH GLAZER: [interposing] And so
7 right--

8 CHAIRPERSON LANCMAN: [interposing] The
9 homicide is for January, right? Because that's when
10 that kicks in right?

11 ELIZABETH GLAZER: Right, but there are
12 start-up costs and all kinds of other things that are
13 happening, right?

14 CHAIRPERSON LANCMAN: Right.

15 ELIZABETH GLAZER: January's part of this
16 budget.

17 CHAIRPERSON LANCMAN: No, right, I
18 understand that. What I mean is there's a new
19 contract that's going to start January 1st, 2019. Is
20 that still the plan?

21 ELIZABETH GLAZER: Right. There's a half-
22 - so, if we're going to start getting into each of--
23 my understand is there's that-- at full value,
24 homicide will be at about 20 million dollars, and
25 there's about 10 million dollars being put in for FY

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2 19, which would account for the January start-up,
3 right?

4 CHAIRPERSON LANCMAN: Right. So, what
5 about--

6 ELIZABETH GLAZER: [interposing] I think
7 that's what you're saying.

8 CHAIRPERSON LANCMAN: So, my question,
9 and I guess just in lay terms is, it was our
10 understanding, it was the defender's understanding,
11 additional provider's understanding that the contract
12 that was going to start in January which is the one
13 that's going to include homicides--

14 ELIZABETH GLAZER: [interposing] The
15 homicide contract.

16 CHAIRPERSON LANCMAN: No, not the
17 homicide contract, the general contracts. That's--
18 make sense what I'm talking about. The general
19 provision of legal services for indigent--

20 ELIZABETH GLAZER: [interposing] Right.

21 CHAIRPERSON LANCMAN: Right. That that
22 contract was going to be significantly expanded to
23 include more wrap-around services and more holistic
24 services and that the public defenders when they came
25 and testified based on their responses to the RFP

3 that the City put out, that the contract would need
4 to be significantly more than the one they're living
5 under now, and we don't see any allotment made for
6 the increase in services or any allotment made to
7 meet the responses to the RFPs that the RFP that the
8 public defenders submitted.

9 ELIZABETH GLAZER: So, there's an
10 additional-- starting in FY 20, which is the full
11 year, an additional about 26 million dollars that is
12 added to the contract. Right now we're in the midst
13 of a contract negotiation, so there will be how it
14 will all get allocated and how that will play out.
15 You know, it's still something that's under
16 negotiation. I would just add that the indigent
17 defense budget, as I'm sure you're aware, is made up
18 of a number of different pieces. One piece of it is
19 the City piece, and that's that 26, 27 million dollar
20 increase. Another piece is from the state, from OCA,
21 that this year is about 50 million and a question
22 about exactly how that's going to be allocated. So,
23 that's why things are a little dynamic. And a third
24 piece from state indigent legal services where we
25 don't yet have those numbers, and I don't believe
they're going to be public for another month or so.

3 So, these are the three pieces that are going to play
4 into what the ultimate model is going to look like,
5 and that's part of what's going on right now.

6 CHAIRPERSON LANCMAN: Well, let me just
7 say as I've said before, we were very hopeful when
8 the RFP came out and the providers put in their bids
9 that we would see a-- not just an expansion of
10 resources, but an expansion in how the provider
11 services were-- the kinds of services and the way
12 they provided them reviewed, and we would like to see
13 that reflected in the budget. I understand you're
14 still negotiating that. But--

15 ELIZABETH GLAZER: [interposing] No, we
16 agree that a model that includes wrap-around services
17 and includes other things is an important piece, and
18 that's what we're working towards.

19 CHAIRPERSON LANCMAN: Lastly, Raise the
20 Age. We've heard the number 200 million dollars,
21 but what's in the budget is 113 million dollars.
22 Could you just explain that?

23 ELIZABETH GLAZER: Sure. Dana, do you
24 want to?

25 DIRECTOR KAPLAN: Sure. Good afternoon.
And as was mentioned in the testimony, basically what

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2 is currently in the budget is for the first year of
3 implementation. So, as you know, Raise the Age has a
4 phased implementation strategy in which for the first
5 year it will take impact for 16-year-olds only, other
6 than for the detention facilities piece. The second
7 year is when it will go into effect for 16- and 17-
8 year-olds as well. So, what's currently in the
9 budget is the funding for the first year of
10 implementation, and we'll be working with the
11 agencies and OMB to learn from exactly what happened
12 in that initial implementation phase so we can make
13 the most precise allocations for future funding
14 cycles.

15 CHAIRPERSON LANCMAN: So, when we've
16 heard the 200 million dollar figure, that was--

17 DIRECTOR KAPLAN: [interposing] That's at-

18 -

19 CHAIRPERSON LANCMAN: 16- and 17-year-olds
20 full 12 months?

21 DIRECTOR KAPLAN: That was at the-- the
22 200 million estimate was at the full implementation,
23 exactly.

24 CHAIRPERSON LANCMAN: Okay. Alright,
25 thank you.

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3 CHAIRPERSON DROMM: Okay, thank you.

4 We've been joined by Council Member Gjonaj, and now
5 we have a question from Council Member Gibson.

6 COUNCIL MEMBER GIBSON: Thank you so much
7 to Chair Dromm and Chair Lancman. Good afternoon,
8 Ms. Glazer. It's good to see you. I want to just
9 continue on with the Raise the Age, and I understand
10 the 113 million that's allocated, but I also wanted
11 to understand has this city been engaging in
12 conversations with the Office of Court Administration
13 in terms of the influx of cases that will come to
14 Family Court as well as the youth part that you
15 talked about in Criminal Court? In terms of the
16 numbers that we see, what are we going to determine
17 in terms of staffing and resources for all of the
18 various courts?

19 ELIZABETH GLAZER: Yeah, so great
20 question. So, we've been involved over the past
21 almost a year now since the passage of Raise the Age.
22 Quite an intense process with the courts, the
23 defenders, the prosecutors, court counsel who is
24 going to play such a crucial role now with probation,
25 which will play quite a crucial role as a filter in
determining all of these things. So, Judge Mendelson

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2 actually chairs our court's processes committee that
3 includes all those people on it, because as you know,
4 figuring out where-- which court system kids will go
5 through is going to depend upon a real play of how
6 DAs exercise their discretion, what probation does,
7 and what other system players do. So, we're deeply,
8 deeply involved in this, and meet on a daily--

9 DIRECTOR KAPLAN: There's probably--
10 there's a weekly meeting of some level of one of the
11 working groups involving the court.

12 COUNCIL MEMBER GIBSON: Okay, I just want
13 to make sure that we don't forget the state, because
14 it's very, very important for those of us that
15 represent the courthouses in our districts. If we're
16 talking about more people being processed, then
17 that's a conversation we should have on resources.
18 And in addition, DDC is doing renovations to Horizons
19 and Crossroads. I understand ACS is overseeing the
20 programs. There's been a lot of conversations on
21 who's going to provide the security, whether it's ACS
22 or DOC. So I know that's still a conversation that
23 we're having, but I also wanted to understand if Ella
24 McQueen is not secured from the state, do we have a
25 plan b on a site in Brooklyn?

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2 DIRECTOR KAPLAN: So, we, as you noted, we
3 have renovations currently under way at Crossroads
4 and Horizon--

5 COUNCIL MEMBER GIBSON: [interposing]
6 right.

7 DIRECTOR KAPLAN: and we believe that
8 Crossroads and Horizon have sufficient capacity and
9 will have the types of programmatic improvements made
10 following the renovation such that they will be able
11 to house the entire population of adolescents--

12 COUNCIL MEMBER GIBSON: [interposing]
13 Okay.

14 DIRECTOR KAPLAN: in detention upon Raise
15 the Age. We do need the partnership of the state and
16 being more flexible on some of the current draft
17 regulation as it relates to co-mingling restrictions,
18 particularly. We've been working closely with the
19 state on this. We had a meeting with them last week
20 on this topic, and so we're hopeful that we'll see
21 some resolution there.

22 COUNCIL MEMBER GIBSON: Okay, Chair, if
23 you could indulge me just a quick second, I just
24 wanted to really commend the Mayor's Office of
25 Criminal Justice. I was a part of the conversation

3 that helped to create the Office to Prevent Gun
4 Violence, which I'm very proud of the work we've
5 done. Eric Cumberbatch has been a phenomenal leader
6 at the Unit, and I understand we are expanding the
7 Crisis Management System to the 48 and 52 precincts
8 in the Bronx, the 81 and the 88 in Brooklyn. So,
9 certainly, I want to talk offline about how we came
10 up with those four catchment areas, but I also want
11 to commend you because in the Executive there is more
12 money for the existing catchment as well as the new
13 four, but I'm very, very pleased to hear about the
14 mobile trauma units. Something I've talked about for
15 a very long time, because personally I've experienced
16 so much with violence, and no one thinks about what
17 happens to the family and friends after the fact.
18 Eric has joined me in so many events, so I wanted to
19 understand what the mechanism will be behind rolling
20 them out. Is there a timeframe that you could
21 provide, and also, how can the City Council be of
22 further assistance?

23 ELIZABETH GLAZER: Absolutely, and first,
24 I just wanted to thank you for your leadership on the
25 mobile trauma units, which I think will be such an

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3 important dimension and piece of the work, and I know
4 Eric's been working hard on all those pieces.

5 ERIC CUMBERBATCH: So, we anticipate
6 procurement to start in early July, and mobile trauma
7 units to actually be online in early January.

8 COUNCIL MEMBER GIBSON: Okay. Thank you
9 so much. Thank you, Chairs.

10 CHAIRPERSON DROMM: Okay, thank you.
11 Council Member Gjonaj?

12 COUNCIL MEMBER GJONAJ: Thank you,
13 Chairs. Can you help me better understand the cost
14 of per inmate at Rikers on an annual basis?

15 ELIZABETH GLAZER: I'm not sure I can.
16 So,-- help me.

17 COUNCIL MEMBER GJONAJ: [interposing]
18 Typically, it's the sum divided by the number of
19 inmates and that gives you an average of per inmate.

20 ELIZABETH GLAZER: Yeah, so I think that
21 there's been a bunch of work done externally that I
22 know that you're probably aware of. To run any
23 system, whether you run it for one person, 100
24 people, or 8,500 people, you need some basic
25 investment. So, my understanding is sort of the way
to understand sort of what the cost per inmate is is

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3 not exactly to just divide the DOC budget by the
4 number of inmates or vice versa. But because there's
5 a marginal cost per inmate, etcetera. But I-- I'm
6 not, as you can tell, a mathematician, so I can't
7 take you through that whole-- that whole thing.

8 COUNCIL MEMBER GJONAJ: I understand the
9 number to be somewhere around 160,000 dollars per
10 inmate on an annual basis.

