

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GENERAL WELFARE

Jointly with

COMMITTEE ON PUBLIC SAFETY

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January 21, 2019  
Start: 1:16 p.m.  
Recess: 5:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Donovan J. Richards  
Chairperson

Stephen T. Levin  
Chairperson

COUNCIL MEMBERS:

Vanessa L. Gibson  
Barry S. Grodenchik  
Robert F. Holden  
Brad S. Lander  
Antonio Reynoso  
Rafael Salamanca, Jr.  
Ritchie J. Torres  
Mark Treyger  
Adrienne E. Adams  
Justin L. Brannan  
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Andrew Cohen

## COUNCIL MEMBERS:

Chaim M. Deutsch  
Rory I. Lancman  
Carlos Menchaca  
I. Daneek Miller  
Keith Powers  
Ydanis Rodriguez  
Paul A. Vallone

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

Edward Delatorre  
Chief of Transit NYPD

Michael Clarke  
Managing Attorney for NYPD Legislative Affairs

Molly Park  
First Deputy Commissioner for DHS

Catherine Trapani  
Homeless Services United

Josh Dean  
Human.nyc

Giselle Routhier  
Coalition for the Homeless

Josh Goldfein  
Legal Aid Society

Kareem Walker [sp?]  
Homeless

James Abro

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

Richard Hobbs  
Street Homeless

Wendy O'Shields

Richard Flores

Johnathan Sunshine



2 CHAIRPERSON RICHARDS: Alright, good  
3 afternoon. I am Donovan Richards from the 31<sup>st</sup>  
4 District in Queens, and I'm happy to Chair the  
5 Committee on Public Safety. Today, we are joined by  
6 the Committee on General Welfare chaired by Council  
7 Member Steve Levin, and I want to acknowledge other  
8 members who are joined by us, Council Members  
9 Vallone, Grodenchik, and Adams. And we will begin  
10 this hearing now. We ask anybody who wishes to  
11 testify to please fill out a slip with the Sergeant  
12 of Arms, and you will get a chance to testify. We at  
13 the Council have an oversight responsibility for the  
14 programs that the Administration has implemented.  
15 This oversight responsibility is triggered when we  
16 hear about new initiatives that give us concerns that  
17 what is being said is not matching up to what is  
18 being done, and when what is being done is not  
19 consistent with the values of this city with respect  
20 to today's subject matter, I have some serious  
21 concerns. We are here to evaluate the subway  
22 diversion program, which on its face sounds like  
23 something I could get behind. We should be diverting  
24 low-level offenses. If someone gets a summons, and  
25 that person is homeless and living in poverty, it

1 makes no sense to fine them or to punish them in ways  
2 that will only exacerbate their poverty. That aspect  
3 of this program, I can get behind. What gives me  
4 pause is the way in which this program seems to  
5 deviate from its intended goals. I'm concerned that  
6 police officers are being directed to seek out these  
7 individuals, not because they have done something  
8 wrong, but because the law needs to be enforced  
9 against them, but instead because they look homeless  
10 and the officer is looking for a reason to give them  
11 a summons that they then offer to wipe away. If  
12 that's what is going on, it's not diversion, it is  
13 coercion. My second concern is that I'm not sure  
14 that we even have the appropriate services to offer  
15 people to help them in meaningful ways. My  
16 understanding is that people who choose the street  
17 over the shelter system know what the shelter system  
18 has to offer, and they don't want anything to do with  
19 it. So if all we're doing is giving them a choice  
20 between a summons they can't pay and a shelter they  
21 don't believe is safe, how can we believe that we are  
22 doing them any favors? My third concern is that this  
23 isn't a long-term solution. The services that are  
24 being offered don't really get anyone off the  
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1 streets. Even if the person accepts the services,  
2 goes to wherever they are supposed to go, and gets  
3 the summons thrown out, how do we know that person  
4 isn't right back on the subway the next day? And if  
5 that's the case, then what are we really doing here.  
6 Look, I know that street homelessness in the subway  
7 system is a difficult problem that has vexed the City  
8 for many years in many mayoral administrations, not  
9 just this one. I'm not blaming you for trying. But I  
10 will blame you if what you're trying only serves to  
11 harass people without any likelihood it's going to  
12 help. I truly hope that this isn't just a way to get  
13 people out of sight and out of mind for a few hours,  
14 and today, I'm looking for answers that will convince  
15 me that is not the case. I want to add one more  
16 thing. I'm frankly a bit surprised that my committee  
17 is here today dealing with the NYPD on this issue.  
18 My understanding was that the NYPD was trying to  
19 reduce the number of things that it has to do for us  
20 that officers aren't well-equipped to handle. That's  
21 not a criticism of the NYPD or the officers who are  
22 assigned to carry out the Subway Diversion Program,  
23 really it's not. You're following orders. You're the  
24 first line of defense for everything in this city, I  
25

1 get it. What I'm surprised about is that the  
2 Administration believes that the NYPD is the right  
3 agency to be doing homeless outreach. I'm guessing  
4 you're going to say that people who sleep on the  
5 trains are breaking the rules. Is someone taking up  
6 three seats really the best use of our officers'  
7 time? I thought we had recognized that wasting tax-  
8 payer dollars on low-level offenses was not the right  
9 answer for the NYPD. Cops should be fighting real  
10 crime and keeping us safe. Homeless people are not  
11 by-in-large putting us in danger, and certainly not  
12 the ones whose only offense is sleeping. So why  
13 should cops be on the front line in the fight against  
14 homelessness? Why should that be their  
15 responsibility? What homeless person wants help from  
16 someone with a gun and handcuffs? No matter how  
17 professional or polite or well-meaning that person  
18 might be, and again, I'm not blaming the NYPD. I'm  
19 definitely not blaming the officers who are doing  
20 what they're told. I'm really asking the  
21 Administration why them. Isn't there someone else  
22 whose job this should be? I'm coming in here with an  
23 open mind, and I believe there are good intentions  
24 behind the program, but there is a lot about this and  
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1 it doesn't seem to make any sense. So I hope you all  
2 have good explanations today as we begin this  
3 hearing, and I'd like to turn it over to Chair Steve  
4 Levin.  
5

6 CHAIRPERSON LEVIN: Thank you very much,  
7 Chair Richards. And I want to welcome everybody here  
8 this afternoon to this hearing on the City Council's  
9 Committee on General Welfare jointly with the  
10 Committee on Public Safety. Again, I want to thank  
11 my colleague Chair Donovan Richards for convening  
12 this hearing and for his thoughtful remarks. Today,  
13 this committee, these committees will examine the  
14 NYPD's Subway Diversion Program, and we'll hopefully  
15 get some much-needed transparency on how third policy  
16 is being carried out and hear from those who have  
17 been directly affected by it. Subway Division  
18 Program was announced as a pilot June 2019 and  
19 expanded two months later to all five boroughs. The  
20 program targets those who are unsheltered in the  
21 subway system and who are observed to be in violation  
22 of the City's transit code of conduct rules such as  
23 not paying a fare, being "outstretched." According  
24 to the Administration, individuals engaged by the  
25 police who are deemed to be in violation will have

1 their summonses cleared provided that they complete  
2 an assessment with an outreach team, and receive a  
3 referral to shelter or services. The program also  
4 launched a Joint Crisis Coordination Center in which  
5 various city agencies use transit system wide live  
6 CCTV feed to monitor and inform the deployment of  
7 police and outreach workers for so-called "targeted  
8 interventions" for those who are observed to be  
9 unsheltered on the subway. It is apparent that this  
10 program has not actually helped the City's  
11 unsheltered individuals in the transit system move  
12 into shelter and services, but is rather a coercive  
13 and dangerously devised policy to move this  
14 population from public space and out of sight. The  
15 Administration could have chosen to better spend  
16 these resources on more swiftly opening the  
17 previously committed 1,000 new and desperately needed  
18 safe haven beds or towards more permanent and  
19 supportive housing. I want to read a letter that was  
20 sent anonymously from officers in the NYPD's Transit  
21 Bureau assigned to carry out this policy which was  
22 sent over a couple of months ago. I'll read this  
23 into the record: "To whom it may concern: As  
24 dedicated officers assigned to the NYPD Transit

1 Bureau, we are writing on what we feel is a matter of  
2 utmost importance, the blatant discrimination against  
3 the homeless in NYC subways. The diversion program  
4 that is being advertised by the Mayor as helping the  
5 homeless could be nothing further from the truth. He  
6 has found a willing partner in the leadership of the  
7 NYPD who have a history of only understanding numbers  
8 and intimidating its officers to complete the task.  
9 With the creators and believers of the program  
10 claiming success, the program is now being rapidly  
11 expanded into a version we fear is the worst yet. The  
12 homeless are now clearly being targeted as violators  
13 of transit rules and being treated differently than  
14 any other citizen. Using the technicality of not  
15 having identification or an address, the NYPD is  
16 using this as an excuse to have a legal interaction  
17 with homeless individuals. This is a drastic change  
18 compared to how we have treated the homeless in the  
19 past. What the public isn't being told is that  
20 homeless people are now being handcuffed, put over  
21 the radio as an arrest, and then brought into our  
22 transit commands. There, the homeless individuals  
23 are being coerced into services that could have been  
24 provided without having to handcuff and bring them  
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1 in. They're being threatened to accept services, and  
2 told that if they refuse, they will get a ticket,  
3 which most can't afford to pay-- or go to jail for a  
4 violation that the Manhattan DA has already made  
5 clear will be refused for prosecution anyway. It  
6 isn't about helping. The most common violation  
7 called "outstretch" is the same violation committed  
8 to anyone who even lays their bag on another seat."  
9 I'm going to editorialize. It's also called, "man  
10 spreading," for anyone here in the audience who knows  
11 about that. This is something we have all done  
12 ourselves and witnessed every day. Those situations  
13 are not addressed in the same manner. Can you  
14 imagine somebody in a business suit on their commute  
15 home with their briefcase on the seat next to them  
16 and happen to have forgotten their ID that day, of it  
17 was a 16-year-old sitting in the stairway waiting for  
18 their train so that they could get to school. There  
19 were be an uproar. We don't bother these people,  
20 because as officers we use discretion. The reason  
21 the same is not true with the homeless is that eh  
22 leadership has chosen to take that decision away from  
23 us. NYPD brass are using the diversion program as a  
24 new quota, implementing-- implemented through the  
25

1 usual fear-driven tactics to motivate its officers to  
2 complete the task. We are constantly being  
3 threatened and told by immediate supervisors to get  
4 division. We are being boldly told how many to bring  
5 in a day. In addition, we now have forced overtime  
6 disguised as quality of life operation. They are  
7 being team-led by a supervisor to make sure that we  
8 are arresting a homeless rather than offering them  
9 services in the field. Majority of these arrests are  
10 being assigned. Why can't a police officer treat the  
11 homeless the same as an outreach team? Why are they  
12 now being treated differently? There is a clear  
13 double-standard at play against the homeless. The  
14 CCTV for the diversion program that has claimed to be  
15 used for "rapid deployment of outreach to address  
16 client needs" is being-- is really being used to call  
17 our commands directly to dispatch us. We are then  
18 being specifically told by the command to bring that  
19 person in as a diversion arrest. In addition, most  
20 of the overtime is done in plain clothes to both try  
21 to please officers so they can excuse the action in  
22 their mind, and to have the ability to blend into the  
23 crowd so we can sneakily grab the homeless without  
24 attracting as much attention from the public. There  
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1 are even some commands that have pictures of homeless  
2 individuals that they are keeping tabs on right next  
3 to the pictures of wanted criminals, blurring the  
4 lines about what qualifies as a "bad guy" for the  
5 NYPD. This shift is dangerous, especially for new  
6 officers who don't remember a time before this. The  
7 diversion program has become an obsession. We have  
8 lost focus on overall crime, especially  
9 counterterrorism, leaving citizens more vulnerable.  
10 Instead, we are unjustly criminalizing individuals  
11 who have done nothing worse than the average person  
12 in the subway, all because they have no home. It  
13 isn't helping anyone. Treating the homeless in this  
14 manner is changing the morality of what it means to  
15 be a police officer sworn to protect all citizens,  
16 especially the most vulnerable. Many of us are  
17 conflicted on what we are being told to do, but we  
18 are forced to follow orders or face disciplinary  
19 action. This message is being sent anonymously, as  
20 we fear repercussions from our job. Please, let us  
21 know this message was received and brought to the  
22 right people, as this window of communication can't  
23 stay open for long. Ask the dedicated members of this  
24 Department if they feel what they are doing is right.  
25

1 Ask the public. We are asking you to help challenge  
2 their word on this program for all to see. Let us  
3 know that we have solidarity. Yours faithfully."

4 That was posted in a new website called, "Diversion  
5 is Coercion" that was put together by Human.nyc and  
6 Coalition for the Homeless. Obviously, it's very  
7 concerning that we'd be hearing this anonymously from  
8 NYPD officers. I have no reason to doubt that those  
9 truly were NYPD officers that sent that, even though  
10 it was sent anonymously. And either during your  
11 testimony or in your question and answer, I would  
12 appreciate a response to kind of all-- to all of the  
13 points that were raised in that letter, and  
14 certainly I can go back and quote from it during  
15 question and answer. So, I want to thank-- I want to  
16 thank those specifically those officers that have  
17 brought that to our attention, and I want to thank  
18 all the advocates and providers, and individuals that  
19 have been impacted by this policy for raising your  
20 voice and being here today. We look forward to  
21 hearing from all of you. And I'd like to thank the  
22 representatives from the Administration, NYPD, and  
23 DSS for being here today as well. We do want to get  
24 some clarity and transparency as it pertains to this  
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1 diversion program. I'd like to thank committee  
2 staff, Amenta Killawan [sp?], Senior Counsel, Crystal  
3 Pond [sp?], Senior Policy Analyst, Natalie Omery  
4 [sp?], Policy Analyst, and Frank Sarnov [sp?],  
5 Finance Analyst, and my staff Elizabeth Adams and  
6 Legislative Director Jonathan Buche [sp?], Chief of  
7 staff. And now I will call on our Counsel of  
8 Committee, Amenta Killawan, to swear you on.

10 COMMITTEE COUNSEL: Would you please  
11 raise your right hand? Do you affirm to tell the  
12 truth, the whole truth and nothing but the truth in  
13 your testimony before this committee and to respond  
14 Council Member question?

15 UNIDENTIFIED: I do.

16 UNIDENTIFIED: I do.

17 COMMITTEE COUNSEL: You may begin.

18 CHAIRPERSON RICHARDS: Let me just  
19 acknowledge we've been joined by Council Members  
20 Lancman, Rodriguez, Gibson, Cohen, and Bob Holden.  
21 Got it. Had a senior moment. Thank you.

