

**STATEMENT OF POLICE COMMISSIONER JAMES P. O'NEILL
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON PUBLIC SAFETY AND FINANCE
ON THE EXECUTIVE BUDGET FOR FISCAL YEAR 2020
COUNCIL CHAMBERS, CITY HALL
WEDNESDAY, MAY 15, 2019 – 10 A.M.**

Good morning, everyone. Thank you for the opportunity to discuss with you the Mayor's Executive Budget for the 2020 Fiscal Year. It is a pleasure to be here again – to testify before the City Council's Committees on Finance and Public Safety about the outstanding work the members of the New York City Police Department continue to do every day and night.

Each time I testify in this capacity, we discuss the absolute need for the police and all the people we serve to build trust and strengthen our relationships, in every neighborhood. This is essential to sharing the responsibility for public safety. The police cannot do it alone. Earning and putting into real action the full and willing support of all New Yorkers is imperative to driving crime and disorder down past the record-low levels we have already achieved. This is the crime-fighting philosophy that is the basis for Neighborhood Policing – New York Policing, if you will. And it is by way of this proven crime-fighting model that we will continue to keep this great city safe – and to make sure everybody, in every community, also feels safe, too. As you have heard me say before: Our job – at its most fundamental level – is to fight crime and keep people safe. And that is what every NYPD member swore an oath to do. And so, before highlighting some key budget items this morning, I would like to speak about changes looming at the city and state levels that I believe will significantly hamper our collective ability to adequately accomplish that mission. I will be as brief as possible, so our team may field as many of your questions as we can in the time we have available.

The leadership of the NYPD agrees with advocates, elected officials, agency heads, residents, and others that, as a society, we must find better ways to deal with the homeless and the mentally ill; we must work harder at keeping at-risk youth out of the criminal justice system to begin with; we must help offenders leaving jail or prison successfully reintegrate into their communities; we must connect substance abusers to necessary treatment; and we must take every single illegal gun off our streets.

The central issue, of course, is how to accomplish these shared goals while continuing to reduce overall crime and violence, addressing quality-of-life concerns, and keeping safe and free from fear all New Yorkers and the police who serve them. Public safety cannot be compromised.

The NYPD has been a huge part of the historic progress our city has made so far. Crime here is at record lows – while the police department is effecting far fewer arrests, making far fewer street stops, and issuing far fewer summonses than ever before. State prison and city jail populations have plummeted. Twenty years ago, it would have been unimaginable for a police commissioner to highlight how few people our officers lock up. But I proudly do it every day, every chance I get, because NYPD cops have proven that being safe and fair are not mutually exclusive.

Recently, the state Legislature passed a measure – taking effect in January – that will greatly reduce the number of arrested people for whom judges may require bail or make a determination to remand. As currently enacted, this law will have a continuing and severely negative impact on public safety.

The NYPD favors responsible bail reform – there is no reason to hold non-violent, minor offenders who pose no danger to public safety on cash bail of any amount. But in this era of downward-trending crime rates and enhanced trust with the people we serve, any reform package should allow judges to remand any arrested person who poses a danger to others – as measured by the gravity of the offense for which they have been arrested, and also by the gravity of offenses they have committed in the past. The new law makes no such provision, failing to consider the public-safety consequences of violent recidivists being released because judges are constrained. This will make New York one of only four states in the nation

that does not allow its judges to weigh the dangerousness of a person in determining whether to remand that person or to set bail.

Under the new law, for instance, judges will be expressly forbidden from remanding individuals or setting bail in the cases of lower-level robberies and burglaries, and virtually all drug-trafficking cases, no matter how many prior offenses the robbers, burglars, and drug dealers may have. Simply put: This is a policy that is far too weak to ensure public safety in our neighborhoods.