11 ELIZABETH GLAZER: No question that it's
12 a lot, and one of the reasons for moving off-island,
13 although we're not sure that actually that number
14 will come down, but it is--

15 COUNCIL MEMBER GJONAJ: [interposing]
16 It'll actually go up--

17 ELIZABETH GLAZER: [interposing] to try
18 and--

19 COUNCIL MEMBER GJONAJ: is the
20 projections.

21 ELIZABETH GLAZER: It may well.

22 COUNCIL MEMBER GJONAJ: In addition to
23 the 10 billion, but the annual cost per inmate will
24 increase. I think we should start looking at ways to
25 better spend our money by keeping these young men and
women out of jail. It would certainly make financial

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3 sense if we do so. Talk to me a little bit about the
4 gun violence--

5 ELIZABETH GLAZER: [interposing] So, I
6 couldn't agree with you more, and we have been
7 focused like a laser on doing that, and that is the
8 reason why I opened my testimony by saying we now
9 have the lowest incarceration rate of any big city in
10 the nation. We have seen the steepest decline over
11 the last four years that we've seen in many decades.
12 We are almost nine percent below today where we were
13 last year, and that work will continue, but I would
14 just like to say that the smaller we shrink the
15 system, the more difficult it will be. So, as we
16 shrink the system, those who will be left in the
17 system are those who are charged with violent
18 offenses, and we have to think very carefully about
19 what those next steps are with respect to either
20 diversion or the way in which I think we actually
21 shrink that population is shrinking the amount of
22 time that people stay.

23 COUNCIL MEMBER GJONAJ: Maybe we'll talk
24 offline about it for the sake of time. I do have
25 another question. On the combatting of gun violence,
I'm a big fan, a supporter of the best way to combat

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3 gun violence is by making sure we have less guns out
4 of on the street.

5 ELIZABETH GLAZER: I'm with you.

6 COUNCIL MEMBER GJONAJ: Why aren't we
7 doing more to get guns off the street? I'm a big
8 supporter of the gun buy-back program. Those that do
9 have illegal guns certainly have made some foolish
10 mistakes in their lives, but they-- they're not
11 stupid. Buying gun-- or the gun buy-back program at
12 175 dollars per gun, when the street value is
13 somewhere in the neighborhood of 3-450. Criminals
14 are recirculating these guns within the community
15 instead of handing them over during a gun buy-back
16 program. Why aren't we looking to increase the
17 dollar amounts that we buy these guns from-- these
18 illegal guns?

19 ELIZABETH GLAZER: So, there's been an
20 enormous progress in the reduction of gun violence in
21 this city. By every measure it is way down, and
22 taking guns off the street is one incredibly
23 important piece of it. The Police Department, I'm
24 sure, testified earlier today, can tell you about in
25 great detail. I am not a fan of gun buy-backs. The
research has shown over and over again it is not an

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2 effective way to take crime guns off the street. One
3 of the reasons for that is that for the most part the
4 people who come forward to give up their guns are law
5 abiding civilians or law enforcement folks. The
6 higher you raise that price, the more you create that
7 market. So, I think that there are a lot of ways to
8 get guns off the street, but I am not a supporter of
9 the gun buy-back program.

10 COUNCIL MEMBER GJONAJ: I don't know. I
11 come from a bit of common sense. Every gun that's
12 off the street makes for a safer street, including an
13 incident which happened in my own district where
14 there was an illegal gun left at home, and the
15 younger brother played with the gun and it led to
16 fatality. Whether they're legal or illegal, any gun
17 that's taken out of our community makes for a safer
18 community. At 175 dollars per buy-back there's a
19 reason why that program isn't as successful. They're
20 able to get more money on the street than they are
21 through the program, and I'd encourage you to relook
22 at that, and I'm happy to do so with you offline.

23 Thank you.

24 ELIZABETH GLAZER: Great. Thanks.

25

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3 CHAIRPERSON DROMM: Okay, thank you.

4 We're going to move on, but just one concern I want
5 to raise. DOC was here yesterday or last week I
6 guess it was, and they were talking-- we were talking
7 about Crossroads and Horizon, and one of the concerns
8 for me is that I understand that you're going to have
9 to have locked cells in both of those locations. Am
10 I correct on that?

11 DIRECTOR KAPLAN: There are currently
12 individual rooms at both Crossroads and Horizon.

13 CHAIRPERSON DROMM: And but they're
14 locked. They will eventually-- eventually, a
15 juvenile will be locked in at some point.

16 DIRECTOR KAPLAN: I'm not sure exactly
17 the--

18 CHAIRPERSON DROMM: [interposing] In their
19 individual room. So, you don't-- alright. So, my
20 concern is this, is that in this construction phase
21 that we're going into that has begun, is that-- it
22 seems to me if we're trying to take juveniles off of
23 Rikers for a reason, that we don't want them in a
24 "jail" environment, if we just recreate a jail at
25 Crossroads or Horizon in terms of what it looks like
and what it feels like, and how young people are

3 locked in, we're just moving the problem to another
4 area. So, I was concerned when DOC told me that
5 basically that's probably what it's going to look
6 like. And so I ask you to address that, and then the
7 other issue is one of the correction officers who are
8 going to be there for two years, I guess. So, and I
9 think the plan is to move them out of Horizon and
10 Crossroads after that two-year period. But my
11 concern is about some special training for those
12 corrections officers, because again, otherwise, we're
13 just transferring the problem from one place to
14 another.

15 DIRECTOR KAPLAN: So, as it relates to
16 the facility renovations, I think we are in complete
17 accord that we should be moving towards a-- and
18 the reason that we are focused on Crossroads and
19 Horizon is because we believe a juvenile environment
20 is more appropriate. So, the types of renovations
21 that are underway have to do with programming,
22 recreation, educational space. There are safety and
23 health issues also being addressed with the
24 renovations. We are working with the framework
25 provided by the draft regulations from OCFS and SCOC
for a specialized secure detention and secure

3 detention, and so those are-- that is the framework
4 for the renovations but these are oriented toward a
5 juvenile or a model. So, I think that, you know, I
6 share our concern and that is what the planning and
7 renovations have been predicated on. As it relates
8 to the staff transition plan, as we have shared in
9 the past, ACS is working right now to hire the
10 additional staff that will be required to be able to
11 operate both Crossroads and Horizon. And because of
12 the very aggressive timeline that we're on, shorter
13 for New York City than any other jurisdiction, there
14 will be DOC staff providing support at Horizon only.
15 And there will be a phased out process. As we are
16 able to hire on additional ACS staff, there will be a
17 phase down of the DOC staff that are staffing that
18 facility. ACS staff will be there at all points, and
19 ACS and DOC are working together right now on the
20 training plan and on policies and procedures to
21 govern the facilities so that all points this will be
22 oriented towards a juvenile model, and the training
23 provided to all employees will also be on juvenile
24 model and what is appropriate, as well as informed by
25 those same draft regulations which outline the

2 policies and procedures broadly that are most
3 appropriate following Raise the Age.

4 CHAIRPERSON DROMM: So, I would assume
5 that at some point I would love to get a tour after
6 the budget is done, of course, but I would also
7 assume that prior to this Council Members were
8 allowed to visit Rikers at any time of day or night.
9 It's in the Charter. I'm assuming we'll still be
10 able to Horizon and Crossroads in the same way.

11 DIRECTOR KAPLAN: So, I know that we would
12 be more than happy to offer a tour of the facilities
13 at any point so that people can, you know, see the
14 status of the renovations and what's planned, and
15 would allow ACS to speak to-- with a tour schedule
16 when procedures will be moving forward, but we would
17 welcome the Council, you know, paying a visit so that
18 we could provide a fuller update on what's planned.

19 CHAIRPERSON DROMM: But do you see it as a
20 Charter guaranteed right for Council Members?

21 DIRECTOR KAPLAN: I couldn't speak to
22 that issue on what the Charter would require.

23 CHAIRPERSON DROMM: Well, who can?

24 DIRECTOR KAPLAN: We can get back to you.
25 We can follow up on that.

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3 CHAIRPERSON DROMM: Okay, please do.

4 Thank you. Alright, we're going to let this panel
5 go, then, and we're going to end this session, this
6 portion of the hearing now, and then we're going to
7 call up the Department of Housing, Preservation and
8 Development.

9 [break]

10 CHAIRPERSON DROMM: Okay, we will now
11 resume the City Council's hearing on the Mayor's
12 Executive Budget for Fiscal 2019. The Finance
13 Committee is joined by the Committee on Housing and
14 Buildings Chaired by Council Member Cornegy. We have
15 been joined by Council Member Adrienne Adams, okay,
16 Council Member Perkins, Council Member Grodenchik,
17 and I think we'll be joined by others as we go along.
18 We just heard from the Mayor's Office of Criminal
19 Justice, and now we will hear from the commissioner
20 of Department of Housing, Preservation and
21 Development, Maria Torres-Springer. In the interest
22 of time I will forgo making an opening statement, but
23 before we hear testimony I will open the mic to my
24 Co-Chair, Council Member Cornegy.

25 CHAIRPERSON CORNEGY: Thank you, Chair
Dromm. Good afternoon and thank you all for coming

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2 to the Fiscal Year 2019 Executive Budget Hearing for
3 the Department of Housing, Preservation and
4 Development and the Department of Buildings. I'm
5 Council Member Robert Cornegy, and I'm the Chair of
6 the Council's Committee on Housing and Buildings. We
7 were joined-- we already introduced the members we
8 have with us. We're her to conduct an oversight
9 hearing on the Fiscal Year 2019 Executive Budget and
10 the Executive Capital Plan for Fiscal Years 2018 to
11 2022. We'll first hear from the HPD Commissioner, as
12 mentioned, Maria Torres-Springer, where we'll examine
13 all the components of HPD's 924 million dollar
14 expense budget and six billion dollar capital budget,
15 along with details and progress related to the
16 Administration's Housing Plan, Housing New York.
17 Over the life of the Housing Plan, the City has
18 financed the creation or Preservation of 87,000
19 affordable units across New York City, which has
20 exceeded projected targets and production goals, but
21 many New Yorkers feel that these efforts fall short
22 of the need. Although, future federal funding levels
23 remain uncertain, in the near term, the Federal 2018
24 Omnibus Spending Bill is a big win for the affordable
25 housing industry as it provides the most significant

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3 reinvestment in affordable housing in recent years.

4 The Committee would like an update on how the federal

5 spending bill will impact operations and service

6 levels to the Section 8 program as well as other

7 vital housing programs including Community

8 Development Block Grant, or CDBG, and the Home

9 Investment Partnerships Program. After HPD, we'll

10 hear from the DOB Commissioner Rick Chandler. The

11 Committee would like to get updates on the progress

12 related to construction site safety and training

13 compliance and enforcement efforts related to

14 recently enacted tenant protection legislation and

15 how DOB is addressing the increase in construction-

16 related accidents and injuries. As a reminder,

17 during Executive Budget hearing cycle all public

18 testimony is to be given at one hearing. This year,

19 public testimony will be heard on Thursday, May 24th,

20 starting at 4:00 p.m. in Council Chambers. I'd like

21 to thank Maria Torres-Springer and Rick Chandler and

22 their respective staff for joining us today, and I

23 will now turn it over for testimony. Thank you.