22 UNIDENTIFIED: [off mic] absurdity of this  
23 program. [inaudible]

24 UNIDENTIFIED: [off mic] [inaudible]

2 CHAIRPERSON RICHARDS: Okay, okay,  
3 alrighty. Okay.

4 [audience disruption]

5 CHAIRPERSON RICHARDS: Okay, alrighty,  
6 okay.

7 [chanting]

8 CHAIRPERSON RICHARDS: Okay, okay.

9 [chanting]

10 CHAIRPERSON RICHARDS: Okay, alrighty, I  
11 want to thank-- I want to thank everybody. We're  
12 here to certainly hear from the Administration so  
13 that we can get to the bottom line and have some  
14 solutions to this issue. So, I want to thank  
15 everybody, and please refrain from approaching the  
16 desk, and everybody's going to have their opportunity  
17 to testify, and certainly if you want to carry the  
18 action like that when you testify, you're more than  
19 welcome to do that, but we're going to ask everybody  
20 to remain in their seats. Thank you.

21 CHIEF DELATORRE: Okay, good afternoon,  
22 Chair Richards, Chair Levin and members of the  
23 Council. I am Edward Delatorre, Chief of Transit for  
24 the New York City Police Department. I am joined by  
25 the Managing Attorney of the NYPD Legislative Affair

1 Unit, Michael Clarke, and on behalf of Police  
2 Commissioner Dermot Shea, we appreciate the  
3 opportunity to speak with you today about the NYPD  
4 Subway Diversion Program. In 2019, New York City saw  
5 a record low in overall crime, even lower than the  
6 previous record low in 2018. We accomplish this  
7 while also greatly reducing the number of people  
8 arrested within the transit system. This doesn't  
9 happen by accident. It comes from our brave men and  
10 women dedicating their lives to serving New Yorkers  
11 and working with the communities we serve. Due in no  
12 small part to the vigilance of transit officers and  
13 the almost six million riders that use the system  
14 each day, we have also created a culture of safety on  
15 the subways that stands in stark contrast to where we  
16 were just three decades ago. In 1990 there were a  
17 total of 17,497 index crimes in our subways, compared  
18 to only 2,500 in 2019, or about 6.8 crimes per day.  
19 Building trust and partnering with those we serve has  
20 been a cornerstone of New York City's public safety  
21 success story and the neighborhood policing  
22 philosophy. That is why we introduced neighborhood  
23 policing into the New York City expansive subway  
24 system. Having the same officers assigned to the  
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1 same sectors results in those officers and  
2 neighborhood residents familiarizing themselves with  
3 one another and allowing those officers to gain  
4 unique insight into issues faced by residents in that  
5 neighborhood and how to address those issues. This  
6 stands true in the subway system as well. More often  
7 than not, the same riders travel the same routes, and  
8 assigning the same officers to patrol certain  
9 stations and lines familiarizes these officers with  
10 riders and vice versa and the issues experienced by  
11 riders at particular stations. Today, every transit  
12 district is assigned NCO, or Neighborhood  
13 Coordination Officers. The NCOs are tasked with  
14 working with our MTA partners and members of the  
15 public to address the issues in the subway that are  
16 related to public safety. The NCOs and our Transit  
17 Officers take great pride in the stations they patrol  
18 and always see creative ways to keep the subway safe  
19 for all riders. With 27 lines and 472 stations, the  
20 transit system presents unique challenges for law  
21 enforcement. Each day, the men and women of the NYPD  
22 Transit Bureau charged with ensuring the safety and  
23 security of our subways rise to these challenges.  
24 Among these challenges is successfully connecting our  
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1 homeless population in the transit system with vital  
2 services they may require. Our officers work  
3 diligently to ensure that when we engage with  
4 individuals experiencing homelessness, we are able to  
5 offer them the support they need. In conjunction  
6 with the Department's Homeless Outreach Unit, we  
7 strive to connect individuals without a home on their  
8 terms and help them find shelter and vital services.  
9 We have partnered with our colleagues at DHS to  
10 create a street homeless joint command center to help  
11 address homeless street conditions by leveraging the  
12 entire city workforce in our effort to reach the  
13 homeless population. Additionally, our NCOs  
14 routinely work with fellow city agencies and  
15 nonprofits to help address issues of homelessness in  
16 their zones. Every day, officers provide information  
17 on the wide array of services available to homeless  
18 individuals with whom they have contact. We have  
19 worked with the experts in the field to ensure our  
20 officers understand how to interact with members of  
21 this population. We utilized these experts to  
22 training our training sergeants on best practices  
23 when interacting with individuals who are chronically  
24 homeless who then train each officer in their  
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respective commands. In addition, roughly two-thirds of our transit officers have received crisis intervention training, a four-day course which helps officers interact with individuals undergoing crisis or suffering from mental illness. Finally, we are working with DHS and the Bowery Residents' Committee to produce a video which will further highlight best practices. It is clear that the issue of homeless in the subways is one that must be tackled through innovative solutions aimed at helping this most vulnerable segment of our population. Helping people who are experiencing homelessness in turn helps our city as a whole. The subways have long been a refuge for people who find themselves without a home. It is the mission of the NYPD to ensure that all can enjoy their benefits of the MTA services in a safe and orderly manner. This means those using our subway system obey all applicable laws and transit rules while riding a train and when located in the subway station. I want to be clear, being homeless is not a crime. However, when you are homeless or not,-- whether you are homeless or not, no one is permitted to create hazardous conditions or engage in behavior that violates the law or MTA rules. The better

1 approach, when appropriate, therefore, is to offer  
2 help to those who need it and would accept it. Our  
3 officers must strike a delicate balance between  
4 taking enforcement action and offering services or  
5 sometimes doing both. It is a balance that is  
6 achieved through compassion with an eye toward  
7 utilizing our resources to provide assistance to  
8 those in need while seeking to maintain the quality  
9 of our subways that riders have come to deserve and  
10 expect. Whatever the approach, it must address the  
11 condition observed or complaints received by our  
12 officers. The Subway Diversion Program was designed  
13 to offer help to people without a verifiable address  
14 by diverting them away from the criminal justice  
15 system and toward critical services. It represents a  
16 collaborative interagency approach that leverages the  
17 NYPD Neighborhood Policing philosophy to help those  
18 in need of assistance. Instead of finding themselves  
19 in the criminal justice system, they find themselves  
20 receiving services that will hopefully get them back  
21 on their feet. We have seen people take advantage of  
22 crucial services, of these crucial services. In the  
23 program's first five months, from July through  
24 November 2019, the NYPD encountered 1,296 individuals  
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1 who were eligible for the program. Four hundred  
2 individuals meaningfully engaged and had their  
3 summonses dismissed, with 305 individuals transported  
4 to shelter facilities, and 172 accepting full  
5 assessment of their needs. Effective policing in  
6 about more than-- effective policing is about more  
7 than just arrests and summonses. The men and women  
8 of the NYPD are dedicated to protecting and serving  
9 the residents of this city. In doing so, they are  
10 also committed to helping those in need. That is  
11 something our officers do whenever they put on the  
12 uniform. It is an important aspects of our  
13 Neighborhood Policing philosophy which as fostered us  
14 partnering with the communities we serve to keep  
15 crime at historic lows, improve the quality of life  
16 for all New Yorkers, and help those among us who are  
17 in need of help. Thank you for this opportunity to  
18 speak about this important program, and I look  
19 forward to answering any questions you may have.

20  
21 CHAIRPERSON RICHARDS: Thank you.

22 CHIEF DELATORRE: Now, I get to take a  
23 sip of water, I'm sorry.

24 CHAIRPERSON RICHARDS: Thank you. You  
25 deserve it.

2                   FIRST DEPUTY COMMISSIONER PARK: Good  
3 afternoon, Chairperson Levin and members of the  
4 General Welfare Committee, and Chairperson Richards  
5 and members of the Public Safety Committee. Thank  
6 you for this opportunity to testify and speak on the  
7 important work that New York City is doing to address  
8 long-term street homelessness in New York City,  
9 including the recently launched Subway Diversion  
10 Program. Subway Diversion is one of the number of  
11 the elements of our overall citywide HomeStat  
12 outreach effort. It is at the core of the Journey  
13 Home plan to end long-term street homelessness in New  
14 York City. My name is Molly Park, First Deputy  
15 Commissioner of the Department of Homeless Services,  
16 and I will be presenting today's testimony on behalf  
17 of the agency. Last month, the Administration  
18 announced its first-in-the-nation, six-point Action  
19 Plan to end long-term street homelessness in New York  
20 City over the next five years. The plan will increase  
21 housing, mental health and medical services for  
22 unsheltered individuals, and enhance outreach  
23 resources to deliver more urgent and rapid responses  
24 to unsheltered individuals in need. Our current  
25 strategies have helped more than 2,450 individuals

1    come off the streets and into transitional programs  
2    and permanent housing since the launch of HOME-STAT  
3    in April 2016. By marshalling new and critical  
4    resources, the Journey Home plan will: Increase Safe  
5    Haven capacity by opening 1,000 new Safe Haven beds;  
6    Create 1,000 new low-barrier permanent apartments by  
7    working with partners across the housing and social  
8    services sectors; Deliver new health resources to  
9    people where they are, providing treatment through  
10   street medical care and behavioral health care, and  
11   building the trust needed for clients to come inside;  
12   Provide coordinated rapid outreach response through  
13   the Street Homelessness Joint Command Center;  
14   Leverage state-of-the-art outreach technology to  
15   better connect clients to the services they need to  
16   transition into housing; and expand diversion and  
17   outreach in our subway system. The Journey Home plan  
18   builds on the nation's most comprehensive street  
19   outreach program, the Department of Homeless  
20   Services' HOME-STAT initiative, with outreach teams  
21   canvassing the five boroughs and engaging New Yorkers  
22   who are unsheltered 24 hours a day, seven days a  
23   week, every day of the year. Through HOME-STAT,  
24   hundreds of highly-trained, not-for-profit outreach  
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1 staff, including licensed social workers, canvass the  
2 streets, proactively engaging New Yorkers  
3 experiencing street homelessness. Outreach workers  
4 offer services and assistance, while working to gain  
5 trust with the goal of addressing the underlying  
6 issues that may have caused or contributed to street  
7 homelessness in order to ultimately help these  
8 individuals transition off the streets. HOME-STAT  
9 also provides aftercare services, continuing to work  
10 with individuals as they make that transition to  
11 ensure that they get the supports they need to remain  
12 in housing and off the streets. Through HOME-STAT we  
13 have implemented current strategies that have helped  
14 more than 2,450 individuals off the streets and into  
15 transitional programs and permanent housing since the  
16 launch of HOME-STAT in April 2016; tripled the City's  
17 investment in street homelessness programs from  
18 approximately \$45 million to more than \$140 million  
19 before the additional investments for the Journey  
20 Home plan; tripled the number of emergency Safe Haven  
21 and stabilization beds dedicated to serving street  
22 homeless New Yorkers citywide from 600 to more than  
23 1,800 today; tripled the number of outreach staff  
24 from fewer than 200 in 2014 to more than 550; built  
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1 the City's first-ever "By-Name" list of individuals  
2 known to be homeless and residing on the streets to  
3 improve delivery of services to help them come off  
4 the streets. Outreach teams now know approximately  
5 1,300 street homeless individuals by name and  
6 actively engage another 2,400 individuals encountered  
7 on the streets to determine whether they are  
8 homeless; increased joint outreach operations with  
9 the NYPD and partner agencies such as NYC Health and  
10 Hospitals Corporation, the Department of Health and  
11 Mental Hygiene, the Fire Department's Emergency  
12 Medical Services, and the Department of Parks &  
13 Recreation to engage more New Yorkers and offer more  
14 supports. This Administration has dedicated millions  
15 of dollars to transit system outreach efforts, with  
16 teams out year-round on subway trains, platforms,  
17 terminals, and end-of-line stations, engaging  
18 individuals experiencing homelessness and offering a  
19 range of services to meet their unique needs, person  
20 by person. DHS partners with the MTA and Bowery  
21 Residents' Committee, known as BRC, to provide  
22 outreach and services in subway stations, with a  
23 focus on high-activity stations and end-of-line  
24 stations. To that end, all street homeless outreach  
25

1 teams have access to: licensed clinicians who work  
2 with clients on the streets, provide on-going case  
3 management, and assess each individual for immediate  
4 risk/crisis during each encounter; psychiatrists who  
5 perform psychiatric evaluations on the streets, as  
6 needed, helping understand and better meet the  
7 individual needs of each New Yorker experiencing  
8 street homelessness; and substance use resources,  
9 including the ability to immediately connect clients  
10 to detox and other rehabilitation programs, and staff  
11 who are trained in naloxone administration. While BRC  
12 primarily focuses on high-activity subway stations,  
13 including terminals such Grand Central and Penn  
14 Station and end-of-line stations, the NYPD's Transit  
15 Bureau primarily focuses on subway cars and the  
16 overall subway system. Additionally, BRC outreach  
17 teams work in coordination with trained NYPD  
18 colleagues, including conducting end of line outreach  
19 to encourage New Yorkers experiencing homelessness to  
20 come inside from the subways and into transitional  
21 and permanent programs. As you just heard from the  
22 NYPD, this summer, the Administration launched the  
23 Subway Diversion Project, a collaborative,  
24 progressive initiative with the NYPD, the Manhattan  
25

1 District Attorney, the MTA, and HOME-STAT outreach  
2 provider BRC to divert unsheltered New Yorkers from  
3 unnecessary criminal justice processes, and towards  
4 shelter and services. The program has now been  
5 implemented across the subway system. Through this  
6 Subway Diversion Project, individuals experiencing  
7 unsheltered homelessness, meaning that they have no  
8 active legal address at the time of engagement and  
9 not residing in shelter, encountered by the NYPD in  
10 the transit system and observed by the NYPD to be in  
11 violation of New York City Transit Code of Conduct  
12 rules, such as violating Transit Authority sign, are  
13 being offered referrals to services in lieu of civil  
14 summonses. Participants who opt into the program  
15 complete an assessment with a BRC outreach team,  
16 receive a referral to shelter and/or other services,  
17 and have their summonses cleared in coordination with  
18 the MTA, ultimately diverting them towards shelter  
19 away from unnecessary formal court processes and  
20 helping more people come inside and out of the  
21 subways. There is no one-size-fits-all solution to  
22 the citywide challenge of homelessness. Our outreach  
23 enhancements are about continually strengthening our  
24 person-to-person engagement to get know more  
25

1 unsheltered New Yorkers, understand their unique  
2 needs, and build the trust which will ultimately  
3 encourage them to accept services and come indoors,  
4 which can take hundreds of contacts and supportive  
5 conversations. Every engagement or every conversation  
6 represents progress in the right direction, and the  
7 more opportunities we have for engaging New Yorkers  
8 in need, the better. An individual who may not be  
9 ready to accept services today may be ready to make  
10 that transition tomorrow, and through enhancements  
11 like the Subway Diversion Project, we remain focused  
12 on increasing pathways off the street for these New  
13 Yorkers. Thank you.

14  
15 CHAIRPERSON LEVIN: Thank you very much,  
16 Commissioner. Is there any other testimony? I'll  
17 ask a few questions, turn it over to my co-chair and  
18 then turn it over to other Council Members for  
19 questions. First question, who came up with this  
20 plan? Who was-- where did this-- where did the idea  
21 originate?