The new law will deprive judges of any discretion in assessing the dangerousness, including the likelihood of repeat criminal behavior, on the part of a large class of criminals in our city – many of whom will be back on the streets or in the subway system within a few hours of their arrests. In dealing with these habitual criminals who victimize others, our police officers will be forced to release those arrested to only return to their chronic offenses, whether violent crimes, burglaries, drug trafficking, or grand larcenies. Make no mistake: Repeat offenders drive the violence in New York City. Fifty-three percent of the people arrested here in 2018 had at least one prior felony or misdemeanor arrest in the previous four years involving use of force, weapons, or sex offenses. Two-thirds of that group were arrested multiple times for such offenses.

The new law also will require that many arrested people be released with desk appearance tickets, or DATs, without even being held for arraignment. Typically, those who are issued DATs are released from police station houses within a short time following their arrests. What we know is that approximately one-quarter of people released on DATs never appear for their scheduled court dates, and DATs have a negligible deterrent effect on chronic offenders. Under the new law, about 16,000 people arrested in 2018 with prior arrests involving force, weapons, or sex offenses would have been released with DATs. Among them: 3,300 people with prior Felony Assault arrests; 2,000 people with prior Robbery arrests; and 200 people with prior sex-offense charges, including Rape and Sexual Assault. In fact, approximately 1,000 people arrested in 2018 would have been released with DATs under the new law, despite each of them having records of five or more arrests for violent crimes in the prior three years.

Some bail-reform advocates try to make it appear that arrests for minor crimes are swelling the city's jail population with individuals held on bail. In actuality, the opposite is true. As a matter of police policy, the NYPD has systematically reduced the number of misdemeanor arrests – which are down 38 percent in the past five years. And about 87 percent of the people who are arrested are released at arraignment, or before, without bail or incarceration. The fact is: New York City's jail population has been declining for years – down 29 percent since 2013, and 63 percent since 1993. And, in reality, the average number of fare evaders awaiting trial on any given day is two; the average number of public marijuana smokers is one; the average number of people charged with prostitution is zero.

With New York City's overall crime now at its lowest levels since 1957, some state legislators seem to have lost sight of what it takes to keep crime down. Last year was the second year in a row we had fewer than 300 murders – less than any year in New York City since 1951, when there were half-a-million fewer people in our city. Also in 2018, we recorded the lowest number of shootings in our modern history – for the third year in a row. On five separate occasions, the city went five or more days without a recorded murder, including for nine consecutive days. And for the first time ever, we recorded three straight months – October, November, and December – below 20 murders.

Since 1993, our city's overall crime is down by 80 percent and murders are down 85 percent. Seen from the perspective of 25 years later, our current low-crime levels may appear to be an established and permanent achievement. But I am here to tell you that lower crime in the current era is not an irreversible accomplishment; it is very much a continuing challenge. At the NYPD, we work very hard at that challenge every single day. We manage the streets, we manage crime-prone locations, and we manage the known criminal population. Disrupting the activities of that population and reducing its opportunities for further crime are among our principal goals and our daily responsibilities. The new law on bail and desk appearance tickets will make that work exponentially more difficult. If the worst short-term outcome for chronic offenders is to receive what they perceive to be the equivalent of traffic tickets, the NYPD's ability to deter crime will be greatly diminished. Legislators should reconsider and revise this ill-advised law before it begins to eat away at the foundation of the safe community that New York City has so proudly become.

Five years ago, the NYPD charted a course toward furthering the steady-crime declines we saw over the previous two decades. We deliberately pivoted away from a largely enforcement-driven approach toward a more precise and targeted paradigm. The core of the plan was, and continues to be, Neighborhood Policing — a total shift in the NYPD's crime-fighting model that puts our members in closer connection with people all across the city. And police officers are now using their great capacities of heart and mind to solve problems, where possible, without enforcement actions. Our cops regularly work the same shifts in the same sectors. They truly know their neighborhoods, their communities' residents, their local problems, and their local criminals. They are getting the time and latitude to work at solving local crime and quality-of-life concerns. And the result is a more-flexible, more-responsive, more-measured, and more-effective police presence. Investigations are also more focused, with patrol cops playing an expanded role in gathering evidence and information, and precinct detective squads working in closer coordination with specialty squads like Gang and Narcotics to bring in more and even stronger cases against violent criminals. And because from the outset we involve our six local district attorneys or the U.S. Attorneys for the Southern or Eastern Districts, we are able to pre-indict many offenders before they are arrested, charge them appropriately, and see their cases through to meaningful prison sentences.