24 CHAIRPERSON DROMM: Okay, and

25 Commissioner, I see you have five pages of testimony.

If you could summarize it for us I would be most

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3 grateful to you if you could do that for us. We're
4 very far behind in terms of our schedule here.

5 COMMISSIONER TORRES-SPRINGER: I would be
6 happy to.

7 CHAIRPERSON DROMM: Thank you. And I'm
8 going to ask my counsel to swear you in.

9 COMMITTEE COUNSEL: Do you affirm that
10 your testimony will be truthful to the best of your
11 knowledge, information and belief?

12 COMMISSIONER TORRES-SPRINGER: I do.

13 Good afternoon, Chair Cornegy, Chair Dromm, and the
14 members of City Council Committees on Housing and
15 Buildings and on Finance. My name's Maria Torres-
16 Springer. I'm the Commissioner of HPD. I'm joined
17 by Deputy Commissioner Francesc Marti, as well as
18 several members of HPD's Senior Staff. I'd like to
19 thank Chair Cornegy and Chair Dromm for your
20 leadership. In particular, I'd like to thank Chair
21 Cornegy for his partnership to ensure New Yorkers
22 receive the housing assistance that they need. Just
23 a few weeks ago we held a home ownership resource
24 fair with Chair Cornegy in Bed-Stuy where we deployed
25 our new HPD Outreach Van and connected over 60 New
Yorkers with information about HPD and the many

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3 programs and services available to them. for others
4 interested, we'll be launching the second year of HPD
5 in Your District where reps from our offices spend a
6 Wednesday in Council Members' district offices
7 providing one-on-one education and assistance to
8 tenants and owners. Members also have the option of
9 using the HPD Outreach Van. So certainly encourage
10 everyone to take advantage of this particular
11 opportunity. For today's testimony I'll focus on our
12 Fiscal Year 2019 Executive Budget and how this
13 funding will help us achieve our goals. I'll provide
14 an overview of our budget covering some of the recent
15 wins as mentioned by Chair Cornegy on the federal
16 front before describing the challenges that remain on
17 the horizon, and our key priorities in the coming
18 year. So, as an overview, our budget relies on
19 significant investment from the City and Federal
20 Government. Our Fiscal Year 2019 Executive Budget is
21 approximately \$924 million; however, this includes
22 about \$130 million in pass-through [sic] funding for
23 NYCHA. So, aside from this pass-through funding,
24 HPD's true expense budget is about \$794 million for
25 FY 19. Of this total, approximately \$120 million
comes from city funds, and about \$670 million from

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2 federal funds. That means 84 percent of HPD's
3 expense budget is federally funded. This large
4 proposition of federal versus city funding of the
5 agency's budget is important, because when we seek to
6 save city dollars as we're constantly trying to do,
7 the amount we can save is limited because so many of
8 our programs are restricted by federal requirements.
9 City Tax Levy, therefore, is critical for
10 strengthening areas that are not otherwise eligible
11 federal grant funding, and so we thank the Council
12 for its partnership in ensuring we have those
13 resources. In February, when we presented our FY 19
14 Prelim budget to the Council, we did highlight the
15 threat of cuts to critical federal funding, its
16 potential impact on our programs. I'm glad to say
17 that for the first time in decades Congress has
18 increased the federal resources available for
19 affordable and public housing, recognizing the
20 critical role that housing plays in our lives,
21 communities, and economy. This funding package
22 represents additional resources for many of our
23 programs, CDBG, HOME, Section 8, and the low income
24 housing tax credit. What we don't know yet what the
25 specific impact will be from New York City and HPD in

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3 particular for Fiscal Year 2018, CDBG is getting an

4 eight percent boost nationally. HPD uses CDBG

5 dollars to fund code enforcement efforts which

6 include housing inspections litigation against bad

7 actor landlords, emergency shelter for people who

8 have to leave their homes for safety reasons. CDBG

9 is critical to helping us ensure really a basic

10 standard of living for New Yorkers. For HOME, after

11 years of cuts, HOME received a 43 percent boost in

12 the spending bill. We use HOME to build special

13 needs housing, fund Raise the Age for homeless

14 families, and offer first-time home buyers down

15 payment assistance. So, this will help a range of

16 New Yorkers from our most vulnerable neighbors to

17 those seeking a pathway to home ownership. And for

18 the first time in a long time, the FY budget provides

19 enough funding to fully fund all of our Section 8

20 vouchers, which as you know, is an incredibly

21 important tool that provides housing stability for

22 some of our lowest income New Yorkers. This outcome

23 would not have been possible without all of the

24 advocacy and the support of the City Council. So, we

25 certainly thank you. While we continue to focus on

the ongoing risk of budget cuts, today one of the

3 biggest threats, however, on the federal front is
4 HUD's recently released proposal to dramatically
5 deteriorate America's social safety net by raising
6 rents on our lowest income families and allowing
7 Public Housing Authorities, or PHAs and landlords, to
8 impose work requirements. This proposal would
9 dramatically raise rents for some of the most
10 vulnerable Americans living in public housing to
11 elderly properties, 811 properties, people with
12 disabilities, project-based rental assistance
13 supported properties, and households with Section 8.
14 More than 300,000 households in New York City rely on
15 these types of HUD programs and will be impacted by
16 this proposal, the majority of New Yorkers living in
17 HUD-assisted housing, or elderly disabled, or very
18 low-income families with children. In addition to
19 the catastrophic impacts, the one in 14 New Yorkers
20 who live in public housing, more than 125 households
21 in New York City use Section 8 rental assistance,
22 including 39,000 households who receive assistance
23 administered by HPD. Nearly half of these residents
24 are either elderly or disabled, more than a quarter
25 are families with children. The average household
that is not elderly or disabled would see an average

3 rent increase of 18 percent, or nearly 100 dollars

4 per month. The proposal would also eliminate

5 deductions for child care expenses, medical expenses,

6 and dependent care expenses for purposes of income

7 calculation for residents of HUD rental assistance.

8 And then also raise the percentage of income paid for

9 more rent-- for rent for all households who are not

10 elderly or disabled from 30 to 35 percent. This

11 translated to more than 22,000 senior households

12 losing their medical expense deduction, and 17,000

13 working families who would lose their childcare

14 expense reduction. The bottom line is that these

15 reforms hurt the most vulnerable among us, elderly,

16 the disabled, and working families. They are

17 unacceptable, and we will be advocating with our

18 partners and all of you to fight the proposal. So,

19 while we continue to be very focused on fighting to

20 defend federal programs and policies that are

21 critical to our work, we're also pushing ahead on the

22 broad goals of Housing New York with renewed energy.

23 Four years into the plan we had established a new

24 baseline for how affordable housing can and should be

25 built in New York. Already, the Administration has

announced close to 88,000 affordable apartments, a

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3 third of which serve individuals making less than 36

4 per year, or 47 for a family of three. Building on

5 that momentum we accelerated and expanded the plan to

6 create and preserve 300,000 homes by 2026. To achieve

7 that expanded goal we released an update to the plan,

8 Housing New York 2.0 that offers a suite of programs,

9 partnerships, and strategies to help thousands of

10 families and seniors afford their rent, buy a first

11 home, stay in the neighborhoods that they love.

12 Since then we've been hard at work. In recent weeks

13 we've launched a new Aging in Place pilot program,

14 for instance, to make changes to both apartments and

15 common areas in buildings HPD preserves that will

16 prevent falls, increased visibility and security, and

17 ease the lives of our senior residents. We continue

18 to advance the City's Neighborhood Pillars program

19 designed to help not-for-profit and mission-driven

20 organizations, acquire rent stabilized buildings

21 unregulated by the City currently. In an effort to

22 protect tenants and stabilize communities we recently

23 released a request for qualifications which will

24 create a pipeline of qualified buyers to be used by

25 numerous HPD preservation programs including

Neighborhood Pillars. And this fall, we're looking

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3 to roll out our new Partners in Preservation
4 initiative to develop comprehensive anti-displacement
5 strategies in changing neighborhoods. This program
6 draws on a never-expanding tool kit to fight
7 displacement and tenant harassment thanks to the
8 leadership and collaborative efforts with the
9 Council. The agency will be implementing, for
10 instance, both a certification of no harassment and a
11 speculation watch list in the coming years. These
12 are just a few of the initiatives that we will
13 continue to advance in the coming fiscal year.
14 Another area of priority will be the implementation
15 of Where we Live NYC, the City's comprehensive fair
16 housing planning process. We are partnering with
17 NYCHA to study, understand and address patterns of
18 residential segregation and how these patterns impact
19 New Yorker's access to opportunities, including jobs,
20 education, safety, public transit positive health
21 outcomes. Despite the Federal Government's decision
22 earlier this year to delay the implementation of the
23 requirement that municipalities perform an Assessment
24 of Fair Housing, or AFH. We here in New York City
25 are committed to pushing forward with a data-driven
collaborative fair housing planning process

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3 consistent with the original intent of the ASH. The
4 process involves close coordination with a number of
5 government partners to ensure that the planning
6 process, meaningfully built on existing city efforts,
7 and extends beyond housing to look at how residential
8 living patterns relate to New Yorkers' access to
9 opportunity. At the same time we continue to work
10 closely with DSS to advance the goals of NYC 1515,
11 the Mayor's commitment to create 15,000 supportive
12 housing apartments over 15 years. We certainly
13 appreciate the support and leadership of Speaker
14 Corey Johnson on these efforts. Supportive Housing
15 is a proven effective model that saves public dollars
16 while helping to fulfill the City's moral commitment
17 to house New Yorkers in need. We're proud to say
18 that under Housing New York, so far, we have financed
19 over 3,000 supportive housing units, which includes
20 units funded under 1515 and prior agreements. These
21 are just a few of the initiatives we'll be pushing
22 forward in the coming year. It's, of course, just a
23 tip of an iceberg. There are many more efforts
24 underway, and we're grateful for the resources and
25 support that we need in order to continue to pull
every lever within our reach to tackle the

3 affordability crisis that threatens the health and
4 wellbeing of families in this city. As I've
5 outlined, this important work reflects the urgency of
6 the needs on the ground a vision for the City that we
7 want to be, but it cannot be done alone. Although
8 I've said this before, while there are many threats
9 on the horizon, there are also many, many
10 opportunities, and all of us must continue to work
11 together if we are to be successful in fighting for
12 the resources we need to ensure the affordability and
13 equity of our city. I want to thank the City Council
14 again for its leadership and collaboration on so many
15 fronts. Thank you for the opportunity to testify,
16 and I'd be more than happy to answer any questions
17 you may have.

18 CHAIRPERSON DROMM: Thank you very much.

19 I'm going to turn it right over to Chair Cornegy.

20 CHAIRPERSON CORNEGY: Thank you so much,
21 Chair Dromm. I just want to state that we've been
22 joined by Council Member Margaret Chin, Rafael
23 Espinal, and Mark Gjonaj. And before I get right
24 into my questions, I want to take the opportunity to
25 introduce this chamber to a group of young people
that work out of my office who I'm very proud of. I

3 have my interns who I'd like to just stand and be
4 acknowledged: Benjamin Fein [sp?], Frank Micuzada
5 [sp?], Melvin Urina [sp?], Jesus Batista, and my
6 Youth Advocate, Amira Ford [sp?] who will be leaving
7 us to go to Northwestern in the fall, and we
8 congratulate her.