22 CHIEF DELATORRE: Okay, good question.  
23 So, I got to take you back a little bit. So, going  
24 back to 2014, I was the Commander of Staten Island,  
25 and during my time there we had a problem with

1 overdoses. So, there was no-- there was a life-  
2 saving drug called Narcan, but nobody was allowed to  
3 use it, with the exception of only paramedics. Not  
4 even EMTs could use it legally at the time. But at  
5 the same time, we saw people dying. So, as the  
6 Borough Commander, working with our service providers  
7 and other partners, we came up with the idea that we  
8 could have a Police Department Doctor write a  
9 prescription for police officers to carry Narcan and  
10 start using it on Staten Island. So, it was January  
11 of 2014, we launched a pilot in the 120 precinct, and  
12 we had every officer in the 120 trained in how to use  
13 it and give a prescription so they could carry it  
14 legally. In the first three months on Staten Island  
15 in 2014 in the 120 we had three lives saved. So that  
16 was enough to say we don't need to study this, let's  
17 just move on it. It's working. By the summer of  
18 2014 every cop on Staten Island had a prescription  
19 and had Narcan and began saving lives. That helped  
20 in a lot of ways. It helped create a culture in my  
21 offices to look at somebody who was in the throes of  
22 an overdose in a more compassionate way, and to take  
23 pride and pleasure in saving them. So, that was the  
24 beginning. Then Staten Island still has this huge  
25

1 overdose problem. Why were so many people dying?  
2 So, again, meeting with other partners and providers  
3 on the Island got together with Mike McMahon, the  
4 District Attorney out there-- very forward-thinking  
5 as well, and we talked about ways to move forward on  
6 this overdose problem. So, Mike's initiative became  
7 what was known as HOPE. So, HOPE was a program that  
8 was developed in a room just full of a lot partners  
9 to say that people are being arrested for low-level  
10 narcotics with no meaningful outcome most of the  
11 time, and they're being criminalized, having criminal  
12 records, ultimately warranting many times, but at the  
13 end of it, it wasn't a meaningful outcome. So, the  
14 HOPE program, took us a while to get it going-- when  
15 we got the HOPE program going, what we actually had  
16 was what I believe to this day is a very meaningful  
17 outcome for people in the throes of drug addiction.  
18 People were early on with low-level possessions of  
19 narcotics, although they were arrested like they  
20 normally would have been, we were able to divert them  
21 immediately at the front door out of the criminal  
22 justice system where they never even had the case  
23 docketed. So, they were able to get a desk  
24 appearance ticket at the front door. They had seven  
25

1 days to engage with a counselor, and then they had 30  
2 days for the counselors to get back and say, yes,  
3 there was a meaningful engagement here. In all of  
4 these cases, the responsibility was on the counselor  
5 to come out to the precinct and engage the person or  
6 follow up with them to also let us know that this was  
7 actually going to work. HOPE is still alive and well  
8 on Staten Island. It exists in different forms  
9 throughout the City at this point I'm told. I think  
10 it was a real win and it came from thinking out of  
11 the box and trying to look at people in a more  
12 compassionate way and find a more meaningful outcome  
13 for their problems. I know from HOPE, anecdotally, I  
14 got calls back from people thanking us, and me in  
15 particular, I actually received calls from people  
16 saying, "It changed my life. Thank you." So, that  
17 brings us now to Transit. So, I'm transferred a  
18 couple years ago to Transit, and now I see something  
19 that I consider similar, different, but similar. I  
20 see a homeless population or a population of people  
21 in Transit that don't have an address, and they are  
22 getting caught up in the system for no good reason as  
23 well, in my opinion, and I wanted to help us find a  
24 more meaningful outcome. So we began again meeting  
25

1 with the Manhattan District Attorney and other  
2 partners that, you know, DHS, BRC, other people that  
3 deal with this very vulnerable population. So, as  
4 the meetings went on, we realized that the HOPE model  
5 itself would not work here. First of all, it wasn't  
6 necessarily an arrestable DAT situation. Secondly,  
7 we're dealing with District Attorneys from all over  
8 the City. So, the District Attorneys themselves could  
9 not control this. so we had to find another way to  
10 take this meaningless encounter, arrest, away from  
11 the person without an address, give them an address,  
12 and then hopefully help them understand that, you  
13 know, the counselors could help them go further and  
14 get that whole summons expunged. So, what we did is  
15 we came up with the concept of-- and we got Transit  
16 Adjudications Bureau to work with us on this. That's  
17 the MTA court that handles the summonses. So we came  
18 up with the concept of anybody who is actually  
19 engaged at summonsable [sic] or arrestable [sic] now  
20 because they may not have an address, let me start by  
21 giving them an address. BRC agreed we can give them  
22 their address. So, now, the people we engage out  
23 there that had no address now have an address  
24 instantly. At that point, they're eligible for a  
25

1 summons. They don't have to get caught up in the  
2 criminal justice system, unless they have a warrant.  
3 That's another piece I'll mention, I'll talk to you  
4 about. But so, at that point, you know, we can  
5 certify that they have an address and they can get  
6 the summons. With that, the same as HOPE, BRC had to  
7 be funded and staffed to have counselors respond to  
8 our police station to come and engage the person,  
9 pick them up, and hopefully take them back for some  
10 sort of an assessment. That, I believe, has been  
11 working incredibly well. Not everybody sits for  
12 meaningful engagement, but when we look back at HOPE,  
13 not everybody meaningfully engaged there either. But  
14 we're talking about people who really need help and  
15 struggle to get it. I have a case back in, I think  
16 it was July 27<sup>th</sup>, I'll call it Mr. K. Mr. K was one  
17 of our early diversion. Mr. K came back the  
18 following day into the district and thanked the  
19 police officers for getting him help. As of early  
20 January, Mr. K was still in the Safe Haven somewhere  
21 in the system. We confirmed that with BRC. So, I  
22 mean, we're not going to be able to help everybody,  
23 but I think giving the officers throughout the  
24 transit system a tool where they can do something  
25

1 meaningful and help somebody, I think-- once again, I  
2 go back to Staten Island HOPE where now they feel  
3 like they're doing something meaningful as opposed  
4 to leaving someone out there to fall victim to some  
5 sort of other problems that they might have.

7 CHAIRPERSON LEVIN: So, Chief, I want to  
8 thank you for the work that you did in Staten Island  
9 on the HOPE program, and I know how impactful that  
10 has been. It led to, you know, a standing  
11 prescription for any New Yorker to be able to go into  
12 any pharmacy and get Narcan started with NYPD in  
13 Staten Island. So, that's in, you know, a span of  
14 about five years. So, undoubtedly not only does it  
15 save lives-- that program saved lives, but calling  
16 you know, now with kind of the more ubiquity of  
17 Narcan, you know, that is-- it's very far-reaching,  
18 and obviously the reports out this past year from the  
19 numbers in Staten Island and the impact the HOPE  
20 program has had is, you know, remarkable. So I want  
21 to acknowledge that. I wanted to ask, so one of the  
22 concerns that we've had is that, you know, I didn't--  
23 as the Chair of this Committee, I didn't know about  
24 this diversion program until after the pilot with BRC  
25 for a couple of months and over the summer, I didn't

1 know about it until it was fully announced in  
2 September, maybe, August, September. And asking  
3 around to people in the Homeless Services world, you  
4 know, none of the providers or people that are on the  
5 ground or advocates that work on policy, nobody had  
6 been consulted. You know, the big concern as Chair  
7 Richards says is-- I mean, we could talk, and we will  
8 talk about the-- how prudent it is to engage with the  
9 summons as a tool, but the fact of the matter is,  
10 there are no new services that we are offering people  
11 on the back end. So, we can have that interaction  
12 and most people that are sleeping on the train have  
13 had interactions with outreach workers. I mean, I  
14 talked to a guy a couple of weeks ago, and he was  
15 like-- had maybe 100 interactions with outreach  
16 workers. If the outreach worker doesn't have  
17 anything to offer them that they want, you know, that  
18 becomes a real challenge. So, certainly not, you  
19 know, taking away from the NYPD officers that are in  
20 the subway, it's just if we can't offer them anything  
21 meaningful in terms of housing in any way different,  
22 then I do see a problem there. So, actually, to that  
23 point, I want to be clear-- and this is for DHS. Are  
24 there any new services being offered to individuals  
25

2 who are un-domiciled in the subway as part of this  
3 program that were not offered before. Aside from new  
4 Safe Haven beds, because that's not a new service,  
5 per say-- it's an expansion of an existing service.  
6 Are there new services available?

7 FIRST DEPUTY COMMISSIONER PARK: Yes. So,  
8 let me pause on the Safe Haven beds. I actually  
9 think it is-- while it is a program that has existed,  
10 we have tripled what's been available, and we're  
11 adding another thousand units. That is in and of  
12 itself a major initiative that I think goes a very  
13 long way to addressing both what we see is a need and  
14 what we have heard from the advocate community is a  
15 need as well. We are creating a permanent housing  
16 pipeline that will serve-- that is designed to be  
17 lower barrier. Supportive Housing is a wonderful  
18 model. I am a huge supporter of Supportive Housing.  
19 Oddly phrased sentence, but you get the idea. But it  
20 does come with certain barriers. You have to qualify  
21 under [inaudible] requirements under-- with serious  
22 mental illness or substance abuse. If it is a  
23 congregate program you have to be able to meet the  
24 annual income certifications. So, there are some  
25 challenges there. We are going to create a lower

2 barrier program for this population. We are  
3 expanding street medicine so that people can get  
4 healthcare, both physical healthcare and behavioral  
5 healthcare on the streets wherever they are.

6 CHAIRPERSON LEVIN: Can I ask a question  
7 about that?

8 FIRST DEPUTY COMMISSIONER PARK: Sure.

9 CHAIRPERSON LEVIN: Has Care for the  
10 Homeless been engaged as a provider in that work?

11 FIRST DEPUTY COMMISSIONER PARK: We've  
12 certainly been talking to them. This is-- most of  
13 our outreach contracts have some healthcare embedded  
14 in them right now. Some of it's behavioral. Some of  
15 it's physical, and it's a little bit sporadic. So  
16 what we're doing is working with all of our providers  
17 to expand and make consistent what people can  
18 provide.

19 CHAIRPERSON LEVIN: BRC and Breaking  
20 Ground have actual doctors and nurse practitioners  
21 that are--

22 FIRST DEPUTY COMMISSIONER PARK:  
23 [interposing] Yes. They--

24 CHAIRPERSON LEVIN: able to go out and do  
25 that to help--

2 FIRST DEPUTY COMMISSIONER PARK: They  
3 have some now and we're expanding what everybody is  
4 going-- we will be expanding what everybody has  
5 available to them.

6 CHAIRPERSON LEVIN: It should-- it would  
7 make sense to work with Care for the Homeless as a--

8 FIRST DEPUTY COMMISSIONER PARK:  
9 [interposing] Yes.

10 CHAIRPERSON LEVIN: as an umbrella or, I  
11 mean, as a provider organization, but also the  
12 organization that has the expertise around healthcare  
13 for--

14 FIRST DEPUTY COMMISSIONER PARK:  
15 [interposing] They're absolutely part of the  
16 conversation. So, let's see. So, expanded--  
17 healthcare, expanded housing, expanded transitional  
18 housing options, I think all of those are new and  
19 important to unexciting. We entirely agree that it  
20 does take sometimes hundreds of points of contact  
21 before an individual is ready to come inside. We  
22 want to be there with services when the person is  
23 ready to come inside, but we also want to be able to  
24 provide some interim support, whether it be the  
25 healthcare, whether it's a drop-in center, whether

1 it's some other bridge service during that interim  
2 period.  
3

4 CHAIRPERSON LEVIN: And when are the  
5 thousand new Safe Haven beds going to be online?

6 FIRST DEPUTY COMMISSIONER PARK: It'll be  
7 over a period. The first ones will come on probably  
8 late spring early summer, and then going forward from  
9 there.

10 CHAIRPERSON LEVIN: How many are in the  
11 first tranche?

12 FIRST DEPUTY COMMISSIONER PARK: We have  
13 about 350 that are in progress right now. Not all of  
14 them will be in that spring summer, but spread over  
15 time. And we're looking at ways that we can do some-  
16 -

17 CHAIRPERSON LEVIN: [interposing] I'm out  
18 of office in a year and half, or you know, give or  
19 take, so are you guys. How many Safe Hav-- of those  
20 thousand Safe Haven beds will be online on December  
21 31<sup>st</sup>, 2021?

22 FIRST DEPUTY COMMISSIONER PARK: With the  
23 caveat that construction cycles-- construction  
24 cycles, I would say somewhere between 350-450 of  
25 those.

2 CHAIRPERSON LEVIN: Okay.

3 FIRST DEPUTY COMMISSIONER PARK: I have  
4 certainly heard the feedback that this is a plan that  
5 extends beyond the Mayor's Administration. Any  
6 challenging problem requires long-term creative,  
7 ambitious thinking, and frankly, I wouldn't want to  
8 work for an Administration that gave up on the last  
9 two years of its--

10 CHAIRPERSON LEVIN: [interposing] Right,--

11 FIRST DEPUTY COMMISSIONER PARK:  
12 [interposing] time period.

13 CHAIRPERSON LEVIN: but when say a  
14 thousand Safe Haven beds, by the time I'm out of  
15 office and you're out of office, or maybe not you but  
16 Bill de Blasio's out of office, it is-- we're looking  
17 at 350 to 450 online-- available?

18 FIRST DEPUTY COMMISSIONER PARK: Online,  
19 many more than that. I would anticipate the full  
20 thousand sited and in the development process.

21 CHAIRPERSON LEVIN: Okay, but those  
22 aren't beds that we can offer people. So, if  
23 there's 2,178 individuals un-domiciled on the subway  
24 system as per HOPE count 2019, you know, that's still  
25 leaving a large gap of people that are not going to

1 have a Safe Haven bed available. I want to ask  
2 about-- so I just want to get to the numbers a little  
3 bit so far. And Chief Delatorre, you mentioned that  
4 172 individuals have accepted full assessment out of  
5 1,296 that were contacted. This was between the  
6 pilots in November, I believe is what you said.

7  
8 CHIEF DELATORRE: Yeah, actually, 477  
9 meaningfully engaged.

10 CHAIRPERSON LEVIN: Uh-huh.

11 CHIEF DELATORRE: So when we break that  
12 down, 305 are placed in shelter and 172 completed  
13 their assessment in case management.

14 CHAIRPERSON LEVIN: So, sorry, so when we  
15 say they completed the assessment meaning that they--  
16 what is the definition of-- I don't know what the  
17 definitions for these categories are. So--

18 CHIEF DELATORRE: [interposing] So, the  
19 NYPD does not define meaningful engagement, just as  
20 in the HOPE program. We leave that to our  
21 professionals, the social workers.

22 CHAIRPERSON LEVIN: Sure.

23 CHIEF DELATORRE: My sense is it means  
24 sit down, have a conversation, and let's talk about  
25

2 the issues affecting you right now. That's an  
3 assessment or the baseline for an assessment.

4 CHAIRPERSON LEVIN: So, the other 800 or  
5 so that did not have meaningful engagement, those  
6 people received summonses?