In these past five years, Neighborhood Policing has pushed both crime and enforcement down substantially. Overall crime declined by 14.2 percent, and murders by 11.9 percent. Shooting incidents are down 31 percent. Compared to the five-year period prior, the average for murders now is 30 percent lower, and the average for shootings is 29 percent lower. We are not just achieving massive declines in violence — with our intensified and focused investigations of gangs, we are sustaining those declines over the longer term. And in other categories: Robbery is down 32.6 percent in five years; burglary is down 33.3 percent; auto theft is down 26.4 percent. It may be hard to believe, but there were more than 140,000 auto thefts in New York City in 1990; last year, there were just over 5,000 — a reduction of about 96 percent.

On the enforcement side during the past five years, street-stops by our officers are down more than 90 percent citywide. Overall arrests are down 37.3 percent, and summonses are down nearly 79 percent. Marijuana misdemeanor and violation arrests are down 71 percent. As we believed we could in 2014, we have shown that we can drive crime down significantly with a far less-intrusive enforcement profile. While arrests and summonses for quality-of-life violations and minor crimes are way down, felony arrests — for rape, assault, grand larceny and burglary — are all up. And while many misdemeanor arrest categories have fallen steeply, Detective Bureau arrests are up nearly 20 percent in the last five years.

Neighborhood Policing has now been instituted in every precinct, every public-housing command, and nearly every transit district. Part of the success of our hyperlocal focus is due to our Build-the-Block meetings held in every sector of every precinct. Led by designated Neighborhood Coordination Officers, not by precinct commanding officers or other supervisors, the purpose is to meet with constituents to identify public-safety challenges that are unique to their specific neighborhoods, and to discuss solutions. The meetings are strategy sessions between local police officers and the people they serve, where relationships are fostered, problems and crime are discussed, and a process for feedback is developed. NCOs have, so far, held nearly 2,000 Build-the-Block meetings to address problems, help fight crime, and build stronger relationships between officers and community members. New Yorkers can find the next Build-the-Block meeting in their neighborhood at: BuildTheBlock.NYC.

In short, New York Policing is a game-changer for our profession and a model for the rest of the United States. As such, we vow not to rest until every block, in every neighborhood, enjoys the same level of safety and well-being as the rest of the city. One's zip code must never be the primary determination of one's safety. It is our pledge to ensure that every neighborhood is safe, regardless of where in New York City one calls home. As I said at the beginning of my testimony, however, this job can only be accomplished in partnership with the rest of our city, inside and outside government. Out of this historic collaboration, more change is coming. Change in how we police, how we partner with our fellow city agencies and elected officials, how we partner with neighborhood residents and workers, and how we partner with business and civic leaders. Each of these partnerships stands to generate the creative and innovative solutions that adequately address the entire public safety spectrum — from traditional crime to terrorism, to the seedbed-activities that can

draw young people down paths of criminality. At the end of the day, Brownsville can and should be as safe as Brooklyn Heights; violence and disorder should be as low in the South Bronx as it is on the Upper West Side of Manhattan.

This is a new era in many ways. We know, for example, that the legalization of marijuana is coming at some point. And we need to determine how and when laws about its use and possession are enforced. I still have major concerns about home-cultivation and driving while impaired – because there is currently no instant test for marijuana levels in the human body. And what will we decide to do about people under 21 years of age smoking marijuana? We are also facing pushback from some quarters about the definition of who constitutes a threat to public safety when it comes to fare evasion in our subways. I think everybody would agree (or should agree) that we need to control the entrance to the subway system, to make sure we keep all the riders as safe as possible. To abandon our efforts there would be both irresponsible and highly dangerous.