9 [applause]

10 CHAIRPERSON CORNEGY: So, I want to get
11 right into it. Commissioner, of course, I need to
12 say that it's a pleasure. It has been a pleasure
13 working with you in this capacity and in our former
14 capacities. I don't know who's following who. But
15 it really helps--

16 COMMISSIONER TORRES-SPRINGER:

17 [interposing] I'm following you, sir.

18 CHAIRPERSON CORNEGY: So, the first
19 question is about federal funding. About 791 million
20 or 86 percent of HPD's total expense budget is
21 supported by federal assistance programs. On March
22 23rd, as mentioned before, 2018, the President signed
23 into law the Omnibus spending package totaling 1.3
24 trillion which funds federal government programs
25 through September 30th, 2018. The legislation
provides an estimated 10 percent increase in funding

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3 for housing programs nationwide compared to federal
4 Fiscal 2017 enacted levels. How will this spending
5 package impact HPD's programs and operations, and
6 across which programs, and how will these additional
7 resources be used?

8 COMMISSIONER TORRES-SPRINGER: Thank you.

9 As I mentioned, we're very thankful both to the
10 Council and to allies across the country after many
11 threats over the course of the last year in terms of
12 these federal programs. We did in fact see an
13 increase in the Omnibus spending package. The three
14 major areas are CDBG, HOME, and Section 8. Those
15 increases are not yet reflected in the Executive
16 Budget as we've been getting confirmation and the
17 awards from the Federal Government. Those should be
18 reflected in coming plans, but what we anticipate is
19 that for CDBG and for Section 8 we will be getting
20 full funding for these programs, which is an
21 extraordinarily critical, because Section 8, of
22 course, really funds all of our enforcement efforts,
23 and Section 8, 39,000 voucher holders we support
24 through that program. For HOME we expect that the
25 addition to HOME which actually is a 43 percent
increase over last year's appropriation level, the

3 additional capital funding, those additional
4 resources should be reflected in our September plan,
5 and that will be used as it has been done in the past
6 to fund our supportive housing programs, our down
7 payment assistance program, as well as tenant-based
8 rental assistance. And so we were very grateful for
9 both the full funding and potential additional
10 funding, and we know that it is at this point also
11 our responsibility to make sure that we are
12 demonstrating the very positive impacts of any
13 additional funding. So, the next time this is a
14 threat on the federal level, we have all of the
15 metrics to show that here in New York we're using
16 these programs as effectively as possible.

17 CHAIRPERSON DROMM: Thank you. In the
18 interest of time I'm going to go to my colleagues for
19 questions. I don't know if you know, Commissioner,
20 what a long day this is during finance hearings, and
21 my colleague and Co-Chair has been here from the bang
22 of the first gavel. So, we want to move as
23 expeditiously as possible. I ask colleagues to limit
24 their questions and be more concise if you possibly
25 can. Who's first? Barry Grodenchik.

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3 COUNCIL MEMBER GRODENCHIK: You want me
4 to be short, is that what you're saying?

5 CHAIRPERSON CORNEGY: It's okay.

6 COUNCIL MEMBER GRODENCHIK: I only have
7 one question. Good late afternoon, Commissioner.
8 How are you today?

9 COMMISSIONER TORRES-SPRINGER: Very good,
10 thank you.

11 COUNCIL MEMBER GRODENCHIK: Good to see
12 you as always. My question is with regard to the
13 affordable housing plan which stretches out to 2026,
14 I always get nervous when people plan stuff well
15 beyond how long they're going to be in office. so,
16 my question for you is how can we expect-- I hope to
17 be here till 2026 along with Ms. Adams, but-- that's
18 how long we get, but-- assuming the voters agree.
19 But what guarantees have been built into this plan?
20 Because the next Mayor whoever he or she may be may
21 have different ideas. So, that concerns me.

22 COMMISSIONER TORRES-SPRINGER: Thank you
23 for the question. What we have done in the last four
24 years is not just to make historic investment of
25 resources, but really built up what we call the
machine at HPD in order to essential build and

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3 preserve 25,000 units of affordable homes in any
4 given year. Over the course of the next several
5 years, the plan also includes historic investment of
6 city resources, and while the out years of the plan--
7 you're right, Council Member-- are outside of this
8 Administration, it's both our belief that to the
9 extent that we continue to deliver on the plan and
10 given that the affordability crisis is not one that
11 is going to go away any day soon, that a future
12 Administration will both see and believe the
13 effectiveness of our efforts and will be held
14 accountable to the public that is calling for more
15 aggressive affordable housing efforts every day.

16 COUNCIL MEMBER GRODENCHIK: I thank you.

17 As I did this morning, Mr. Chair, I will waive the
18 remaining 48 seconds of my time. Thank you.

19 CHAIRPERSON CORNEGY: Before I go to
20 Council Member Chin, I do want to acknowledge the
21 fact that many people may not be aware that the
22 Commissioner was actually sick and came in today just
23 for this hearing. So, while we enjoy and appreciate
24 Francesc and Yusted [sic], I do thank you for
25 sacrificing, and as we say, gutting it out and coming
in to testify. I truly appreciate your commitment.

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3 COMMISSIONER TORRES-SPRINGER: You're very
4 welcome.

5 CHAIRPERSON CORNEGY: Council Member
6 Chin?

7 COUNCIL MEMBER CHIN: Thank you, Chairs,
8 and thank you, Commissioner. See you again. I saw
9 you earlier last week. I know from your testimony,
10 and I think all of us working closely with HPD do
11 see a lot of progress being made, which is exciting,
12 that the Administration has all these, you know,
13 creative programs that we see whether it's
14 legalizing, you know, basement units, certificate of
15 no harassment, the Neighborhood Pillars Program. So,
16 I guess I want to feel that sense of urgency. Are
17 these programs ready to get off the ground so that we
18 can start working, you know, with nonprofit
19 organizations and community groups who are interested
20 in navigating and really using these programs to
21 help, you know, residents who are in need of
22 affordable housing or to preserve their unit?

23 COMMISSIONER TORRES-SPRINGER: Yes, there
24 is an incredible feeling of urgency within the
25 Department to make sure that we're not just
announcing programs, that we're taking meaningful

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3 steps to launch them as quickly as possible. So, to

4 go through some of our newer programs, the

5 Neighborhood Pillars Program, which was announced

6 last fall as part of HY [sic] New York, we actually

7 just a few weeks ago released a request for

8 qualifications so that not-for-profit partners can

9 essentially pre-qualify to be on the list, and we can

10 start making transactions against as part of our

11 acquisition fund even as we speak. For the

12 certificate of no harassment, that will get-- the

13 implementation for that is this fall. Of course,

14 we've been working very closely with the City Council

15 to make sure that that is launched in a way that was

16 consistent with the passage of the law. Both the

17 program will launch this fall and the evaluation

18 shortly thereafter, because we also know that by the

19 end of the pilot program we want to be able to see if

20 and how it can be expanded. The basement program has

21 also launching this fall. We'll work with the City

22 Council on the legislation that is needed in order to

23 make modifications to the code. We, on our end, have

24 a financing program that we have been fine-tuning,

25 and there will be outreach on the ground in East New

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2 York led by the Public Engagement Unit this summer
3 before the program launch.

4 COUNCIL MEMBER CHIN: Yeah, I didn't
5 hear-- that is good, timewise. I didn't hear much at
6 all about the HPD Emergency Repair Unit. Often times
7 that's what we rely on to really get HPD to get
8 involved if a landlord is not responding, and we want
9 to make sure that residents, you know, get the heat
10 and the hot water, or get the repair services. So,
11 are there resources funding in the Executive Budget
12 as being put in to also beef up the Emergency Repair
13 Unit?

14 COMMISSIONER TORRES-SPRINGER: Yeah. That
15 program, Council Member, continues to be funded
16 through CDBG, and so it's good news with the increase
17 in CD funding that will continue to be able to use
18 that program as effectively we have in the past.
19 There are often calls for the use of that program.
20 We have to be judicious on our end to make sure that
21 they are truly for emergency situations, and then
22 those scopes of work that are essentially for the
23 full rehabilitation of systems are not usually good
24 candidates for that program. Having said that, we'll

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2 be as aggressive as possible in continuing to use
3 ERP, because we know it's a critical tool.

4 COUNCIL MEMBER CHIN: Yes, and we want to
5 make sure resources are there to make sure that we
6 can strongly support that program. Thank you. Thank
7 you, Chair.

8 CHAIRPERSON CORNEGY: Thank you. I'm
9 going to defer to Chair Dromm.

10 CHAIRPERSON DROMM: Well, I was just--
11 you know, I'm going to go to Council Member Levin and
12 to Council Member Gjonaj.

13 COUNCIL MEMBER LEVIN: Thank you very
14 much, Chairs. Commissioner, thank you. I wanted to
15 ask about homeless set-aside in HPD projects. Can
16 you tell me how many units in the past year-- you can
17 say in Calendar Year 2017 or however you want to do
18 it-- went to formerly homeless? And of how many-- of
19 those units, how many were with vouchers? So,
20 whether it's the SEPS voucher or the CityFEPS
21 voucher, or any number-- you know, there's the whole
22 array of the LINC vouchers, all those vouchers.

23 COMMISSIONER TORRES-SPRINGER: I'd be
24 happy to. What we-- we will need to follow up on how
25 many used vouchers. I don't think we have that data

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3 on-hand, but what I can say is that for set-asides,
4 homeless placements made into our general homeless
5 set-asides, as well as 421A homeless preference unit,
6 units that total since the start of House New York is
7 1,400 homes.

8 COUNCIL MEMBER LEVIN: Okay, and since
9 that-- and that was from the beginning of Housing New
10 York, which was in--

11 COMMISSIONER TORRES-SPRINGER:
12 [interposing] 2014.

13 COUNCIL MEMBER LEVIN: 2014, okay. I,
14 and I think as well as other of my colleagues in
15 government and on the Council side, are eager to see
16 the homeless set-aside increase in HPD projects.
17 What can we do to work with the developer community,
18 affordable housing developer community? Do we know
19 or, you know, want to help address this massive
20 homelessness crisis that we have in New York City,
21 both in the single adult side and the family side.
22 What can we all do to make those numbers more
23 impactful?