7 CHIEF DELATORRE: They did. Everybody  
8 receives a summons.

9 CHAIRPERSON LEVIN: But those summonses  
10 weren't cleared.

11 CHIEF DELATORRE: They were not cleared.

12 CHAIRPERSON LEVIN: Okay. So, two-  
13 thirds, roughly two-thirds of the 296 got a summons;  
14 summons wasn't cleared.

15 CHIEF DELATORRE: Correct. Correct.  
16 477.

17 CHAIRPERSON LEVIN: 477.

18 CHIEF DELATORRE: So, I consider the cup a  
19 quarter or a third full.

20 CHAIRPERSON LEVIN: Sure, sure, right.  
21 And then, so maybe DHS can answer what is a full  
22 assessment then?

23 FIRST DEPUTY COMMISSIONER PARK:

24 Meaningful engagement is a term of art in the social  
25 service world, and to echo my colleague, we do rely

2 on BRC's determination to-- because different people  
3 are in different places in their lives. What we are  
4 looking for is some particular form of engagement.  
5 It could be interacting with the medical personnel.  
6 It could be that conversation and planning with an  
7 outreach worker. It does not require entering into  
8 shelter. So, I think there was a--

9 CHAIRPERSON LEVIN: [interposing] Okay.

10 FIRST DEPUTY COMMISSIONER PARK:

11 misconception at one point that you did have to enter  
12 shelter in order to have your summons cleared. That  
13 is not the case. So you need to participate in some  
14 form or another that the BRC social workers and  
15 outreach team deems as being engaged.

16 CHAIRPERSON LEVIN: Okay, and then what is  
17 full assessment? That is--

18 FIRST DEPUTY COMMISSIONER PARK:

19 [interposing] That is part-- that is a form of--

20 CHAIRPERSON LEVIN: [interposing] No, no,  
21 when defined the 172 individuals went into full  
22 assessment, what does that mean?

23 FIRST DEPUTY COMMISSIONER PARK: It means  
24 working with that BRC outreach team to do case  
25 management, to assess what they need and to come up

1 with a plan for how they're going to meet either  
2 immediate needs, when they might be-- what they're  
3 looking for in shelter, if they're trying to get to  
4 Safe Haven, assessing medical needs, do they have  
5 family they can connect with.  
6

7 CHAIRPERSON LEVIN: And all 172 of those  
8 are in shelter then?

9 FIRST DEPUTY COMMISSIONER PARK: No.

10 CHAIRPERSON LEVIN: But 300 did go to  
11 shelter? So those two numbers might not be the same  
12 cohort?

13 FIRST DEPUTY COMMISSIONER PARK: They  
14 are-- so the 477 are the people, the grand total--

15 CHAIRPERSON LEVIN: [interposing] Yep,  
16 right.

17 FIRST DEPUTY COMMISSIONER PARK: who  
18 accepted engagement. Those then break into two  
19 slices--

20 CHAIRPERSON LEVIN: [interposing] Oh,  
21 okay.

22 FIRST DEPUTY COMMISSIONER PARK: the 305  
23 people who--

24 CHAIRPERSON LEVIN: [interposing] Went  
25 into shelter.

2 FIRST DEPUTY COMMISSIONER PARK: Got to  
3 shelter and then they-- the remainder-- and now I'm  
4 not doing my subtraction in my head, but the  
5 remainder who accepted a form of services that was  
6 something other than shelter.

7 CHAIRPERSON LEVIN: Okay. So, then,  
8 about- so 23 and a half percent of the individuals  
9 that were given a summons ended up going into  
10 shelter.

11 FIRST DEPUTY COMMISSIONER PARK: That's  
12 the--

13 CHAIRPERSON LEVIN: [interposing] 305 out  
14 of 12--

15 FIRST DEPUTY COMMISSIONER PARK:  
16 [interposing] Out of 1,296.

17 CHAIRPERSON LEVIN: 96.

18 FIRST DEPUTY COMMISSIONER PARK: I do  
19 want to clarify, they got to shelter.

20 CHAIRPERSON LEVIN: They got to shelter.

21 FIRST DEPUTY COMMISSIONER PARK: Many of  
22 those people in fact did spend a night in shelter,  
23 but not everybody spent a night in shelter.

24 CHAIRPERSON LEVIN: How many spent a week  
25 in shelter?

2 FIRST DEPUTY COMMISSIONER PARK: I don't  
3 have that number.

4 CHAIRPERSON LEVIN: Okay.

5 FIRST DEPUTY COMMISSIONER PARK: We are  
6 innovating very quickly and experimenting here. Our  
7 data systems have not caught up to all of our  
8 programs so that we have-- we have plans for being  
9 able to do some additional data management that we  
10 can't do right now.

11 CHAIRPERSON LEVIN: That would be the-- I  
12 mean, if you were to ask me like what's the measure  
13 of success, I would say people that stay in shelter  
14 for three weeks, for a month, you know, so that-- or  
15 who are-- are able to get into and have and be able  
16 to stabilize, but staying in shelter for a night or  
17 two nights is not a measure of success.

18 FIRST DEPUTY COMMISSIONER PARK: Well, I  
19 want to actually--

20 CHAIRPERSON LEVIN: [interposing] Sorry,  
21 but it's-- I mean, these are people that have  
22 probably spent nights in shelter before in their  
23 lives, right?

24 FIRST DEPUTY COMMISSIONER PARK: So,  
25 since the start of this Administration, we've-- 2,450

2 people have come inside off the streets and remain  
3 inside. So that is something that we do track and  
4 assess.

5 CHAIRPERSON LEVIN: Right.

6 FIRST DEPUTY COMMISSIONER PARK: It's not  
7 specific to the diversion program, but across the  
8 board there's a number that we are very proud of. We  
9 absolutely believe that that is the gold standard.  
10 However, I do think the interim measure of a night or  
11 two nights or five nights in shelter is something  
12 that's valuable, because in that night, two nights,  
13 five nights, that is a hypothermia case avoided.  
14 That is somebody who is safe, safer--

15 CHAIRPERSON LEVIN: [interposing] Well,  
16 but sleeping on the subway is a hypothermia case  
17 avoided. It is. It is. It's 25 degrees outside.  
18 People are going to be on the subway. I'm-- so,  
19 okay, sorry. Changing gears for a second here.

20 FIRST DEPUTY COMMISSIONER PARK: Sure.

21 CHAIRPERSON LEVIN: So, how many  
22 summonses for outstretch have been written? Do we  
23 have a-- do we have-- what we would like, and you  
24 might not have it right now, is month by month the  
25 number of summonses written for outstretch-- going

1 back to before this initiative and then through this  
2 initiative as it has been rolled out so that we can  
3 see how this initiative has actually impacted that  
4 overall category of summons, and then how many of  
5 these summons, I think you said, that 470-some-odd--  
6 477 were then cleared out, and the remainder then  
7 are-- remain in effect. That's, you know, that's a  
8 lot of summonses that are out there now. What  
9 happens if a summons isn't paid? It's a warrant  
10 right?  
11

12 CHIEF DELATORRE: No. It's a civil  
13 summons in Transit Adjudication Bureau. It's the  
14 lightest touch you can have, basically. There is no  
15 warrant. I don't know what the fine is. It may be 50  
16 dollars. I don't know, but it's-- there is no  
17 warrant attached to it.

18 CHAIRPERSON LEVIN: Okay, then there's no--  
19 -

20 CHIEF DELATORRE: [interposing] There's no  
21 criminalization whatsoever here. No. And we don't  
22 collect-- we don't get involved in any of that.

23 CHAIRPERSON LEVIN: Are individuals being  
24 handcuffed when brought in? So, if there are 1,200  
25

1 people that have been engaged, of those 1,200 how  
2 many have been handcuffed?  
3

4 CHIEF DELATORRE: Okay, so I can never  
5 tell you the answer to that question. I don't know.  
6 I can tell you that the very first diversion that  
7 took place was sort of an experiment. I was actually  
8 walking on a platform with some officers. There was  
9 a fellow laid out in a subway car. When the train  
10 stopped, the officers asked him to come off, and we  
11 talked into the Transit District. Now, at this  
12 point, remember I told you, I was trying to figure  
13 out how I could help this population, and everybody I  
14 was speaking to actually was telling me they'll never  
15 accept sitting with a counselor in lieu of a summons.  
16 They'll never accept it. I said if I can make him--  
17 give him-- make him eligible for a summons, why  
18 wouldn't he sit with a counselor for a few minutes  
19 and discuss this for that meaningful engagement? So,  
20 this gentleman, we brought him up to the desk in the  
21 district. We happen to be in the same station. I  
22 was walking into the district. We brought him up the  
23 desk. He was a man in jeans. He had a bag, looked  
24 like a carpenter. He may very well have been. And  
25 when we got to the desk he said, "I don't have an

1 address. I'm homeless." So, I stopped everybody and  
2 I went over there, and I said, "Sir, can I ask you a  
3 question? If I was to offer you the opportunity to  
4 sit with a counselor instead of going through any of  
5 this, would you accept it?" He said, "Of course I  
6 would." That's when I knew that this idea, this  
7 concept we were working on was really not very  
8 different from the HOPE program in Staten Island, and  
9 people would rather have the engagement as opposed to  
10 that. Now, let me just also be clear that we're  
11 evolving here, and I may get some great ideas right  
12 out of this Council here today that I could take back  
13 and apply, but we're evolving and we're looking for  
14 more and more ways. One of the things that we  
15 noticed here is that people cannot be diverted if  
16 they have a warrant. They have to be returned to the  
17 court. That's the law. But there are two levels of  
18 warrant. There are the bench warrants, and then what  
19 we call the SAP warrants. So, we're very close to  
20 getting to a point where if you happen to have no  
21 address and I can give you address, but the only  
22 barrier I have is that low-level warrant, we're very  
23 close to the point now where we'll be able to engage  
24 the court system and have that SAP warrant  
25

1 rescheduled for another day; relieve the burden of  
2 the warrant and hand over the whole warrant issue to  
3 the casework, to the BRC worker, when that person  
4 goes with them with the summons. So now the summons  
5 gets expunged, and the warrant gets delayed so that  
6 somebody can assist that individuals in getting the  
7 warrant cleared later. We don't have the authority  
8 of the NYPD to clear a warrant. And by the way, the  
9 other issue would be if we would try to stay with the  
10 client all night, it would just-- we wouldn't have  
11 the resources to appear in court the next day to  
12 clear a warrant.  
13

14 CHAIRPERSON LEVIN: The concern that--  
15 there's a lot of concerns. One concern, in  
16 particular, around the summonses for Outstretch is  
17 that it would be applied selectively. There are  
18 plenty of people of the millions of people that ride  
19 the subway every day-- I'm one of them. I fall  
20 asleep on the subway. I'll fall asleep any chance I--  
21 - I have two little kids, so I will sleep any chance  
22 I get. I could be on a five-minute subway ride and I  
23 will fall asleep, and if I lean over and cover two  
24 seats, I put my chances of getting a summonses for  
25 that at 0.0 percent. I guarantee I will not get a

1 summons for being outstretched. Anyone that looks  
2 like me won't get a summons for being outstretched,  
3 and my concern, major concern with this is that it's--  
4 - this summons, this allows for and encourages, in  
5 some sense, that summons to be selectively enforced.  
6 Because if it was to be enforced across the board as  
7 in terms of just the violation of the MTA rule, you  
8 know, you'd have some very, very busy officers  
9 because they'd be writing summonses all over the  
10 place, and on every single train all day and all  
11 night in New York. It would be impossible. And so  
12 it's-- how do you address that selective enforcement?  
13

14 CHIEF DELATORRE: Alright, so the  
15 officers in transit encounter-- have thousands  
16 encounters a day, and want to admonish and struck  
17 [sic] correct behavior over and over every day. But  
18 to capture a snapshot of these types of jobs that  
19 we're talking about-- so through the JCC, you know,  
20 we monitor different cameras, and when we see  
21 somebody who appears to be in need for whatever the  
22 reason, could be a crime, it could be someone  
23 outstretched on a platform, when we see this we  
24 dispatch teams. And just to give you a sense, we  
25 started-- we got up and running about September 10<sup>th</sup>

1 of 2019, and from September 10<sup>th</sup> until the end of the  
2 year, we had 111-- excuse me, 1,117 of these types of  
3 jobs. Most of them could have overlapped, because  
4 the most obvious thing you'll see on a camera is  
5 someone laying on the ground. Most of them could have  
6 overlapped. Over the 1,117 jobs, 28 resulted in a  
7 diversion. That's about two and a half percent. So,  
8 of course the officers have discretion is my point,  
9 and 101, by the way, went to the hospital. We had one  
10 woman, I'll call her Mrs. K, who we had seen on the  
11 ground several times and had sent officers out  
12 several time to render aid, and one time when they  
13 went out, she actually was sweating and apparently  
14 convulsing, and the officers were able to get her to  
15 the hospital. This is a camera job, just someone  
16 laying on the ground that someone else might have  
17 assumed, "Oh, that's just someone who is un-  
18 domiciled. Leave them. They sleep there every day."  
19 No, it's not the reality. The reality is you never  
20 know when someone needs help. So we go out there, we  
21 get her to the hospital, and the doctor said, "Good  
22 thing you brought her here. She was really in a  
23 state of trauma." So, we have these little anecdotal  
24 successes, but the bottom line is these are human  
25

2 beings and they deserve the help. And we cannot  
3 overlook-- we have to do what we can to help, and  
4 that's the thrust of everything we're doing here. No  
5 different than HOPE.

6 CHAIRPERSON LEVIN: Thank you, Chief.  
7 I'll turn it back-- I'll turn it over to my Co-chair.

8 CHAIRPERSON RICHARDS: And thank you.  
9 We've been joined by Council Members Gjonaj, Miller,  
10 Menchaca, Salamanca, Powers, Treyger. Miss anybody?  
11 Reynoso and Cabrera. Yeah, I got everybody else,  
12 okay. So, you still didn't answer the exact  
13 question, Council Member Levin raised, I think, in  
14 his first question. Whose idea was this?

15 CHIEF DELATORRE: It was a collaborative  
16 effort. The idea started on Staten Island, and then--  
17 -

18 CHAIRPERSON RICHARDS: [interposing] NO,  
19 no, no, I'm not talking about HOPE. I know all about  
20 HOPE.

21 CHIEF DELATORRE: I will answer. It  
22 started on Staten Island, and then the concept, I sat  
23 down with my partners here that could help transit,  
24 DHS, District Attorney's Office, and that's where the  
25 idea evolved from.

1  
2 CHAIRPERSON RICHARDS: I know what HOPE  
3 is, well aware. We the Council also funded part of  
4 that program, too.

5 CHIEF DELATORRE: Yes.

6 CHAIRPERSON RICHARDS: And this has  
7 nothing to do with HOPE. This is totally separate.  
8 So I just want to put that out there. So, you're  
9 saying you sat collaboratively as much as the  
10 Commissioners and others complain about societal ills  
11 that the NYPD has to deal with, so you came up with  
12 this idea, this particular program. The NYPD is--  
13 who's in charge?