Across the NYPD, we will continue to leverage every tool available to us to keep New York City safe, including the use of new and innovative technology. We are keenly focused on technological advances, and how they can be applied to fighting crime, creating safer and more-efficient ways for police officers to do their jobs, and contributing to the important work of building trust. Building trust with the people we serve; fighting traditional crime; combating international terrorism – none of this is easy. But our members accomplish incredible things every day on behalf of New Yorkers. And they do it in newer, and better ways every day, too.

Turning to budgetary issues, the Homeland Security preparedness grant application guidelines have been released. The NYPD has now submitted project proposals under the Federal Fiscal Year 2019 Homeland Security Grant Program to the Mayor's Office of Management and Budget, which will coordinate the city's submission. In addition, the NYPD is submitting applications under the Transit and Port Security Grant Programs. It is anticipated that these grants will be awarded no later than September 30, 2019, and we are hopeful that the NYPD will receive the same amount of funding under the Federal Fiscal Year 2019 Homeland Security Grant Program that we received last fiscal year.

As I mentioned during my preliminary budget hearing testimony in March, the NYPD relies on these funds to help protect all New Yorkers and visitors to our city against terrorist attacks, and to strengthen our homeland-security preparedness. Specifically, federal funds have allowed the NYPD to develop and sustain our sensor and information technology centerpiece known as the Domain Awareness System, or DAS, which supports the police department's counterterrorism mission; hire Intelligence Research Specialists; deploy officers to the transit system and to strategic locations citywide based on intelligence; and train officers to respond to chemical, ordnance, biological, and radiological threats, as well as active-shooter scenarios. The NYPD also uses federal funds to purchase personal protective equipment for uniformed members of the service, and to purchase critical equipment that enhances our members' ability to protect New Yorkers and critical transportation and port infrastructure.

Regarding the Executive Budget and its impact on the NYPD: The NYPD's Fiscal Year 2020 City Tax Levy Expense Budget is \$5.3 billion. The vast majority of this – 91 percent – is allocated for personnel costs. Highlights in the Executive Budget include:

- Additional funding for IT maintenance, totaling \$11.3 million annually
- Funding for sixty-four (64) additional school crossing guard posts, totaling \$969,000 in Fiscal Year 2020 and the out-years
- In order to fulfill the police department's commitment towards compliance with the American with Disabilities Act (ADA), funding of \$162,000 in Fiscal Year 2019 and \$2.4 million in Fiscal Year 2020 in expense funds to cover building rehabilitation work that cannot be covered with capital funds

The NYPD's 10-Year Capital Commitment Plan contains \$2.1 billion for Fiscal Years 2019 through 2029. The Executive Capital Plan included additional funding of \$29.3 million for ADA compliance renovations. The police department's goal is to have fully- or partially-accessible public areas within station houses in as many of our facilities as possible.

In closing, I can tell you our city is in much better shape today than it was when I became a cop in 1983. Those of you who lived and worked here decades ago know it, too. And each year, we make even greater headway. Together, we are proving that New York City is the place that others across our country want to emulate. And we are setting that tone through New York Policing.

Throughout the tremendous changes we continue to undertake in the NYPD, we have had Mayor de Blasio's full support. And we have benefitted greatly from the City Council's support, as well. I thank you for your ongoing partnership and assistance, and for everything you do to help us build a more effective and more efficient NYPD – always with officer safety in mind. In my experience, there is a direct correlation between the level of community support for the police and success in fighting crime and terror. And so we will continue to work tirelessly to earn – and to keep – the trust and confidence of all New Yorkers, and to ensure that there are even better days ahead. I look forward to working with each of you, and I thank you again for the opportunity to testify this morning. At this point, I am happy to take your questions.

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Date: 5-15

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Name: Deputy Commissioner Vincent Grippo

Address: _____

I represent: NYPD

Address: 1 Police Plazn

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Date: 5-15

(PLEASE PRINT)

Name: Police Commissioner James P. O'NEILL

Address: _____

I represent: NYPD

Address: 1 Police Plazn, NY, NY 10038

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