24 COMMISSIONER TORRES-SPRINGER: We
25 certainly share your desire and commitment to making
sure that in our major programs that those set-aside

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3 units are as substantial that can be. In fact, about
4 a couple of years ago we made changes in all of our
5 major term sheets so that the floor for set-aside
6 units was raised. Essentially, it runs the gamut
7 from 10 percent as a minimum for our participation
8 loan programs or your 15 programs, 1030 [sic] for
9 ELLA and mix-and-match, 30 for SARA [sic], which is
10 for seniors, and of course, 60 percent for supportive
11 housing. I would mention a few things in terms of
12 how we can do even better. One is that I think there
13 continues-- we all continue, this is everyone.
14 Everyone has a role in this to make sure that we are
15 educating the public and stakeholders both about the
16 benefits of permanent housing for the homeless, the
17 benefits of supportive housing, and to dispel the
18 myths that are out there. So, that's why. And then
19 two, as each of these projects go through the public
20 approval process and they go through a number of
21 committees, the Planning and Disposition Committee,
22 the Land Use Committee to the extent that such units
23 whether on the set-aside part or the supportive, to
24 the extent that there are members of City Council for
25 whom this might be their first project, your
partnership and support in making sure we're working

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2 together so that those units don't get reduced in the
3 public approval process would be extraordinarily
4 helpful.

5 COUNCIL MEMBER LEVIN: Right. Just for
6 the record, I think that we should have 15 percent
7 across the board minimum, and should never negotiate
8 that any further down than that, and I think that-- I
9 look forward to working with you in the affordable
10 housing community to make that a reality.

11 COMMISSIONER TORRES-SPRINGER: Thank you.

12 CHAIRPERSON DROMM: Okay. We've been
13 joined by Council Member Cabrera, and now we're going
14 to have questions from Council Member Gjonaj.

15 COUNCIL MEMBER GJONAJ: Thank you, Chairs
16 Dromm and Cornegy. Under the priority capital
17 programs 2018-22, five-year plan, the City commits
18 \$272 million to rehabilitate city-owned housing units
19 and returned them to responsible private ownership.
20 Can you elaborate a little bit more on this program?

21 COMMISSIONER TORRES-SPRINGER: Yes, I
22 will start, and if my colleague, he had something to
23 add, please do so. We still do have an inventory of
24 city-owned property. They include buildings that are
25 part of the tenant interim lease program, for

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3 instance, and we use the funding, part of the
4 funding, that you mentioned from that category in
5 order to re-- we provide funding for the
6 rehabilitation of those units, and in that case, it's
7 to allow a pathway for residents of TIL buildings to
8 become homeowners. So, that's one major program, and
9 if there are others, Eva can add.

10 DEPUTY COMMISSIONER TRIMBLE: We do have
11 remaining interim multi-family stock that we are-- we
12 use-- we dispose of to developers. We sometimes
13 cluster those properties with the TPT program and
14 other programs. So that disposition category, it's
15 for any city-owned property that's being
16 rehabilitated.

17 COUNCIL MEMBER GJONAJ: My concern is in
18 the cost-cutting effort, to perhaps pass that on to
19 the private ownerships and alleviate the financial
20 burden on the City, and perhaps we can use that \$272
21 million to fund Fair Fare or expand our ferry
22 operations. Under NYCHA, is there breakdown of the
23 10 million dollars that's being added for a total of
24 \$33 million as to where the money would be spent?
25 Any maintenance priorities, or what the percentage
would be allocated to the borough of the Bronx?

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2 COMMISSIONER TORRES-SPRINGER: The NYCHA
3 money that's passing through our budget is just that.
4 It's just passing through our budget. It's being
5 held in HPD code. HPD has no familiarity or say in
6 how those funds get distributed. It's purely between
7 NYCHA and OMB. So that's a question for the NYCHA
8 Chair.

9 COUNCIL MEMBER GJONAJ: Thank you. My
10 last question, on basement apartment program, I
11 believe total funding is \$6.8 million?

12 COMMISSIONER TORRES-SPRINGER: That is on
13 the capital side for basements.

14 COUNCIL MEMBER GJONAJ: 2.2 in addition
15 for operating?

16 COMMISSIONER TORRES-SPRINGER: That's
17 correct.

18 COUNCIL MEMBER GJONAJ: So a total of
19 nine million dollars, correct?

20 COMMISSIONER TORRES-SPRINGER: That's
21 right.

22 COUNCIL MEMBER GJONAJ: Are we taking
23 into consideration or exempting zoning requirements,
24 parking requirements, sprinkler upgrades as we add
25 these units, or are we going to permit to use it as a

3 certificate of occupancy change, or will it be a
4 change in permit used only? And if it's a permit use
5 only, are we going to overlook the zoning
6 requirements, parking, and sprinkler, and what type
7 of assistance will these homeowners be able to get to
8 offset the architectural fees which start around
9 15,000, plus the cost of renovations that are needed
10 to bring these units up to speck. What many don't
11 realize is these illegal units are death traps,
12 potentially to the occupants as well as-- God forbid
13 of an incident. Homeowners may not be covered by
14 their insurance companies, because they are illegally
15 occupied units. So, on one hand we have a potential
16 for a death trap to the occupants. On the other
17 hand, we have a potential devastating loss to a
18 homeowner. In many cases it's their sole investment.
19 This will certainly have an impact on both of those
20 categories, hopefully to prevent the loss of a life
21 unnecessarily, and protecting homeowners' investment.
22 As we read through this, are we going to have a
23 citywide crackdown on illegal apartments at that
24 point? That many homeowners are relying on as a
25 second source of income so they can pay their

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2 mortgages and keep afloat? And I know that's a
3 multiple array [sic] of questions. I hope you--

4 COMMISSIONER TORRES-SPRINGER:

5 [interposing] I'll try to answer all of the questions
6 you posed. So, we-- the program is meant, of course,
7 to ensure that it's being done in a way that protects
8 the safety of the people living in all of the
9 apartment, and at the same time provide the types of
10 resources that are necessary for the homeless to make
11 the necessary improvements in exchange for having the
12 basement apartment be part of the City's regulated
13 stock. And so we are working with-- we're going to
14 work with the City Council, of course, and colleagues
15 at DOB and FDNY to identify those changes to the
16 housing maintenance code and the building's code that
17 need to be done in order for this to happen. We
18 don't contemplate any zoning changes at this moment
19 as it relates to this program. Sprinklers are part
20 of the codes that I mentioned earlier. On the
21 support for homeowners, we are--

22 COUNCIL MEMBER GJONAJ: [interposing] I

23 just want to interrupt you. Just mentioning no
24 change-- or no avoidance of the sprinkler requirement
25 as well as the architect for your renovations, you're

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3 looking at upward of 100,000 dollars for a home. How
4 many basement apartments will this program legalize
5 or put on the market?

6 COMMISSIONER TORRES-SPRINGER: Happy to
7 answer that. This, I'll remind the Council, it's a
8 pilot program for East New York. We anticipate that
9 close to 50 homes will be part of the pilot program
10 for those participants. We will provide financing
11 that will help defray the cost both of services, as
12 you mentioned, architects, other professional
13 services, as well as capital for the actual hard
14 cost, and potentially also waive fees. So the hope
15 is to be able to bring units into a safe and well-
16 regulated environment while at the same time
17 providing the support that homeowners need in order
18 to participate.

19 COUNCIL MEMBER GJONAJ: Thank you so much
20 for that answer and for clarifying something. We're
21 about to spend 180,000 dollars per basement apartment
22 to just legalize it. That is such a waste of city
23 resources, for 50 apartments potentially a pilot to
24 spend nine million dollars at 180,000 dollars a unit,
25 such a waste of limited resources.

3 COMMISSIONER TORRES-SPRINGER: I

4 understand your comment, sir. I would beg to differ.
5 We have basements in this type of housing stock is an
6 issue and potentially an opportunity not just in East
7 New York but in other areas of the City, and it is
8 our intent in the pilot program to determine if this
9 is the type of investigation that will be both
10 beneficial to the homeowners, the residents, and to
11 city before deciding whether it is-- it should be
12 expanded citywide.

13 COUNCIL MEMBER GJONAJ: Well, at 180,000
14 dollars, it is not going to be a well-received
15 program. That is an extreme amount of money. We
16 could certainly do much better with nine million
17 dollars than potentially bring on 50 additional units
18 of housing. Thank you.

19 CHAIRPERSON DROMM: Okay, thank you very
20 much. And Council Member Cornegy, I think that's
21 going to be it for this panel. We thank you for
22 coming in, and we're going to move onto our next
23 panel. Thank you very much.

24 COMMISSIONER TORRES-SPRINGER: Thank you,
25 sir.

[break]

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3 CHAIRPERSON DROMM: Okay. Alright, thank
4 you, and we will now resume the City Council's
5 hearing on the Mayor's Executive Budget for Fiscal
6 19. The Finance Committee is joined by the Committee
7 on Housing and Buildings, chaired by Council Member
8 Cornegy. We just heard from the Department of
9 Housing, Preservation and Development, and now we
10 will hear from the Commissioner of the Department of
11 Buildings, Rick Chandler. In the interest of time I
12 will forgo making an opening statement, but before we
13 hear testimony I will turn the mic over to my Co-

14 CHAIRPERSON CORNEGY: Who will also
15 forgo--

16 CHAIRPERSON DROMM: [interposing] Okay.

17 CHAIRPERSON CORNEGY: making an opening
18 statement.

19 CHAIRPERSON DROMM: Alright, and
20 Commissioner, if we could ask you to summarize your
21 testimony. We'd be most grateful. I do have to
22 leave at some point to head out to Queens. I have a
23 huge LGBT Pride celebration in the middle of the
24 Queens Center Mall, and it's going to take me an hour
25 and a half to get there, so.

3 COMMITTEE COUNSEL: DO you affirm that
4 your testimony will be truthful to the best of your
5 knowledge, information and belief?