14 CHIEF DELATORRE: I will say I was a big  
15 part of the idea, okay?

16 CHAIRPERSON RICHARDS: Okay. Who's in  
17 charge? So, NYPD's in charge or DHS? What's the  
18 chain of command with this program?

19 CHIEF DELATORRE: Well, it's the NYPD  
20 Transit Diversion. So, the NYPD--

21 CHAIRPERSON RICHARDS: [interposing] Okay.

22 CHIEF DELATORRE: is in charge, but not  
23 without partners. So, we don't make this work  
24 without DHS and BRC. So, I can't say that any one of  
25 us is in charge. It's a collaborative effort to make

2 sure we put this together as best we can, and it  
3 often means stepping out of our lane and talking to  
4 BRC about their work product, how they're doing DHS,  
5 how we're doing over there. So, I'm learning a lot  
6 about these issues, and that's why I commented a  
7 little bit prematurely earlier. I'm learning a lot  
8 about the needs of this population and how we can  
9 best serve it, and that's why I said earlier, you  
10 know, anything I can take from here that can help us,  
11 I'm all ears on it.

12 CHAIRPERSON RICHARDS: And obviously, I  
13 mean, we are aware that the State Police are also  
14 ramping up in our subways. Is there any coordination  
15 or conversations happening with them around this  
16 program?

17 CHIEF DELATORRE: No, there are no  
18 conversations around this program.

19 CHAIRPERSON RICHARDS: Will there be  
20 conversations around this program?

21 CHIEF DELATORRE: I'm willing to talk to  
22 them about anything at this point. I can't say. The  
23 State Police are doing the end-of-line work right  
24 now, and we're doing what we do throughout the entire  
25 system. Currently, just so you do know, that JCC

1  
2 Command Center I talked about, we do have a member  
3 of the State Police assigned there 24/7, but that's  
4 mainly to coordinate resources. We certainly don't  
5 want an incident of friendly fire. So we need to  
6 know where their people are whenever we're in the  
7 system, and we do our best to de-conflict so that  
8 we're not in the same stations at the same time.

9 CHAIRPERSON RICHARDS: Right, and I just  
10 bring that up because obviously policies will need to  
11 align here and we don't want the Wild Wild West  
12 either in our subway systems.

13 UNIDENTIFIED: Just to clarify, it's MTA.

14 CHAIRPERSON RICHARDS: I mean, MTA. I  
15 equate them with the state, but MTA.

16 CHIEF DELATORRE: It's' MTA, I'm sorry.

17 CHAIRPERSON RICHARDS: Yes, MTA, state,  
18 all the same. Let me ask this question. So, if a  
19 person is summonsed, give a summons, they're brought  
20 back to your specific facility?

21 CHIEF DELATORRE: Generally, but at times  
22 we do-- we are able to engage them in afield if BRC's  
23 available, but generally they're brought back to the  
24 facility, yes.

2 CHAIRPERSON RICHARDS: So, if I got a  
3 summons, would I be brought to your facility? Why  
4 can't we--

5 CHIEF DELATORRE: No, you won't get a  
6 summons and then get brought back to the facility.

7 CHAIRPERSON RICHARDS: Okay.

8 CHIEF DELATORRE: People only brought to  
9 the facility if we cannot identify them, and if you  
10 yourself had no idea, yes--

11 CHAIRPERSON RICHARDS: [interposing] Okay.

12 CHIEF DELATORRE: we can identify you in  
13 the field, you'd had to be brought back to the  
14 facility to be identified.

15 CHAIRPERSON RICHARDS: Right, and does  
16 the officer call someone from DSS to evaluate that  
17 individual for services? Would they do that? So,  
18 for instance, if a summons is issued on the platform,  
19 would they then work with the Mayor or does DSS come  
20 back to your specific--

21 CHIEF DELATORRE: [interposing] Okay, so  
22 we're trying to get there. Currently at the JCC we  
23 actually have a DHS rep who sits there and dispatches  
24 BRC directly to platforms for us.

25 CHAIRPERSON RICHARDS: And--

2 CHIEF DELATORRE: [interposing] That's  
3 definitely a direction we're heading in, but we're  
4 not there yet.

5 CHAIRPERSON RICHARDS: And just go  
6 through-- so these are civil summonses, correct? Not  
7 criminal?

8 CHIEF DELATORRE: Correct.

9 CHAIRPERSON RICHARDS: Alrighty. And  
10 what kind of conduct? So, I know we talked about  
11 outstretching. Can you speak to any other conduct  
12 that--

13 CHIEF DELATORRE: [interposing] Could be  
14 any quality of life type of stuff that violates the  
15 transit regs and rules. It could be urinating, any  
16 kind of transit rule regs that are observed.

17 CHAIRPERSON RICHARDS: Right. And one of  
18 the questions I have is around mental health. So how  
19 do you deal with individuals who have mental health  
20 challenges? Are you giving them summonses, too? How  
21 do you--

22 CHIEF DELATORRE: [interposing] No, no.

23 CHAIRPERSON RICHARDS: How do you--

24 CHIEF DELATORRE: [interposing] No, no,  
25 no. So, going back to that control group of 1,117,

2 101 people were taken to the hospital. They do not  
3 get a summons.

4 CHAIRPERSON RICHARDS: And out of that  
5 101 taken to the hospital, which organizations  
6 followed up with them?

7 CHIEF DELATORRE: I don't know. That's a  
8 Health + Hospitals question.

9 CHAIRPERSON RICHARDS: So, did those  
10 individuals end up right back on the train, or did  
11 they go in shelter?

12 CHIEF DELATORRE: Again, that's out of my  
13 purview, but two-thirds of my officers are CIT  
14 trained, Crisis Intervention, and they are aware of  
15 other resources and other referrals that can be made.  
16 That's part of their training.

17 CHAIRPERSON RICHARDS: But there's  
18 currently no follow-up when they go to the hospital.

19 FIRST DEPUTY COMMISSIONER PARK: If I  
20 could jump in here.

21 CHAIRPERSON RICHARDS: Okay.

22 FIRST DEPUTY COMMISSIONER PARK: When a  
23 client who is on the outreach caseload, whether it's  
24 for BRC or any of our other outreach providers, when  
25 they are admitted to the hospital, when we have any

1 transparency into it, which, you know, there may be  
2 cases where we don't, but when we have any  
3 transparency into it our expectation and the terms of  
4 the contract are such that the outreach provider  
5 follows up with the hospital.

7 CHAIRPERSON RICHARDS: Expectation or is  
8 it mandatory.

9 FIRST DEPUTY COMMISSIONER PARK: It's  
10 mandatory.

11 CHAIRPERSON RICHARDS: Okay, and what  
12 follow-up do you do to make sure that actually  
13 happens?

14 FIRST DEPUTY COMMISSIONER PARK: Again,  
15 there is--

16 CHAIRPERSON RICHARDS: [interposing] An  
17 expectation?

18 FIRST DEPUTY COMMISSIONER PARK: No, that  
19 was not actually what I was going to say--

20 CHAIRPERSON RICHARDS: [interposing] Okay.

21 FIRST DEPUTY COMMISSIONER PARK: When we  
22 know about the case, right, because people are mobile  
23 and may have an interaction with a hospital system  
24 that we at the City do not know about, but when it  
25 comes to our attention, we are checking in with the

1 outreach team to make-- to find out the disposition  
2 of that case, and we are doing follow-up-- we  
3 coordinate discharge planning wherever we can.  
4 People have freedoms, right? If they choose to  
5 discharge themselves, if they leave it does not  
6 always happen in exactly the way we might like it to,  
7 but we do work very closely with both the hospital  
8 system and with our outreach providers to do the best  
9 discharge coordination that we can.

11 CHAIRPERSON RICHARDS: Right. And let me  
12 ask you a question back to the NYPD, are there  
13 specific train lines you're targeting where there's  
14 chronic complaints, or just the entire system?

15 CHIEF DELATORRE: No, we don't target,  
16 period. We have--

17 CHAIRPERSON RICHARDS: [interposing] So,  
18 if you've got chronic complaints about a specific  
19 line?

20 CHIEF DELATORRE: Well, then the  
21 officers, the NCOs responsible for that line would be  
22 going and taking care of it like any other condition  
23 that's brought to their attention. So, a  
24 Neighborhood Coordination Officer is responsible for  
25 every single station ,and every-- at least a portion

1 of that line that goes through that sector, they are  
2 responsible ultimately for being the caretakers of  
3 the system, if you will, and the service providers.  
4

5 CHAIRPERSON RICHARDS: And let's get into  
6 NCOs a little bit, because I still-- and I take the  
7 train just about every day into the City. I've never  
8 encountered NCO officers in the subway. So, what  
9 sort of checks and balances-- I'm not saying they  
10 don't exist. But I-- as someone who rides the trains  
11 every day, what checks and balance is actually in  
12 place to ensure that--

13 CHIEF DELATORRE: [interposing] Well, we  
14 had-- we did have to ensure that encounter, we did  
15 have signs up in every station that actually identify  
16 the officers and the group station manager. So I go  
17 back to when I arrived in the Transit Bureau is about  
18 the same time that Andy Biford [sp?] arrived in New  
19 York City Transit. So we discussed the concept of  
20 finding an application for Neighborhood Policing in  
21 Transit. Biford was also restricting his people. so  
22 as it turns out, you know, working together we were  
23 able to structure it in such a way that every single  
24 station has two NCOs responsible for that station and  
25 their counterpart is what we call a Group Station

1     Manager.  The Group Station Manager is somebody  
2     responsible for everything in that station.  It  
3     doesn't matter if a lightbulb is out or service is  
4     being delayed or any other issues with the employees  
5     there, the cleanliness, everything.  Those signs were  
6     up.  They recently had been taken down because they  
7     have to be done over.  There have been some changes  
8     in the Group Station Managers, but I did speak to  
9     Transit a few weeks back, and they are going to get  
10    them back up again.  So, again, 472 stations, 500  
11    trains running at any moment during rush-hour, 10  
12    cars to every train.  It's not easy to see your NCO,  
13    but if I have the picture of the NCOs and their email  
14    address and the group station manager in every  
15    station, then you should know who your NCO is if you  
16    want to.  So, that's where we're going.  So, we  
17    started out.  We had signs up in every station.  
18    Unfortunately, Transit had to make some changes in  
19    their-- you know, with their Group Station Managers  
20    and superintendents, whatever it is.  So they're  
21    working on it now, and we hope to have the signs back  
22    up very shortly.

24                   UNIDENTIFIED:  And correct me if I'm  
25    wrong.  I believe you can look up your NCO online.

2 CHIEF DELATORRE: Yes. Yes.

3 CHAIRPERSON RICHARDS: I get that. But  
4 everyday subway riders are not doing that.

5 UNIDENTIFIED: Understood, but there's  
6 issues that you're seeing on your subway route, you  
7 can reach out to your NCO to help correct that.

8 CHIEF DELATORRE: Yeah, the key here is  
9 connectivity. We know it's the same people for the  
10 most part getting on the same train at the same  
11 station, getting off the same station. The key is, in  
12 the past you could call 311, you could call somebody  
13 and something may be done, but you want to be  
14 connected to the outcome. Now, you could be  
15 connected to the outcome. Now, you can meet the NCO  
16 and say, "Hey, I see a problem in this station." You  
17 know, and the NCO hopefully will say to you, okay,  
18 let's meet tomorrow morning, let's go over it  
19 together and let's see what we can do, or he may or  
20 she may actually have the answer when you contact  
21 them. But that's why we put them online and we put  
22 the email addresses there to make sure that everybody  
23 has connectivity to their NCOs.

24

25

1                   CHAIRPERSON RICHARDS:  Alrighty, we could  
2  
3 debate this.  Let me-- just last question.  Do you  
4 truly believe summonses are the answer to this issue?

5                   CHIEF DELATORRE:  No, I don't believe  
6 summonses are the answer.  I believe connecting them  
7 to services are going to be the beginning of an  
8 answer.  And I don't believe that's the be-all end-  
9 all either, but I think it's a good first step.  And  
10 my officers can make that connection to services.  We  
11 never-- we were never in a position on Staten Island  
12 to counsel someone and get them out of the throws of  
13 addiction, but we were in a position to connect hem  
14 iwht the experts, and that's our goal here, to  
15 connect them with the experts to have the most  
16 meaningful outcome.

17                   CHAIRPERSON RICHARDS:  Okay, I will just  
18 disagree with you on this.  I don't think summonses  
19 necessarily are going to change anything.  I think  
20 the answer is ensuring that the shelter system is  
21 actually safe.  And the question should be, and I  
22 guess my last question-- I was supposed to have a  
23 last question five minutes ago is are you speaking to  
24 these individuals on why they're on the trains and  
25 not in the shelter system in the first place?  So

2 what is the answer that they give you when you ask  
3 them why the train and not the shelter if it's  
4 safety?

5 CHIEF DELATORRE: That is one of the  
6 answers I hear back.

7 CHAIRPERSON RICHARDS: Is that the number  
8 one--

9 CHIEF DELATORRE: [interposing] I haven't  
10 spoken to them personally--

11 CHAIRPERSON RICHARDS: [interposing] You  
12 say that's--

13 CHIEF DELATORRE: but that is one of the  
14 answers we've heard.

15 CHAIRPERSON RICHARDS: Would you say  
16 that's the number one answer you get?

17 CHIEF DELATORRE: I couldn't say that.  
18 That is one of the answers. I think there's a lot of  
19 issues, but again, I'm not the DHS expert, but if you  
20 don't mind me stepping in your lane, there's a lot of  
21 issues. Sometimes it's having, you know, having  
22 certain types of safe havens they might prefer. It  
23 could be certain geographical areas they might want  
24 to go to, and I think those are all the issues that  
25 are coming up in our conversations where DHS is

1 actually trying to help resolve so we can get those  
2 accomplished meaningful outcomes.

3  
4 FIRST DEPUTY COMMISSIONER PARK: And if I  
5 could jump in on shelter security. We have invested  
6 very heavily in shelter security. We coordinate very  
7 closely with the NYPD that oversees security planning  
8 in all of our shelters. We-- starting a couple of  
9 years ago have a brand new staffing model where we  
10 use DHS Peace Officers that are directly overseen by  
11 the NYPD to ensure security at access points and  
12 shelters. It is something that we take extremely  
13 seriously, and I think we've made significant strides  
14 in that.

15 CHAIRPERSON RICHARDS: Still have a long  
16 way to go, because the number one answer will be  
17 safety, and while I hear what you're saying and I  
18 agree that the Administration has certainly taken  
19 some strides in this area, there's still a long way  
20 to go on this specific issue, and there's a reason  
21 people on the trains rather than shelter. With that  
22 being said, I'm going to turn it over to Council  
23 Member Adams. Followed by Adams, Miller, Grodenchik,  
24 Rodriguez, Gibson, Holden.