6 COMMISSIONER CHANDLER: I do.

7 CHAIRPERSON DROMM: And just before you
8 start, we've been joined by Council Member Rivera and
9 Chin.

10 COMMISSIONER CHANDLER: Good afternoon,
11 Chairs Cornegy and Dromm, and members of the Housing
12 and Buildings and Finance Committees. I'm Rick
13 Chandler, Commissioner of the Department of
14 Buildings. I'm joined by First Deputy Commissioner
15 Tom Farieljo, Deputy Commissioner for Finance and
16 Administration Sharon Neill, Assistant Commissioner
17 for External Affairs Patrick Wehle, and other members
18 of my staff. I'm pleased to be here to discuss the
19 Executive Budget and the progress the Department's
20 made in its plan for fundamental reform, Building One
21 City, which includes numerous initiatives to enhance
22 public and worksite safety. The Executive Budget
23 allocates approximately 203 million dollars in
24 expense funds to Department, of this approximately
25 \$149 million is for personnel services, funding 1,854
budgeted employees and \$53 million for other than

3 personnel services. The Department is a revenue-
4 generating agency. The revenue forecast for the
5 Department is approximately 301 million dollars,
6 which does not include an estimated \$66 million in
7 penalties collected resulting from Department-issued
8 summonses adjudicated before the Office of
9 Administrative Trials and Hearings. The Department
10 has made significant progress in improving services
11 to its customers all while facing a scale of
12 construction unparalleled in this city's history. In
13 Fiscal 2017 the Department issued nearly 166,000
14 initial and renewal permits combined, a three percent
15 increase from Fiscal 2016, and a 12 percent increase
16 from Fiscal 2015. Of those permits, 109,000 were
17 initial building permits including 2,100 new building
18 permits and 107,000 alteration permits. The
19 Department is also responding to complaints
20 expeditiously. We received 16,500 priority A
21 complaints in Fiscal 2017. These complaints capture
22 violating conditions that of occurring present
23 immediate threat to the public and include unsafe
24 demolitions, building instability, and improper
25 egress. Our target to respond to these complaints is
26 24 hours; however, we can currently respond within

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3 eight hours of receipt and within two hours for the
4 most serious cases. We also received 74,000 priority
5 B complaints in Fiscal 2017. These complaints
6 capture violating conditions that if occurring while
7 serious do not present an immediate threat to the
8 public. These includes complaints of excessive
9 construction debris, cracked retaining walls, and
10 tampering with posted notices. While a target to
11 respond to these complaints is 40 days, we currently
12 respond within nine days. In November 2017 we
13 launched the New York City Construction Dashboard
14 which is a data-rich interactive quarterly report on
15 construction and real estate development in every
16 neighborhood in the City. In addition to the
17 dashboard, our data analytics team is also providing
18 the public with a series of topical subject area
19 reports, including our citywide façade safety and
20 sidewalk shed report, a real-time sidewalk shed map,
21 and recently released elevator report, which includes
22 the current status and vital statics of the City's
23 over 84,000 elevators. The Department is committed
24 to promoting safety and compliant construction and
25 improving the quality of life for all New Yorkers.
We continue to work hard to implement the 16 Local

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2 Laws passed last year that focus on improving
3 construction safety, including Local Law 196. Local
4 Law 196 when fully phased in will require that
5 workers at certain job sites receive 40 hours of
6 safety training and that supervisors at certain job
7 sites receive 62 hours of safety training. The
8 Department issued a curriculum on the course topics
9 that satisfy this training requirements just last
10 week. The course topics were decided upon after the
11 Department received recommendations from a taskforce
12 mandated by the law. The curriculum is being shared
13 broadly so course providers can submit their
14 curriculum to us for approval and the important work
15 of providing safety training for workers can
16 continue. The Department received and responded to
17 nearly 90,000 priority A and B complaints from the
18 public in Fiscal 2017, and together, with the 156,000
19 development inspections completed in that time frame,
20 the Department issued approximately 66,000 both ECB
21 summonses, an increase of almost 27 percent from
22 Fiscal Year 2015 when the Department issued
23 approximately 52,000 summonses. Behind those numbers
24 is our commitment to all New Yorkers that we will
25 vigorously discipline bad actors in the construction

3 industry. Our enhanced information technology and
4 data analytics capabilities have improved our ability
5 to target resources where the greatest risk exists
6 and to identify bad actors. The Department has also
7 been quite active issuing more licenses to
8 construction professionals representing 25 trades we
9 license and register. The Department issued 3,120
10 licenses in 2016 and 4,300 licenses in 2017. The
11 increase can be attributed in part to an increase of
12 construction superintendent and journeymen plumber
13 licenses. We expect this number to continue to grow
14 as we add three license types over 2018 and 2019. In
15 an effort to improve the City's collection of
16 penalties associated with both summonses, the
17 Department is requiring that all applicants for a
18 license or license renewal pay any outstanding
19 violations before being issued a license. This
20 effort has resulted in the collection of 3.7 million
21 dollars over the last two years. We're also
22 regularly taking action to suspend or revoke the
23 licenses, registrations, or filing privileges of
24 professionals who work unsafely and put the lives and
25 the lives of others at risk. The Department is also
part of the City's Tenant Harassment Prevention

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3 Taskforce, a partnership between multiple city and
4 state agencies in which cellar to roof inspections
5 are performed. Investigations identify bad actors and
6 the appropriate enforcement actions are taken.

7 Separately, the Department also partners with the
8 Department of Housing, Preservation and Development
9 in performing inspections. Over the past two years,
10 over 1,800 inspections have been conducted, resulting
11 in the issuance of 1,300 summonses, 47 partial or
12 full-stop work orders, and 30 partial or full vacate
13 orders. The Department recently received \$5.2
14 million in funding to strengthen its ability to
15 protect tenants from construction harassment. The
16 additional 75 positions provided related to tenant
17 protection legislation includes inspectorial,
18 administrative, and technical staff. this funding
19 and these positions will help the Department
20 implement the 12 Local Laws passed last session that
21 seek to address the use of construction to harass
22 tenants. We're actively advertising and recruiting
23 to fill these lines. I'd like to turn briefly to the
24 Department's work in connection with the development
25 process. There's been substantial improvement in
wait times for development inspections, despite

3 increase in the number of inspection requests. In
4 Fiscal 2017, the Department conducted 156,000
5 development inspections, up over 12 percent from
6 139,000 inspections in Fiscal 2015. The average wait
7 time for development inspection since Fiscal Year
8 2015 fell by one day from four days to three days.
9 The multi-year replacement of the Department's core
10 information system is progressing as we continue to
11 shift the additional filing types off the main frame
12 system that the Department has relied on for over 30
13 years to a new browser-based system called DOB Now.
14 Upon completion customers will be able to perform
15 virtually all interactions with the Department
16 online, and the system will also result in increased
17 transparency both externally and internally. To
18 address the need for regulation on waterfront
19 properties, the Department is undertaking an effort
20 to develop code requirements for waterfront
21 structures. While current construction code and
22 national code requirements address building
23 construction generally, current regulations do not
24 specifically address design and construction
25 requirements for waterfront structures such as piers
wharfs, and sea walls, which can serve as the

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3 foundation for new building construction on water.

4 While we're proud of our progress thus far, there is
5 more work still to be done. We thank the Council for
6 the support and look forward to continuing our work
7 together to improve the Department for the benefit of
8 all New Yorkers. Thank you.

9 CHAIRPERSON CORNEGY: Thank you. That is
10 actually a record. I didn't time it, but that it
11 clearly a record in giving testimony, and I
12 appreciate it. So, we're going to continue on in the
13 absence of the Finance Chair who had to leave. I'm
14 going to ask questions and then pass it to my
15 colleagues. So, the first question I have is on
16 construction site safety and training compliance.
17 Under Local Law 196 of 2017 beginning on March 1st,
18 permit holders were required to ensure that all
19 construction and demolition workers and
20 subcontractors employed or engaged at permitted DOB
21 sites had completed an OSHA 10-hour training course
22 and OSHA 30-hour training course, or a 100-hour
23 program of OSHA training. Can you describe DOB
24 efforts to comply with the legislation thus far? How
25 many inspections have been conducted and how many
instances of non-compliance has DOB found?

3 ASSISTANT COMMISSIONER WEHLE: Good

4 afternoon, Mr. Chair. Patrick Wehle, Assistant
5 Commissioner for External Affairs at DOB. The
6 Department's been hard at work since the legislation
7 was signed by the Mayor last year. Leading up to the
8 first implementation milestone of March the 1st, the
9 Department has been performing extensive outreach to
10 both the industry and workers as well to ensure that
11 they're aware and understand the requirements that
12 are expected right now. Just last week, the
13 Department released a curriculum, the actual course
14 topics and number of hours associated with the
15 training for workers beyond the OSHA 10 training, and
16 the Department's in the process of developing
17 guidelines on the recently released topics so that
18 providers can develop courses and the important work
19 of training workers can continue. The Department
20 just received additional funding and staff to comply
21 with the construction safety regulations and will
22 ramp up enforcement in the coming months. The
23 Department is required to report out certain
24 information related to the enforcement of this law,
25 and expects to share that information in the coming
months.

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2 CHAIRPERSON CORNEGY: The second question
3 I have on that construction site safety is in prior
4 testimony you testified that the site safety training
5 had been released last week. I'm just curious on the
6 record if that's confirmed.

7 COMMISSIONER CHANDLER: Yes.

8 CHAIRPERSON CORNEGY: The curriculum, I
9 mean.

10 COMMISSIONER CHANDLER: Yes.

11 CHAIRPERSON CORNEGY: That was released
12 last week. And who are the stakeholders? If you
13 can, give me the stakeholders you've identified.

14 COMMISSIONER CHANDLER: Oh, it's a rather
15 large and diverse group of individuals from workers
16 themselves including contractors and day laborers up
17 through various facets of the industry, different
18 types of tenant associations, trade associations
19 representing the developing community, contractor
20 community, owners; it's a very wide and diverse group
21 of people that we've been forming outreach to.

22 CHAIRPERSON CORNEGY: So, in the interest
23 of time, offline I'd like to-- if I could get that?

24 COMMISSIONER CHANDLER: Absolutely.

25

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3 CHAIRPERSON CORNEGY: That universe, I'd
4 appreciate it. So, sticking also with that, as of
5 Fiscal 2019, the Executive Budget, how many funding--
6 how much funding and positions are budgeted at DOB
7 for construction site safety and training compliance?
8 And while you're finding that, I just want to
9 acknowledge that we've been joined by Council Member
10 Williams and Rosenthal.

11 DEPUTY COMMISSIONER NEILL: Could you
12 repeat the question?

13 CHAIRPERSON CORNEGY: I almost said no,
14 but I can't. As of Fiscal 2019 Executive Budget, how
15 much funding and positions are budgeted at DOB for
16 construction site safety and training compliance?

17 DEPUTY COMMISSIONER NEILL: So, there
18 were 26 positions and two million dollars were
19 funded.

20 CHAIRPERSON CORNEGY: Okay, thank you.
21 I'm going to go to questions from my colleagues at
22 this time, beginning with Council Member Chin.

23 COUNCIL MEMBER CHIN: Thank you, Chair.
24 I just have a couple of questions. The first one is:
25 I'm glad to hear that this 5.2 million dollar put in
to hire 75 positions, and this is relating to the

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3 package of legislation that we've had last year for
4 tenant safety. Can you tell us, like, how many
5 people you have hired so far? Are there enough-- do
6 you have enough people on staff that you can start
7 complying with the law? Because one of them that--
8 Local Law 149, which is the one that I sponsor, and
9 that's going to go into effect soon, that require DOB
10 to inspect a percentage of construction project that
11 rely on self-certification. So I wanted to know if
12 you're ready to do that. Second, in my district I
13 represent lower Manhattan, and it's becoming more and
14 more residential, and we have a lot of after-hour
15 permit that's been given, and I want to know within I
16 guess Community Board One area, how many after-hour
17 permits were given, and the revenue amount that you
18 generate, and so that-- and also, do you have enough
19 inspector to go in and inspect sites when you receive
20 complaints from residents and constituents?

21 ASSISTANT COMMISSIONER WEHLE: Good
22 afternoon, Council Member. I'll start with the
23 after-hour variance question. Unfortunately, I don't
24 have the information with me in terms of the total
25 number of variances the Department issued in
community-- in Council District One. I can get that

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3 for you later on today. We are pleased that there's
4 been funding provided for in the Executive Budget to
5 hire additional staff to focus on after-hour
6 variances. So, with funding provided in the budget,
7 we're going to be hiring inspectors to perform
8 dedicated inspections on after-hour variance
9 complaints, and also handling additional
10 administrative staff who could actually audit those
11 applications as they come in.

12 COUNCIL MEMBER CHIN: How many staff do
13 you have right now that do that?

14 ASSISTANT COMMISSIONER WEHLE: We have to
15 get back to you with that number. I don't think I
16 have it.

17 COUNCIL MEMBER CHIN: Because you're
18 budgeted to hire eight more, right? Eight new
19 inspector and two administrative assistant, or?

20 ASSISTANT COMMISSIONER WEHLE: I believe
21 that's right, a total of 10, yes.

22 COUNCIL MEMBER CHIN: Yeah, so it would
23 be good to know-- that's in addition to how many you
24 already have. And I think Council Member Vera wants
25 to know, like, how many after-hour variance permit do
we issue citywide? Or in Manhattan?

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3 COMMISSIONER CHANDLER: Just to clarify,
4 we don't have dedicated staff that do this. I mean,
5 our inspectors do multiple things. So, obviously,
6 the additional staff will help us to focus in and
7 maybe provide dedicated folks to this issue, but
8 right now we don't have any dedicated folks. We're
9 just getting the response, as I testified earlier, to
10 complaints.

11 ASSISTANT COMMISSIONER WEHLE: And in
12 terms of the total number of after-hour variances
13 issues citywide, again, I don't have that information
14 with me. I think it's something like 26,000, but I
15 have to go back and check that. I'd be happy to get
16 back to the committee with that information.

17 COUNCIL MEMBER CHIN: Okay, so
18 Commissioner, the staff that you have right now is
19 not dedicated to do after-hour inspections, but the
20 new one that you hire, then you could dedicate these
21 people just to do that?

22 COMMISSIONER CHANDLER: Well, that will
23 be certainly on the table. We'll consider that. I
24 mean, that's-- I think that's the intent of the law.
25 So, we'll look to see how we can distribute the work
load, and given the fact that it's time sensitive,

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2 we're still working those details out, and we're also
3 still working out advertising and getting people on
4 board. So, just so you know that this is an ongoing
5 process, out of the 12 different laws that were
6 passed related to tenant safety.

7 COUNCIL MEMBER CHIN: Do you have any--
8 oh, I did ask, like, you-- what is the revenue that
9 you generate when they apply for the permits, the
10 after-hour variance permit?

11 ASSISTANT COMMISSIONER WEHLE: Again, we
12 could provide you with that information in terms of
13 the fees and what's collected last year.

14 COUNCIL MEMBER CHIN: Okay. Did you
15 answer my first question?

16 COMMISSIONER CHANDLER: I think.

17 COUNCIL MEMBER CHIN: Out of the 75, the
18 5.2 million that was allocated that you could hire 75
19 new staff to do-- to comply with the Stand for Safety
20 legislation package that we passed last year?

21 DEPUTY COMMISSIONER NEILL: So, we just
22 received the funding during the Preliminary Budget,
23 and obviously, we have a very big challenge ahead of
24 us recruiting these inspectors and administrative
25 staff, but the target would be to perform aggressive,

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2 ongoing recruitment to hire these folks. So we're in
3 the process of that. We are constantly recruiting
4 inspectors, and we hope to show significant progress
5 on the hiring efforts.

6 COUNCIL MEMBER CHIN: Can you give us a
7 periodic update in terms of the-- how many people you
8 have hired to whether you have met the goal?

9 DEPUTY COMMISSIONER NEILL: Sure.

10 COUNCIL MEMBER CHIN: Thank you. Thank
11 you, Chair.

12 CHAIRPERSON CORNEGY: So, I know you
13 couldn't answer Margaret Chin's question about
14 revenue in terms of a number; can you answer it in
15 terms of a percentage?

16 ASSISTANT COMMISSIONER WEHLE: Percentage
17 of what?

18 CHAIRPERSON CORNEGY: Percentage of how
19 much of the budget is dependent upon revenues
20 generated through inspections? I mean, not
21 inspections,--

22 ASSISTANT COMMISSIONER WEHLE:
23 [interposing] The after-hour variance?

24 CHAIRPERSON CORNEGY: Yes.

25

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2 DEPUTY COMMISSIONER NEILL: I don't have
3 that broken out. I only have a percentage of
4 basically what permits would be, but most of that is
5 for building permits, not after-hour variance
6 permits.

7 CHAIRPERSON CORNEGY: So, if we could
8 just-- I would be interested--

9 DEPUTY COMMISSIONER NEILL: [interposing]
10 Sure, we'll work with the staff.

11 CHAIRPERSON CORNEGY: to see what that
12 number looks like--

13 DEPUTY COMMISSIONER NEILL: [interposing]
14 Sure.

15 CHAIRPERSON CORNEGY: in terms of permits.
16 Council Member Gjonaj?

17 COUNCIL MEMBER GJONAJ: Thank you, Chair.
18 Good afternoon.

19 COMMISSIONER CHANDLER: Good afternoon.

20 COUNCIL MEMBER GJONAJ: Of the nine
21 percent increase in salary cost, roughly 11 million
22 dollars, how much of that will be allocated to
23 additional inspectors or examiners for Department of
24 Buildings, if any of it?

25

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2 DEPUTY COMMISSIONER NEILL: What's 11
3 percent?

4 COUNCIL MEMBER GJONAJ: It's nine percent
5 or 11 million dollars that's going to be added to
6 personal salary cost. Is that, any of that going to
7 additional inspectors outside of the safety program,
8 or inspectors, planning, examiners?

9 DEPUTY COMMISSIONER NEILL: Is this a
10 number that you pulled from the testimony?

11 COUNCIL MEMBER GJONAJ: I've seen it
12 somewhere.

13 DEPUTY COMMISSIONER NEILL: I'm not--

14 COUNCIL MEMBER GJONAJ: [interposing]
15 We'll come back to that.

16 DEPUTY COMMISSIONER NEILL: Okay.

17 COUNCIL MEMBER GJONAJ: While you look
18 that up, just see if you can find that 11 million
19 dollars increase in salaries. Earlier, HPD explained
20 the legalization of basement apartments. Doesn't
21 your Department look into illegal basement units
22 throughout the City?

23 COMMISSIONER CHANDLER: We have a
24 dedicated Quality of Life Unit that looks into
25 illegal conversion complaints all the time, but I'll

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3 ask Deputy Commissioner Farieljo to respond, our
4 Basement Apartment Legalization [sic] Initiative.

5 FIRST DEPUTY COMMISSIONER FARIELJO:

6 Yeah, as a complaint comes in, we'll go out there and
7 do the investigation, do the inspection, and if
8 warranted we do vacates, violations, and as
9 Commissioner said, we have a unit dedicated to this.
10 So, they go out at various different times of the
11 day. They don't just go out during work hours. They
12 go after or on weekends, and so forth.

13 COUNCIL MEMBER GJONAJ: Alright, so my
14 concern is why would we be giving this project to HPD
15 and not put into your specific unit's hands where
16 you're very familiar with the building codes and
17 requirements to legalize basement apartments if they
18 could be legalized? You could certainly do it at a
19 lower expense than is estimated by HPD.

20 FIRST DEPUTY COMMISSIONER FARIELJO: We
21 are the regulator, and so as part of the basement,
22 cellar, apartment pilot program we are going to be--
23 we are drafting, we're currently drafting the
24 legislation for some of the changes that need to
25 happen to allow occupancy in those areas, and then
we're going to do our normal thing is that as the

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2 applications come in we're going to review them. As

3 they get approved we're going to issue permits.

4 We're going to do the inspections to do the sign-offs

5 and so forth. So, that part of it, beyond the

6 legislation, we're going to do what we normally do as

7 a regulator.

8 COMMISSIONER CHANDLER: But don't forget,

9 Council Member, that HPD is doing it because they can

10 procure construction services and professional

11 services for the design. We don't do capital work at

12 the Department; we're the regulators. So they--

13 this is right in their wheelhouse of doing work. So,

14 we partner with them.

15 COUNCIL MEMBER GJONAJ: To your

16 understanding, will you be circumventing zoning laws

17 or building codes such as sprinkler, parking for the

18 legalization of these units?

19 FIRST DEPUTY COMMISSIONER FARIELJO:

20 There's no zoning changes that are contemplated in

21 this pilot, and I think at the end of the pilot

22 program we're going to analyze that and see whether

23 something needs to be changed, or you know, where

24 we're going to go forward with that, but at this

25 time, no changes.

3 COUNCIL MEMBER GJONAJ: Were you able to
4 get that question on the salary increases? If not,
5 we--

6 DEPUTY COMMISSIONER NEILL: [interposing]
7 Not particular.

8 Criminal justice Then we can do it
9 offline.

10 DEPUTY COMMISSIONER NEILL: My only guess
11 is that--

12 COUNCIL MEMBER GJONAJ: [interposing] And
13 my last question is: I see a 70 percent increase to
14 supplies and materials. Is there any new initiatives
15 that have brought up the supplies by-- and materials
16 expense by five million dollars, or 70 percent
17 increase?

18 DEPUTY COMMISSIONER NEILL: Going back to
19 your other question, there's most likely you're
20 seeing increases to the budget over a period of time.
21 So, with the additional resources that the agency has
22 been given since Fiscal Year 16, we try to budget a
23 per capita per person along with those new positions
24 that are being funded for the Department to address
25 uniform requirements, equipment, whatever else is the
case, but I would have to, again, look at the

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3 absolute variance that you're looking at to reference
4 that 70 percent increase.

5 COUNCIL MEMBER GJONAJ: My last question
6 to the Commissioner. Do you feel that the Department
7 of Buildings has enough qualified examiners to meet
8 the construction boom?

9 COMMISSIONER CHANDLER: Yes, examiners, I
10 feel like we have enough examiners. I think the
11 ongoing effort that we're challenged with right now
12 with inspectors is the market is very difficult to
13 hire, so we're really struggling in hiring people so
14 that we will-- as we evaluate the numbers to
15 implement all of these various pieces of legislation,
16 I'll be able to be more specific with my answer.

17 COUNCIL MEMBER GJONAJ: What is the
18 starting salary for an examiner or inspector?

19 FIRST DEPUTY COMMISSIONER FARIELJO: So,
20 we have two levels, we have Assistant Plan Examiner
21 and we have a Plan Examiner. A Plan Examiner has a
22 license, an architect or an engineer, and so
23 Assistant is \$65,000. A plan Examiner is \$75,000

24 COMMISSIONER CHANDLER: And let me
25 qualify, too. My answer before didn't account for
the Energy Examiners. So we are constantly trying to

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3 improve our ability to examine for our energy code as
4 well. So, we do need more examiners there.

5 COUNCIL MEMBER GJONAJ: I think if
6 anything we should be looking to add the additional
7 funds that's needed so we can get qualified and hold
8 on to our examiners as they build up the experience,
9 that we hold on to them. Sixty-five thousand dollars
10 for a licensed architect, you're competing with--
11 your pickings are slim, and your availability is
12 going to be very limited. Thank you, gentleman.