1  
2 COUNCIL MEMBER ADAMS: Thank you very  
3 much, Chair Richards and thank you Chair Levin for  
4 this important hearing today. Good afternoon and  
5 thank you all for being here today to testify before  
6 these committees. I am a commuter, a Jamaica Station  
7 commuter, and on a daily basis for the most part,  
8 fortunately or unfortunately, I find myself coming  
9 down here to City Hall instead of being in my  
10 district. That said, I ride the E Train from end to  
11 end for the most part. This morning my experience  
12 was someone that was obviously homeless stretched out  
13 in a car, in the first car, took up about three  
14 spaces and then someone directly across from him  
15 about the same thing. That was fine. We just move  
16 on and we find someplace else to sit. That was just  
17 fine. I'm going to shift gears a little bit when I  
18 say that, the same Jamaica Station, approximately a  
19 month or so ago. There was a video that went viral,  
20 and it was a video that showed a mentally-challenged  
21 senior citizen who I happen to have seen in the  
22 station for I want to say a decade now. She is known  
23 as "Grandma." She pretty much walks with everything  
24 that she owns with her at all times, and she is a  
25 frequent-- she is someone that is frequently there.

1 Petty much, that's where she lives at Jamaica  
2 Station. The women's bathroom has been known to be  
3 her sanctuary for years and years and years. So,  
4 when I saw the viral video of someone that I've known  
5 to be called "Grandma" face-down outside of the  
6 turnstile with various individuals around her asking  
7 her who she wanted to speak with while she was  
8 handcuffed, and it was obvious that she was in a lot  
9 of distress as anybody would be. But because this  
10 was a woman who was a senior citizen it was  
11 particularly disturbing to me to see her taken down  
12 in this fashion. So, I guess my question would be  
13 what her crime was if you know, what her crime would  
14 be. Number two, typically our homeless institution  
15 handcuffed-- I don't know if this was asked-- if they  
16 are not being arrested. So, I'll just start with  
17 those two questions.

19 FIRST DEPUTY COMMISSIONER PARK: Let me  
20 start with a piece of the question, and then I'll  
21 turn over to my colleagues. So there are several  
22 things that I think are separate and apart from the  
23 diversion initiative that tie into your questions.  
24 So, first of all, again, in separate from the  
25 diversion initiatives, we have a presence with BRC at

1 what we call end of line stations. So we do have a  
2 regular outreach presence at the stations that do  
3 tend to have higher concentrations of people  
4 experiencing homelessness because they are at the end  
5 of the line. We think that is a good opportunity to  
6 reach people. It is not part of the diversion  
7 effort. It is not tied into the transit violations  
8 that we have been discussing, but it is a separate  
9 form of the outreach. So that is sort of one piece  
10 that I wanted to mention in your initial comment  
11 about riding the E Train from end to end, because we  
12 agree with you that that is a place where outreach is  
13 very important. The particular incident that you're  
14 referring to was a healthcare-related outreach that  
15 where some of the-- I think the visual images where  
16 unfortunate and challenging, but I also say that it  
17 was an opportunity to get somebody who had-- and I  
18 don't-- it is not appropriate for me to get into real  
19 specifics on the record, but to connect somebody to  
20 healthcare. There is an opportunity when somebody  
21 has been deemed danger to him or him to others to  
22 connect people to the healthcare system even when  
23 they may opt not to go there. Again, I think there  
24 are ways that we learn from that incident that we can  
25

2 do things that are differently, but it is important  
3 that we are connecting people to healthcare systems  
4 when they-- even when they may not choose to do it  
5 themselves. So, again, with respect for people's  
6 privacy, I'm going to leave it like that on the  
7 record, and I will turn it over to my colleagues to  
8 speak about han--

9 COUNCIL MEMBER ADAMS: [interposing] So,  
10 before we go there, I'm just curious, so you're  
11 saying that she was handcuffed because of what? Do  
12 we know? Because I didn't hear that in your  
13 response.

14 FIRST DEPUTY COMMISSIONER PARK: Sure.  
15 The-- I'm trying to pick my words very carefully  
16 given that we are on the record and we are talking  
17 about a specific client case.

18 COUNCIL MEMBER ADAMS: Understood,  
19 understood.

20 FIRST DEPUTY COMMISSIONER PARK: The-- it  
21 was-- we were-- looking to serve an individual for  
22 which there was concern that she was in danger in the  
23 process, and in the process of trying to connect the  
24 individuals to the healthcare resources she was  
25 handcuffed. As I say, I think it was-- it's an

1  
2 experience that we learned from about how we can do  
3 that better, but it-- the connection there was to  
4 connect her to hospitalization because of a fear that  
5 she was a danger to herself or others.

6 COUNCIL MEMBER ADAMS: Okay. I still  
7 haven't heard of the crime committed. So, I'll go on  
8 to Chief. Do you have anything else for me?

9 CHIEF DELATORRE: Yeah, there was no  
10 crime committed in this case. This was a 958  
11 removal, and the homeless outreach for the NYPD's  
12 unit that's dedicated to providing services for  
13 homeless, they were on the scene with clinicians,  
14 again, attempting to provide aid.

15 COUNCIL MEMBER ADAMS: Okay, thank you.  
16 Thank you very much for that. And again, I'll just  
17 say that-- and we were just discussing this. She's  
18 been around for at least 10 years. So it's taken us  
19 10 years to get her-- I haven't seen her since, by  
20 the way, in the station, and my hope for her is the  
21 best, of course, that she's getting the help she  
22 deserves, but for such a long amount of time. to me,  
23 she's always seemed to be so harmless and to see her  
24 taken down in this fashion was extremely  
25 heartbreaking for me, but I hope that she is

2 receiving the services that she deserves. Again, I  
3 would have like to have heard something a little bit  
4 different, maybe. She accosted someone, which I've  
5 always seen her to be very peaceful, maybe a little  
6 annoying because of the muttering and sometimes it  
7 could get a little loud, but still I would see no  
8 crime committed to have that happen to her to that  
9 extent. So I'm going to leave my comments there, and  
10 thank you for your responses.

11 CHAIRPERSON RICHARDS: Thank you.  
12 Council Member Miller, Grodenchik-- oh, Barry, then  
13 Miller.

14 COUNCIL MEMBER MILLER: Thank you, Mr.  
15 Chair. So, I don't want to just generalize it and  
16 kind of monopolize this to the southeast Queens which  
17 it appears to be here, but I also frequent and San  
18 Parsons [sic] and Arches [sic] station is in my  
19 district and as is Supton [sp?] Boulevard which is  
20 kind of the gateway to the City, and there is kind of  
21 a pervasive situation that occurs when it comes to  
22 our homeless population. I wanted to talk about-- in  
23 the testimony we talked about best practices and what  
24 they are, and if in fact we are utilizing those best  
25 practices is-- as my colleagues just mentioned the

1 unfortunate incident that we all witnesses via social  
2 media occurred after nearly a decade after this woman  
3 inhabiting that location. How have these best  
4 practices manifest into serving, but serving, this  
5 population? And then for Chief, the NCO program, we  
6 see them underground, but there's a whole 'nother  
7 [sic] dynamic that happens with drug use and that  
8 they're serving people in that way, and at that  
9 particular location we have spent the last two or  
10 three years have been driven from upstairs to  
11 downstairs and between best practices and having very  
12 specific officers assigned who clearly understand--  
13 have an understanding for that particular station,  
14 how has that advanced our case here in serving these  
15 populations and making sure that folks are safe?

17 FIRST DEPUTY COMMISSIONER PARK: So, let  
18 me start by talking about best practices. We have  
19 expanded the number of outreach workers serving both  
20 the subway and above ground from under 200 at the  
21 start of this Administration to more than 550 today.  
22 We have tripled the number of Safe Haven and  
23 stabilization beds. We have recognized that being  
24 able to provide healthcare is critically important,  
25 and so we're expanding both behavioral and physical

1 healthcare that we can provide on this street.  
2  
3 Through the efforts that we have invested in thus  
4 far, we've been able to get 2,450 people to come  
5 inside and stay inside. We thinks that's real--  
6 that's a measure of success. it's success that we  
7 need to build on, and that's why we've put the  
8 additional investments into the Journey Home plan and  
9 we look forwarded to growing what we're able to do.

10 COUNCIL MEMBER MILLER: And-- sorry. As  
11 mentioned, as Chair Levin mentioned earlier, is this  
12 the only provider that is participating in this  
13 program, particularly in the subways?

14 FIRST DEPUTY COMMISSIONER PARK: BRC is  
15 our contracted outreach provider in the subways.  
16 Right now there is-- their contract is actually up  
17 for renewal and there's an RFP under review right  
18 now.

19 COUNCIL MEMBER MILLER: [interposing]  
20 Because I know that-- I believe it was nearly a year  
21 ago that I was contacted and that was through the New  
22 York City transit end that we actually came out with  
23 the provider and from midnight to 4:00 a.m. and tried  
24 to access some of these particular folks and ensure  
25 that they get some of the medical attention and other

1 services that were needed. But as far as I knew,  
2 that was kind of a one-time event. Is it ongoing?  
3 How often are there--  
4

5 FIRST DEPUTY COMMISSIONER PARK:

6 [interposing] Outreach workers are out 24 hours a  
7 day, seven days a week, 365 days a year.

8 COUNCIL MEMBER MILLER: Specifically with  
9 the medical team and other services that they brought  
10 that particular-- those two days, I have not seen  
11 those.

12 FIRST DEPUTY COMMISSIONER PARK: I'm not  
13 familiar with the specific service package that  
14 you're referring to, but yes, everybody has access to  
15 medical care, and medical professionals might not be  
16 out every single night, but every team does have  
17 access to medical care, and we are expanding what  
18 they have available to them, because we think that's  
19 a really important component of the service.

20 COUNCIL MEMBER MILLER: Okay.

21 CHIEF DELATORRE: As far as best  
22 practices goes, you know, this is-- the diversion is  
23 not the first new way we're trying to help. If I  
24 can, I'll go back to 2018. At the end of 2018 we  
25 initiated-- some of you might have heard about it,

2 the End Rood Resources Centers. So at the end of  
3 2018, and we focused on the E-Line and opposite ends  
4 of the E-line and Parsons/Archer as well, but we  
5 started down on Chambers. By the end of 2018, we had  
6 Transit build out a room, and you know, the history  
7 here is pretty simple. I was walking the station. I  
8 saw a big construction room there. I knocked on the  
9 door. The guy in the room said, you know, I don't  
10 really need all this space anymore. So then I  
11 reached out to Annie Bifron [sp?] and said, "Can you  
12 give us this space?" And he said sure. So he sent a  
13 team in. They polished it up, made it nice, made  
14 room for a coffee pot, and we began an initiative  
15 there. So, the end of the E-Line on both ends, or  
16 the end of any line generally is where they would  
17 stop to clean the train. So, when they clean the  
18 train, people have to get off. So at the end of the  
19 E-line what we would do is as people got off, we  
20 would meet them with BRC workers. And we had this  
21 room, this resource center, ready and open, that we  
22 were only open when we were there, and we had a  
23 coffee pot in there and we would offer the people  
24 that were standing on the platform that came off eh  
25 train the opportunity to go and have a hot cup of

1 coffee during the winter months. So, just to give  
2 you a quick sense, we had 1,063 people that were  
3 engaged on the platforms during our operations. We  
4 had 183 enter the assessment center. We had 78 agree  
5 to an assessment. We had 58 actually complete an  
6 assessment, and of those 54 actually agreed to be  
7 removed or be escorted to a shelter. But this is all  
8 by BRC. And then we had 16 more people that actually  
9 had to go to a hospital, and the coffee cup count was  
10 quite high, but we gave away a lot of coffee, and it  
11 helped create that engagement environment as well.  
12 Now, the-- that's the upside. The downside is it was  
13 only servicing the E-line, and like I told you there  
14 are, you know, 27 different lines, 472 stations. So,  
15 it was more effective than simple outreach, and we're  
16 still doing end-line work, but the MTA police are  
17 handling most of that on the E-line right now  
18 overnight with BRC, but we're still available to do  
19 it. When we talk about operations with NCOs, in 2019  
20 our NCOs around the City combined did 991 joint  
21 operations for outreach. That's throughout the whole  
22 city. So, you know, we are learning from our  
23 experiences. You know, end-of-line stuff does work to  
24 a degree, but right now, giving the officers  
25

1 throughout the entire transit system a tool that is  
2 reasonable and compassionate that they can use to  
3 help people, you know, I think it's going to help add  
4 to the outcome here.

5  
6 COUNCIL MEMBER MILLER: Again, so what  
7 role are the NCOs playing, not necessarily from the  
8 vendor perspective from you guys that they're  
9 providing intel or whatever that is enhancing the  
10 experience of folks that we're trying to serve.

11 CHIEF DELATORRE: So, the NCOs are  
12 basically the quarterbacks. They request resources.  
13 They get supported by their boroughs. They get  
14 supported by the bureau. They-- depending on what  
15 the conditions are they should be calling out for  
16 help. They do meet. They have an NCO Sergeant who  
17 oversees it, and we have an NCO coordination unit in  
18 the transit bureau that they meet with regularly to  
19 discuss the issues that exist within their sectors.  
20 We go out and we take a look at their sectors to  
21 point out weaknesses we may see and congratulate them  
22 on successes they have made. So, they're  
23 quarterbacking. The bottom line is eh buck stops  
24 with them. They are responsible for everything that  
25 goes on there.

2 COUNCIL MEMBER MILLER: And finally, what  
3 would those recourses look like that would be  
4 available to them?

5 CHIEF DELATORRE: Oh, we have-- there's  
6 many resources. We have borough taskforces. We have  
7 BRC that'll come out. We have homeless outreach that  
8 could come out if that's the nature of the problem,  
9 which I know it is at that station to some degree,  
10 but there are many, many resources that can come out.

11 COUNCIL MEMBER MILLER: Thank you. Thank  
12 you, Mr. Chair and Mr. Chair.

13 CHAIRPERSON RICHARDS: Thank you. Going  
14 to go to Council Member Barry Grodenchik.

15 COUNCIL MEMBER GRODENCHIK: Thank you,  
16 Chairman. Thank you, Chief. Thank you Deputy  
17 Commissioner for being here today. This has been in  
18 place now-- we have statistics for five months now?  
19 I read that right?

20 CHIEF DELATORRE: That's correct.

21 COUNCIL MEMBER GRODENCHIK: Just very  
22 broadly, what's-- if you had a magic wand to do more  
23 of, what would you being do more of, and maybe,  
24 what's not working so well?

1                   CHIEF DELATORRE: Okay, so there's a  
2  
3 couple of things. I think like I said, we're  
4 improving on different ends. One is if I could have  
5 delayed/rescheduled the low-level warrants yesterday,  
6 I would have. There were hours of concern in getting  
7 this done, and that's probably the next big goal I  
8 have is to-- we have collectively to get this low-  
9 level SAP warrants rescheduled so that the person  
10 who's standing there saying, "Yes, I want help," can  
11 be taken directly to help, not have to go to court  
12 and answer a SAP warrant and potentially wind up back  
13 in the system the next day. So, that's the big one  
14 that we're looking for right now. On the other end we  
15 have to continuously look at quality control and see  
16 what we can do better. We're in discussions all the  
17 time with BRC and DHS, as to those who don't engage,  
18 is there anything they can do better on their end,  
19 and that's what we're hoping to get. My goal here is  
20 not to have a single summons sitting out there, to  
21 have every single one expunged and some sort of  
22 outcome attached to the people that we engage and  
23 move them off the process completely, down that exit  
24 ramp if you will, where they can simply get help.

2 COUNCIL MEMBER GRODENCHIK: Commissioner,  
3 anything you want to add to that?

4 FIRST DEPUTY COMMISSIONER PARK: Yes. At  
5 the end of the day, homelessness is a lack of  
6 housing. We have a tremendous need for affordable  
7 housing in this city. I've worked on the housing  
8 side of the equation. I, you know, we continue to  
9 innovate and look for new solutions to that. I'm  
10 particularly excited about the fact that we have new  
11 permanent housing resources in the Journey Home  
12 action plan, but if we're pulling out the magic wand,  
13 it is--

14 COUNCIL MEMBER GRODENCHIK: [interposing]  
15 I don't have one. I want to make that clear, but--

16 FIRST DEPUTY COMMISSIONER PARK:  
17 [interposing] at the end of the day, an affordable  
18 housing problem.

19 COUNCIL MEMBER GRODENCHIK: And Chief,  
20 these SAP warrants, is that something that could be  
21 done administratively? Excuse my ignorance, I just--

22 CHIEF DELATORRE: Unfortunately, no. I've  
23 gone through it with the Manhattan DA and MOCJ they  
24 can only be done by a court or somebody  
25 administratively attached to the court, and

1 currently, there's nobody with that authority who's  
2 working overnight. So we have to work on a solution  
3 to this, and that's what we're trying to get to now.

4  
5 COUNCIL MEMBER GREENFIELD: Okay. Thank  
6 you very much. Thank you, Chairman.

7 CHAIRPERSON RICHARDS: Thank you. Heading  
8 to now Council Member Gibson, Holden, Menchaca.  
9 Gibson, Holden, Menchaca, Gjnoaj.

10 COUNCIL MEMBER GIBSON: Okay, thank you.  
11 Thank you, Chairs. Good afternoon everyone. Thank  
12 you for being here. So, I have a couple of  
13 questions. I'll try to get through them as best I  
14 can. Chair Levin at the beginning of this hearing  
15 asked about some of the different organizations that  
16 we've been working with as we prepared for the roll  
17 out of this, and so he as the Chair was not really a  
18 part of the planning and neither were any of the  
19 other Council Members. So, I guess I generally am  
20 concerned about who we involved and included before  
21 this plan rolled out, understanding that homelessness  
22 on our subways has been an issue that we've been  
23 gripping [sic] with for quite some time. And so if  
24 we are to announce an ambitious plan, we obviously  
25 want to get it right. And so the pilot that was

2 done, is it my understanding that the pilot was done  
3 last summer of 2019, is that correct?

4 CHIEF DELATORRE: Yes, it started in July  
5 of 2019?

6 COUNCIL MEMBER GIBSON: And when did it  
7 end?

8 CHIEF DELATORRE: It went into a full  
9 roll-out by November.

10 COUNCIL MEMBER GIBSON: Okay.

11 CHIEF DELATORRE: And now it's still  
12 continuously rolling out. Rolling out is not simple.  
13 It's a matter of getting officers trained in the  
14 other counties. It's a matter of BRC staffing up to  
15 handle us to be able to come out to the districts and  
16 respond there. And then also in some cases it's a  
17 matter of having BRC having locations within those  
18 boroughs to make it simple and quick. The idea is  
19 they have to get to us in less than an hour to  
20 service their clients.

21 COUNCIL MEMBER GIBSON: Okay. Well, I  
22 guess were the findings of the pilot ever released to  
23 the public? Was there a list of recommendations that  
24 could be shared with the Council? And I guess, the  
25 reason I ask that is during the summer season when

2 the weather is really hot, I wouldn't expect that to  
3 be the best time to do an analysis of homeless  
4 individuals sleeping on the subway. That's just my  
5 logic, and so that's why I ask the timeframe and what  
6 were the results of that pilot that led to this  
7 ultimate announcement of this plan.

8 CHIEF DELATORRE: Okay, so the pilot-- I  
9 go back again to HOPE on Staten Island. The pilot  
10 was proving to help people, and rather than delay  
11 helping more people, the decision was made to move on  
12 it, collectively BRC, DHS, and other people that were  
13 involved, the District Attorney's Office as well. We  
14 all saw value to it. You know, if you can help one  
15 person by getting somewhere. So, we saw value to it.  
16 People were getting help. I told you about earlier  
17 about oen fellow who actually came back the following  
18 day and thanked us, and come January he's still  
19 residing in a Safe Haven. So, the idea was that to  
20 delay it would delay helping more people, and if we  
21 could move forward with it, it was a common sense  
22 approach to say there are people here getting caught  
23 up in the system for no good reason who can have a  
24 better outcome. Let's get them the summons, the  
25 civil summons that they can have expunged, and let's

1 get them that outcome. Not 100 percent, but like I  
2 say, my goal is to get 100 percent involved.

3  
4 COUNCIL MEMBER GIBSON: Okay.

5 CHIEF DELATORRE: You know, to get 100  
6 percent expunged.

7 COUNCIL MEMBER GIBSON: Okay. I  
8 understand, and I think because someone asked the  
9 question, and I guess I just don't agree with the  
10 idea of giving individuals summons with the  
11 expectation that they're going to pay the summons and  
12 have the ability to pay a summonses or respond to it  
13 at al. And I guess when you think about homeless New  
14 Yorkers, single adults that are living on the subway  
15 and living in our streets. There are underlying  
16 reasons of why they are homeless to begin with. And  
17 in order for a plan to be effective, it has to be  
18 comprehensive in recognizing what those underlying  
19 route causes are, unstable housing, insufficient  
20 housing, current shelter conditions today for single  
21 adults that are not satisfactory to any of us, lack  
22 of supportive housing which we do not have enough of,  
23 not enough Safe Havens which we are now starting to  
24 address, but also the mental health and therapeutic  
25 services and social workers, and trauma-informed

1 care. Being homeless is a traumatic experience, and  
2 what I don't understand is in this plan where is all  
3 of the healthcare services? Where is the Department  
4 of Health and Mental Hygiene in this conversation?  
5 So, what I would like to see just as we rolled out  
6 ThriveNYC several years ago and it was a major  
7 priority, it was through the lens of healthcare  
8 perspective, not law enforcement. That is the  
9 challenge. In order for this to work, we don't  
10 always want to see uniformed officers, but we need to  
11 see clinicians and social workers that are meeting  
12 clients where they are. So what I'd like to  
13 understand since we've not been involved in the roll-  
14 out of this plan, what is the interagency  
15 coordination? Department of Health, Deputy  
16 Commissioner, you talked about lack of housing.  
17 Where is HPD in this conversation? Where are the  
18 agencies that are tasked with the responsibility of  
19 bringing together this plan so that every agency is  
20 doing their part? This should not be led by the  
21 NYPD, but just based on this hearing it appears that  
22 it is, and so that is a problem for me, because I  
23 want to is to have a holistic perspective. This City  
24 Council has worked very closely with the NYPD and we  
25

1 will continue to do so, but if you think about the  
2 work we've done in Cure Violence, the New York City  
3 Crisis Management System is led by DOHMH, not by  
4 NYPD, because we believe that a holistic approach to  
5 gun violence gets to the root causes of why young  
6 people are involved in violence in the first place.  
7 So, I don't see that in this plan. I don't see the  
8 healthcare lens that I believe we should be focused  
9 on, and I would love someone to help me understand  
10 how we get there.

12 FIRST DEPUTY COMMISSIONER PARK: There  
13 were a lot of really important things in there. Let  
14 me jump in and try and address them. I want to start,  
15 actually, though, with the shelters. We are--

16 COUNCIL MEMBER GIBSON: [interposing]  
17 Shelter conditions?

18 FIRST DEPUTY COMMISSIONER PARK: Shelters  
19 availability overall. As you know, we are in the  
20 middle of the Turning the Tide plan. We are working  
21 very hard to site and open new shelters that meet the  
22 standards that we all want to see. To be very frank,  
23 siting the single adult shelters has been  
24 challenging, and I really welcome the opportunity to  
25 work with everybody to show the compassion that is

1 very evident here to make sure that that is following  
2 through when we're talking about siting shelters,  
3 because I think it is really important that we are  
4 building high quality new facilities that meet the  
5 needs of single adults in our system. With respect  
6 to collaboration with the Department of Health,  
7 absolutely, that is incredibly important. There are  
8 currently 10 shelter-based ACT teams which are--  
9 provide mental health to clients living in the  
10 shelter system, that is being expanded for-- sorry,  
11 mental health services for people living in the  
12 shelter system that's being expanded as a resulted of  
13 the 30-day review that happened in the fall. We  
14 collaborate closely on making sure that there is a  
15 pathway to referrals for people in the DHS system to  
16 connect to healthcare resources. There are social  
17 workers in all of our family shelters and many of our  
18 adult shelters as well. That came out of Thrive. It  
19 is something that we continue-- meet on regularly  
20 with the Department of Health and on this larger  
21 effort there are regular-- and by regular I mean  
22 essentially weekly interagency meetings to make sure  
23 that we are getting the perspectives of all of the  
24  
25

1 different agencies that touches incredibly  
2 complicated issue.

3  
4 COUNCIL MEMBER GIBSON: Okay. So, the  
5 only thing that I would add to that in terms of I  
6 know BRC has a contract with the City to provide  
7 services, and as that contract is currently up for  
8 renewal, it would be my hope that the Administration  
9 would look at all of the other advocacy groups on the  
10 ground that are doing this work every single day. In  
11 my district of the Bronx, 170 is right outside my  
12 office on the four train. I have not been engaged by  
13 BRC. They have not contacted my office. When I have  
14 issues in my district with street homelessness, I  
15 call BronxWorks. BronxWorks is in my district and I  
16 have them on speed dial. They know the clients in my  
17 district. I don't know that BRC does, because I just  
18 never see them, and so my question is, how are we  
19 going to engage other organizations that are on the  
20 ground like Coalition for the Homeless? The Bronx  
21 delegation supports Coalition for the Homeless. We  
22 have a mobile van every night that starts in Hunt's  
23 Point and goes throughout the Bronx and feeds street  
24 homeless individuals. I don't see anyone else doing  
25 that, and these are the types of things that are

1 happening on the ground, but in order for you to  
2 recognize that, they need to be given access to these  
3 contracts, not one multi-million-dollar contract to  
4 one organization that has to serve a large population  
5 but look at other organizations that are already on  
6 the ground doing this work and give them an  
7 opportunity. We don't even know if they've been  
8 engaged in this process, but they're the ones that  
9 work with the clients every single day and understand  
10 their needs.  
11

12 FIRST DEPUTY COMMISSIONER PARK: So, just  
13 to clarify, BRC is the contracted agency working in  
14 the subways, but we have contracts with--

15 COUNCIL MEMBER GIBSON: [interposing] Yes,  
16 I understand that.

17 FIRST DEPUTY COMMISSIONER PARK:  
18 different organizations including BronxWorks for  
19 above ground outreach. So we absolutely-- BronxWorks  
20 is a valued partner of ours, as are a number of other  
21 different not-for-profit organizations. They're  
22 absolutely part of the conversations around expanding  
23 the healthcare initiatives, about the new Safe  
24 Havens, about the permanent housing. So, we value  
25

2 our nonprofit partners, not just BRC, but all of them  
3 very much.

4 COUNCIL MEMBER GIBSON: Okay, thank you.  
5 Thank you, Chairs.

6 CHAIRPERSON RICHARDS: Good point.  
7 Council Member Holden, followed by Holden, Menchaca,  
8 Gonad.

9 COUNCIL MEMBER HOLDEN: Thank you. Thank  
10 you, Chair. Chief, I want to just get an exact  
11 number if you can, as close as you can, because you  
12 said roughly two-thirds of our officers, transit  
13 officers, went through the crisis intervention  
14 training. Is there a number that you could give me  
15 rather than just two-thirds?

16 CHIEF DELATORRE: No, I don't have the  
17 number right now. I'd have to get that.

18 COUNCIL MEMBER HOLDEN: Alright, because  
19 that's important. I mean, I think by now all should  
20 have been-- have gone through that training. It's a  
21 four-day training, because there's one-third out  
22 there that haven't had any training whatsoever,  
23 right?

24

25

1  
2 CHIEF DELATORRE: Well, they get other  
3 training. That's not the only training, but  
4 certainly that's a very valued training.

5 COUNCIL MEMBER HOLDEN: Right.

6 CHIEF DELATORRE: But there's turnover.  
7 There's officers coming and going. There's new  
8 officers being hired. So we always have those other  
9 caveats that can complicate being at 100 percent, but  
10 of course, we'd all love to be at 100 percent.

11 COUNCIL MEMBER HOLDEN: So, what happens  
12 if you have individual on the subways that keeps  
13 coming into your-- the contact with officers. That  
14 means, seven, eight times some random attacks here  
15 and there, but so what happens? What do you do with  
16 that individual? Let's say six or seven cases where  
17 this individual has been, you know, either breaking  
18 the law or causing disturbances.

19 CHIEF DELATORRE: Well, we actually  
20 recognize that we have to make contacts with people a  
21 lot more than that quite frankly, and we do. The idea  
22 is that the officers handle it with compassion and  
23 that they call out for the proper resources to deal  
24 with it. So, in a case where there's a mental  
25 illness, then the officers-- we might seek out a

1 clinician team to come out, but we'll also talk to  
2 BRC. They are trained in this type of stuff, and  
3 that's why they're there. But they would have to,  
4 you know, seek out the proper resources to address  
5 it.  
6

7 COUNCIL MEMBER HOLDEN: But-- so you-- I  
8 want to bring up Kendra's Law. You know about  
9 Kendra's Law. How many times was that recommended? I  
10 mean, the police can say this person, individual,  
11 seems to be mentally ill based on their training, and  
12 if they just give it over to BRC, how do we know that  
13 they're following up? Because Kendra's Law is very,  
14 very important where you could actually get that  
15 person medication. They'd have to go to a doctor.  
16 If they don't, they could get committed if they're  
17 not following through, because we see the same person  
18 coming in an doubt of the system, and it's just the  
19 revolving door. The person, you know,-- you're  
20 picking them up. They're going in, but we're not  
21 sure. You know, are they getting the necessary help?

22 FIRST DEPUTY COMMISSIONER PARK: Kendra's  
23 Law is a court-ordered required treatment that is  
24 applicable in a fairly narrow slice of cases. Right?  
25 Somebody who is in and out of shelter, in and out of

2 the subway system, that is somebody who we want to  
3 approach with compassion, approach with repeated  
4 authors of services, try and identify different kinds  
5 of services that we can offer whether we can connect  
6 an individual to a safe haven, whether there's  
7 healthcare treatment that--

8 COUNCIL MEMBER HOLDEN: [interposing] No,  
9 but that wasn't my question.

10 FIRST DEPUTY COMMISSIONER PARK: Right, I  
11 guess--

12 COUNCIL MEMBER HOLDEN: [interposing] No,  
13 I'm asking if somebody's causing continued, six or  
14 seven times, continued random attacks, disturbances,  
15 what-- when do you invoke Kendra's Law?