13 CHAIRPERSON CORNEGY: Council Member
14 Rosenthal?

15 COUNCIL MEMBER ROSENTHAL: Thanks so
16 much, Chair Cornegy. Good to see you, Commissioner
17 and team. I actually want to follow up on that issue
18 about buildings inspectors. I'm wondering how many--
19 given the 75 additional, how many vacancies do you
20 have right now?

21 DEPUTY COMMISSIONER NEILL: I didn't
22 bring the active and vacant headcount, but the
23 budgeted headcount for inspectors for next year is
24 going to be 694 budgeted--
25

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3 COUNCIL MEMBER ROSENTHAL: [interposing]

4 Six hundred and ninety-four, plus or minus. I mean,
5 do you think you're down 100?

6 DEPUTY COMMISSIONER NEILL: Yes. Easy.

7 COUNCIL MEMBER ROSENTHAL: Easy you're
8 down 100. More? 200?

9 DEPUTY COMMISSIONER NEILL: I don't think
10 it's that many.

11 COUNCIL MEMBER ROSENTHAL: Not quite, like
12 150?

13 DEPUTY COMMISSIONER NEILL: Probably
14 around the 100 mark.

15 COUNCIL MEMBER ROSENTHAL: Do you think
16 that-- and is there anything in particular you're
17 planning to do to bring in 150 people?

18 DEPUTY COMMISSIONER NEILL: So, we
19 actually requested a-- we introduced changing the
20 qualifications for the inspector title last fall,
21 which was approved. We're going through changing the
22 job specifications now. So, we're hoping that we
23 could add an entry-level inspector to the job spec
24 which would broaden the types of qualifications that
25 we could pull from in the market, because the
construction industry is much more diverse than it

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2 was when those specifications were written, and we're
3 in the process of finalizing those specifications,
4 and then they'll continue to go through the oversight
5 process through the Office of Labor Relations and the
6 Mayor's Budget Office.

7 COUNCIL MEMBER ROSENTHAL: Do you have a
8 sense of timing on that, and is there anything we can
9 do to expedite that given the importance of these
10 bills?

11 DEPUTY COMMISSIONER NEILL: Well, I think
12 the Council was already very supportive of allowing
13 us to bend the Charter, which was the very first step
14 in--

15 COUNCIL MEMBER ROSENTHAL: [interposing]
16 Right, but now.

17 DEPUTY COMMISSIONER NEILL: I think at
18 this point I think we're hoping that we're going to
19 see some resolution within the next several months,
20 and then we'll be able to start recruiting more
21 people.

22 COUNCIL MEMBER ROSENTHAL: So, do you
23 think in-- so next February you think you might start
24 to fill up positions, 150?

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2 DEPUTY COMMISSIONER NEILL: I'm hoping
3 before then, yeah.

4 COUNCIL MEMBER ROSENTHAL: But otherwise,
5 they're vacant. That's a problem. And the two
6 positions which I've heard back and forth. At one
7 point City Hall assured me those two positions were
8 part of the 75. Now I'm hearing they're not part of
9 the 75, and it's two additional for the Office of the
10 Tenant Advocate. Where does that stand? Is it-- is
11 it in the 75 or not?

12 DEPUTY COMMISSIONER NEILL: Do you want--

13 ASSISTANT COMMISSIONER WEHLE: It's not in
14 the 75, but we are talking to OMB about it. We're
15 very much aware, and it's very much on the table. we
16 have a plan to--

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 But it's not part of the 75 even though--

19 ASSISTANT COMMISSIONER WEHLE:
20 [interposing] It's not.

21 COUNCIL MEMBER ROSENTHAL: City Hall
22 assured me of that last fall, last February? Would
23 the qualifications for that office be any different?
24 So, could perhaps those positions be hired more
25

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2 quickly, or is that also going to wait for the new
3 titles?

4 DEPUTY COMMISSIONER NEILL: I wouldn't
5 anticipate that those positions would be inspector
6 titles, but probably more in the administrative side.
7 So we would utilize whatever we normally do now,
8 which is call civil service list or post for
9 positions that would be more suited to do that kind
10 of work.

11 COUNCIL MEMBER ROSENTHAL: And when do
12 you plan to put on your website the actual name
13 Office of the Tenant Advocate? Right now it says,
14 "The Building Marshall."

15 COMMISSIONER CHANDLER: We'll put it on
16 when we resolve with OMB how we're doing, how we're
17 staffing, and then it'll go right under there, Office
18 of the Building Marshall.

19 COUNCIL MEMBER ROSENTHAL: Will they go
20 into the same unit, the Building Marshall Unit?

21 COMMISSIONER CHANDLER: That's what we
22 anticipate at this time, yes.

23 COUNCIL MEMBER ROSENTHAL: So, how many
24 people--

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2 COMMISSIONER CHANDLER: [interposing]

3 Because that's where all the work is being done now.

4 COUNCIL MEMBER ROSENTHAL: Sorry?

5 COMMISSIONER CHANDLER: That's where all
6 the work has been done for years and continues to be
7 done that now.

8 COUNCIL MEMBER ROSENTHAL: Yeah. How
9 many people are in that office now, the Building
10 Marshall? I know of Ophelia [sp?], two--

11 COMMISSIONER CHANDLER: [interposing]
12 Ophelia's in Patrick's office.

13 COUNCIL MEMBER ROSENTHAL: Is it more
14 than five?

15 COMMISSIONER CHANDLER: So, I think it's
16 around 10. It's in our Building Marshall's Office,
17 not in Ophelia. Ophelia's in Patrick's
18 Intergovernmental Affairs Office.

19 COUNCIL MEMBER ROSENTHAL: Then I guess I
20 never--

21 COMMISSIONER CHANDLER: So, it's-- yeah,
22 a different group. But again, it's the same group
23 that Ophelia talks to and where we get our people
24 routed, and they respond very quickly today, and
25 continue--

3 COUNCIL MEMBER ROSENTHAL: [interposing] I
4 just-- let the record show I'm really disappointed in
5 this response. I understand your position,
6 Commissioner, and I know you don't love the Office of
7 the Tenant Advocate, and I know you think the guys
8 who are there, people who are there now in the
9 Marshall's Unit does the work. They do, we just need
10 twice as many of them, and we need them to have more
11 authority within the Department, which is what Local
12 Law 161, which was signed into law, should
13 effectuate. But you know, the people who aren't
14 served are just residents of New York. That's-- and
15 they're the ones who are second priority to what is
16 the incredibly important work you do, keeping the
17 public safe from, you know, mistakes and tall
18 buildings going up, and God bless you for all that
19 work, but I think what residents need now is
20 something different, and I know it's not your
21 favorite thing. It's frustrating.

22 ASSISTANT COMMISSIONER WEHLE: We would
23 just say, Council Member, we do think that tenants,
24 residents, all New Yorkers are being served by the
25 work of the Department, and as we had mentioned to

3 you, we are in discussions with OMB. We've made the
4 request for additional funding conversations ongoing.

5 COUNCIL MEMBER ROSENTHAL: The bill was
6 signed into law in August 2017. You're either-- I'm
7 going to let it go, because I don't want to start
8 down this track again. I respect the work that you
9 do, Commissioner, and that your office does.

10 CHAIRPERSON CORNEGY: Thank you, Council
11 Member Rosenthal. You have my commitment that I'll
12 follow up with you on this particular issue. I know
13 it's one that's serious to you in the City as well.
14 Council Member Rivera?

15 COUNCIL MEMBER RIVERA: Thank you, Mr.
16 Chair. Yes, I remember having this conversation at
17 the last hearing, so I hope we can get an update, and
18 I just want to also underline Council Member Chin's
19 comments about the after-hours variance, variances
20 which I know is a big generator of revenue for the
21 City, and I'm a little surprised you don't have any
22 numbers, but I'm looking forward to that. I wanted
23 to ask about the Tenant Harassment Prevention
24 Taskforce, and I know it's a big collaboration of
25 agencies on the state and city level, and so I'd like
to just get a little more of an update on the work

3 that DOB is doing in relation to the taskforce. I
4 know you do inspections. You do a ton of inspections
5 every single year, but how are the violations issued?
6 In your testimony you mentioned that investigations
7 identify bad actors and appropriate enforcement
8 actions are taken. So, what does that look like?
9 Can you give us a couple of examples on how you're
10 helping the tenants of New York City with this
11 taskforce and its status so far?

12 COMMISSIONER CHANDLER: Well, again, our
13 Building Marshall is kind of our point-person on that
14 taskforce. He gets information from his colleagues
15 at the Attorney General's Office, at HPD, at the
16 District Attorney's Office, and then they brainstorm
17 together about how they will prioritize those
18 inspections, and then we go out as a team. One of
19 the things we'll do before going is-- in our Building
20 Marshall's Office-- was try to identify all the
21 pertinent actors involved, meaning the applicant for
22 any job, who's the permit holder for a job that we
23 might be investigating, and then also who's the
24 owner. Once they see anything that is-- warrants a
25 violation, then they'll consider doing a sweep of any
other jobs that that contractor might have. So,

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3 we'll check our database to see what other permits
4 that contractor might be holding. We might check to
5 see what other applications the applicant has filed
6 with us, and also in deed, the owner of the building,
7 which can be a little bit more problematic, because
8 owners go to great lengths to disguise themselves and
9 hide from regulators like Department of Buildings.
10 So that's why we have investigators, because they
11 spend an awful lot of time tracking this stuff down
12 with, you know, success that can be debated as to how
13 successful we are.

14 COUNCIL MEMBER RIVERA: And do you think
15 you have enough resources to-- in terms of trying to
16 boost your success rate?

17 COMMISSIONER CHANDLER: I think we have
18 enough resources in terms of our success rate. Yeah,
19 I think we have enough, and again, I think as we add
20 on from the Local Law that we've been talking,
21 that'll certainly help us as well.

22 COUNCIL MEMBER RIVERA: Thank you, Mr.
23 Chair.

24 CHAIRPERSON CORNEGY: If there are no
25 more questions from our colleagues, I believe that
that concludes our hearing for the day. Let me

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3 remind you that this Finance Committee will resume

4 Executive Budget hearings for Fiscal 2019 tomorrow,

5 Tuesday, May 15th, 2018 at 10:00 a.m. in this room.

6 Tomorrow, the Finance Committee will hear from the

7 Human Resources Administration, the Administration

8 for Children's Services, and the Fire Department. As

9 a reminder, the public will be invited to testify on

10 Thursday, May 24th, the last day of budget hearings

11 at approximately 4:00 p.m. in this room. For any

12 member of the public who wishes to testify but cannot

13 make it to the hearing, you can email your testimony

14 to the Finance Division at

15 financetestimony@council.nyc.gov. That's

16 financetestimony@council.nyc.gov, and the staff will

17 make it a part of the official record. Thank you for

18 hearing-- thank you. The hearing is now adjourned.

19 [gavel]

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C E R T I F I C A T E

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



Date June 18, 2018