16 FIRST DEPUTY COMMISSIONER PARK: Well,  
17 first of all, it's not within our power to just  
18 invoke Kendra's Law, but I don't--

19 COUNCIL MEMBER HOLDEN: [interposing] You  
20 can petition.

21 FIRST DEPUTY COMMISSIONER PARK: I don't  
22 have any instances where we have six or seven random  
23 attacks, right? I think what we see most often and as  
24 has been discussed many times, it does take many and  
25 sometimes dozens or hundreds of points of contacts

1 before somebody is ready to come inside, but that is-  
2 - that's what's typical and not something where we're  
3 talking about repeated instances of violence.  
4

5 COUNCIL MEMBER HOLDEN: We've had a lot  
6 of that in the subways where people are just falling  
7 through the cracks. Until something drastic happens,  
8 somebody gets killed, is when everybody takes notice.  
9 We need a red flag, and that's what I thought  
10 ThriveNYC would do is to red flag people with mental  
11 illness, serious mental illness whether they're in  
12 the subways or not, but that we put a-- you know, we  
13 give them the necessary help they need rather than  
14 out there continuing to do some random attacks that  
15 we've seen, but let me just go to BRC for a second.  
16 You're aware of the New York State Comptroller's Tom  
17 DiNapoli's report that he found that DHAS had done  
18 little oversight of its homeless outreach contract  
19 with BRC. In fact, the homeless outreach in the  
20 subway has been so shoddy that with so little  
21 oversight from DHS and MTA that it should be no  
22 surprise that the homeless population in the subways  
23 has grown. DHS, meanwhile, shadowed BRC staff on  
24 just six occasions in all of 2018 and could not  
25 provide investigators with 14 months of borough by

2 borough reports on the contractor's work. So, and  
3 they were-- they didn't show up when they were  
4 supposed to. They were in the office. So, your  
5 reaction to the Comptroller's report should have been  
6 what? I mean, do you-- are you shadowing them more  
7 in 2019?

8 FIRST DEPUTY COMMISSIONER PARK: So, we  
9 have a Corrective Action Plan that's been in place  
10 since August of 2019 that addresses both Bork's  
11 requirements and also changes DHS' oversight of BRC.  
12 I do, though, however, want to challenge, and this is  
13 included in our response to the audit, this metric of  
14 success that the Comptroller makes-- focuses on. The  
15 number of people experiencing street homelessness is  
16 a function of a range of very macro-forces, right?  
17 The growing income inequality for across the country  
18 upstate, de-institutionalization, the loss of rent  
19 stabilized housing units in the City of New York, I  
20 could go on and on, but I think you get the idea.  
21 These are all forces that are much larger than any  
22 one nonprofit organization can realistically  
23 influence. So we have changed the contract and we  
24 are no longer using the size of the census on the  
25 street as a metric for judging BRC. We are looking--

1 or any of our other outreach providers for that  
2 matter. We are looking at the number of placements  
3 that they've made, how successful those placements  
4 are, and interim output measurements like frequency  
5 of engagement and size of the caseload, but not  
6 whether or not they can absolutely reduce the number  
7 of people experiencing street homelessness.  
8

9 COUNCIL MEMBER HOLDEN: Well, again, if  
10 DHS is not providing the oversight in this contact  
11 and not really doing their job overseeing BRC, and  
12 not over-- and actually, many feel that they're not  
13 overseeing the conditions of the shelter, and we've  
14 seen-- we heard-- we had people sitting here who said  
15 the food was awful. They don't let people, the  
16 homeless, bring their food into the shelters.  
17 There's a line to get something microwaved, a frozen  
18 dinner, everything that we've seen from DHS has, you  
19 know,-- of course you're saying everything's  
20 improving, here's our new program, here's another  
21 program that'll be better, and then each time we see  
22 things are not better.

23 FIRST DEPUTY COMMISSIONER PARK: I'd like  
24 to challenge some of what you just said there. I  
25 think, first of all, there is a significant security

1 presence at the shelters that is coordinated very  
2 closely with the NYPD that we have instituted Peace  
3 Officers. With respect to food, there was an  
4 incident around food. Yes, people are not allowed to  
5 bring food into single adult shelters because people  
6 are sharing spaces, and we need to make sure that  
7 spaces are clean and vermin free and that we aren't  
8 exposing people to allergens. So, there's a variety  
9 of things going on. I think the-- overall, we provide  
10 safe, secure, stable shelter for close to 60,000  
11 people a night. We continue to-- always are striving  
12 to improve, but the conditions in the shelter for the  
13 vast majority of people, it's a system that provides  
14 a critical safety net, and honestly when I look at  
15 reporting around incidents, our shelter clients are  
16 as much likely to be victims of violence reflected  
17 towards them as essentially hate towards low-income  
18 people as they are to be victims within the system.

20 COUNCIL MEMBER HOLDEN: Again, we're at a  
21 situation where what you're saying doesn't really  
22 coincide with what we're hearing from panelists and  
23 advocates that go into the shelter, that's why we  
24 have so many people homeless in the subways who don't  
25 want to go into the shelters. So, you know, we can

2 disagree but when we hear from the advocates who are  
3 saying I've not had fresh food in an entire year  
4 because I just got home-- I got-- in a homeless  
5 shelter I just had a frozen dinner that I have to  
6 wait on line for a microwave. So we're hearing that,  
7 but you're saying that everything is great and these  
8 are safe shelters and wonderful shelters, but it's  
9 not quite that way, and somebody needs to look at the  
10 entire picture here, and BRC is just one example of  
11 the lack of oversight but we also see it in many  
12 other areas in DHS. Thank you.

13 CHAIRPERSON RICHARDS: Thank you.

14 Menchaca, Gjonaj, Treyger.

15 COUNCIL MEMBER MENCHACA: Thank you to  
16 the Chairs and thank you for this panel for being  
17 here today. I want to start with the Chief, and  
18 earlier I heard you say something about the summons  
19 and I kind of want to just get a better sense of the  
20 summons work that's happening, and that I just want  
21 to clarify that you said that the goal here is to not  
22 have any summons in this program and working with the  
23 DAs to ensure that summons are removed. Is that--  
24 did I hear that correctly?

25

1  
2 CHIEF DELATORRE: Yeah, it's not actually  
3 DAs, it's the expunging of the summons rests solely  
4 with the NYPD and BRC at this point. So, BRC removes  
5 the summons from the client and gives the client a  
6 letter letting them know that the summons no longer  
7 exists for them. It's no longer a burden to them,  
8 and that summons is then returned to the NYPD. We  
9 have an agreement with the Transit Adjudications  
10 Bureau. That's the court under the MTA that  
11 adjudicates the summonses, and we have an agreement  
12 with them that we will then expunge those summonses.

13 COUNCIL MEMBER MENCHACA: So it's a two-  
14 step process, and this is a-- what kind of-- is it--  
15 what kind of summons is this? Is this a civil?

16 CHIEF DELATORRE: It's called a TAB.  
17 It's from the Transit Adjudications Bureau. It's a  
18 civil summons.

19 COUNCIL MEMBER MENCHACA: A civil  
20 summons. But BRC first then the NYPD.

21 CHIEF DELATORRE: Well, BRC has to  
22 establish the engagement and then it comes back to  
23 us, and then we can expunge it.

24

25

2 COUNCIL MEMBER MENCHACA: Okay, but back  
3 to the goal. Then essentially you want-- I just want  
4 to--

5 CHIEF DELATORRE: [interposing] I want to  
6 be able to expunge every single summons. That's our  
7 goal.

8 COUNCIL MEMBER MENCHACA: Okay.

9 CHIEF DELATORRE: And find ways to get  
10 there.

11 COUNCIL MEMBER MENCHACA: Okay. Okay.  
12 So then my-- then my next question is, why issue them  
13 in the first place?

14 CHIEF DELATORRE: Because the reason  
15 they're issued is that there is a violation, and we  
16 don't know whether a person has an address or no  
17 address.

18 COUNCIL MEMBER MENCHACA: What is that  
19 violation?

20 CHIEF DELATORRE: What's that?

21 COUNCIL MEMBER MENCHACA: What is that  
22 violation?

23 CHIEF DELATORRE: What do you mean--  
24 what?

1  
2 COUNCIL MEMBER MENCHACA: What is the  
3 violation that you're issuing?

4 CHIEF DELATORRE: Any violation in the  
5 Transit rules and regs that would warrant a summons.  
6 Now, in order to address this behavior, you know, we  
7 have to now speak to the person, establish that they  
8 have an address, then we can write a summons. Now,  
9 what happens with the average person that gets a  
10 summons, and we probably write 70 or 80,000 summonses  
11 a year in Transit.

12 COUNCIL MEMBER MENCHACA: In this-- in  
13 Transit, okay.

14 CHIEF DELATORRE: what happens with the  
15 person who gets a summons, who normally get a summons  
16 who has an address is they get a summons. But here,  
17 what we do is we've created an off-ramp for somebody  
18 who does not have an address to actually have an  
19 opportunity to have that summons expunged.

20 COUNCIL MEMBER MENCHACA: I just feel  
21 like that's a circular argument that I want to  
22 address in the next question to the Commissioner, and  
23 really, I'm thinking there's a-- there's a feeling  
24 that NYPD involved in this whole process in this  
25 whole initiative is actually a detriment to the whole

2 project, and I get the real sentiment from the work  
3 that you're doing at DHS and really trying to solve  
4 the issue and connect-- and connecting people to  
5 services, but a person with a hammer is going to see  
6 everything as a nail, and what, Commissioner, is  
7 preventing the City, the Mayor, the Administration to  
8 remove NYPD from this program completely?

9           FIRST DEPUTY COMMISSIONER PARK: The  
10 diversion initiative is one piece of our overall  
11 outreach strategy, and I think it's really important  
12 to contextualize it that way, right? So we are at  
13 end-of-line stations. We are in rush hour stations.  
14 We are at stations that have been identified as  
15 having a particularly high concentration of people  
16 experiencing homelessness. There's certainly overlap  
17 between those three places, and we're also  
18 collaborating with the NYPD on diversion, and the  
19 thinking here, right, is really that as my colleagues  
20 have said, this is an off-ramp. Right? There is a  
21 moment that is going-- that has the potential to be a  
22 criminal justice inflection point. There is an off-  
23 ramp, and we want to be there at the end of that off-  
24 ram so to speak. It is-- it may be the right moment  
25 for some people. It's certainly not going to be the

1 right moment for everybody, and but I think because  
2 this is part of an overall continuum of services and  
3 spectrum of outreach that we can provide, it is  
4 appropriate that we are collaborating so that the--  
5 as the NYPD is enforcing the Transit rules, because  
6 enforcing the Transit rules is the job of the NYPD,  
7 that we can take advantage of this moment where  
8 people are given an alternative, and I think it's a  
9 very valuable inflection point.  
10

11 COUNCIL MEMBER MENCHACA: Well, and I  
12 think you're seeing the tension point here, that the  
13 unfortunate nature of involving NYPD in this  
14 diversion program and you being really at the end of  
15 this off-ramp and not at the beginning and really  
16 removing NYPD is causing the criminalization of people  
17 who we're all trying to help. And I get that there's  
18 a lot more work that needs to happen but I think  
19 there's a real opportunity here to remove an element  
20 here that is actually causing more harm to that  
21 continuum of service and may have actually prevented  
22 some this opportunity that you're seeking.

23 FIRST DEPUTY COMMISSIONER PARK: So,  
24 there are three eligibility criteria, for lack of a  
25 better description, for the diversion program. The

1 first one is a violation of transit laws, right?

2 Second one is not having an address, and the third  
3 one is not having warrants.  
4

5 COUNCIL MEMBER MENCHACA: And all of  
6 them have to be--

7 FIRST DEPUTY COMMISSIONER PARK: It's an  
8 and.

9 COUNCIL MEMBER MENCHACA: And.

10 FIRST DEPUTY COMMISSIONER PARK: And,  
11 right? So, I think-- but I do want to come back to  
12 that first point. The universe is people who have  
13 violated a set of transit rules where there is an  
14 enforcement helmet there. If the only way that one  
15 could access services in the subway was starting with  
16 that violation of transit rules at an enforcement  
17 moment, I would think we would have a real problem.  
18 But that is not the case. Right? We have a broad  
19 spectrum of outreach opportunities. We are trying to  
20 connect with people separate and apart from anything  
21 related to enforcement as much as we probably can,  
22 and I think it's-- but when that enforcement moment  
23 is occurring because of a violation of rules, we want  
24 to be a part of that as well, so that we can  
25 hopefully connect people to services.

1  
2 CHIEF DELATORRE: Yeah, and just if I  
3 might, it's our job. We have to enforce the rules  
4 and we have to seek out criminality of exists. This  
5 is not what we're talking about here. This is just  
6 the opposite of what I just heard you say. We are not  
7 looking to criminalize anybody. We're looking to  
8 create an off-ramp for people how are getting caught  
9 up in police matters within the system, and I don't  
10 see the value in anybody at the end of the day,  
11 winding, getting caught up in the criminal justice  
12 system because they violated a rule. I do see value  
13 in giving them an opportunity and an introduction to  
14 services and resources. Now, those resources and  
15 services, I believe in getting better. Again,  
16 they're not under my jurisdiction, but from my end  
17 the best I can do for somebody who needs help is  
18 connect them with help, and that's exactly what we're  
19 trying to do here.

20 COUNCIL MEMBER MENCHACA: Yeah, again,  
21 the-- I think there's some fundamental differences in  
22 the approaches here and that NYPD is at all involved  
23 in the continuum and the access of services is the  
24 problem here. And I just-- I want to just offer an  
25 opportunity to talk about how we exit ramp you all

1 from this process, and really create another way for  
2 New Yorker who are homeless, and there's a beautiful,  
3 I think, approach from the city right now to really  
4 include a connection to those New Yorkers, and I  
5 think that the third piece the immigrant community  
6 who are in real danger in connecting with NYPD which  
7 is ultimately my point here, is that there are some  
8 New Yorkers that are not going to welcome this kind  
9 of-- and because of their status, this kind of  
10 interaction. And so have you all thought about that,  
11 in terms of immigrants who are going to be part of  
12 this summons process and potentially engaging in a  
13 situation where they're going to be more at risk?

15           FIRST DEPUTY COMMISSIONER PARK: If I  
16 could just jump in and provide a little bit of  
17 context here before getting to the immigration  
18 question. We have about 150 contracted outreach  
19 workers across both the streets and the subway. The  
20 number of -- so that's-- it's not all BRC, just to be  
21 clear. That includes a number of other nonprofit  
22 organizations. The number of outreach workers who  
23 are tied to the diversion program, it's something  
24 like 40 or 50. I have to double-check the exact  
25 number, but it is a fairly small share of the overall

1 outreach initiative. So, it is-- I think we agree  
2 that if the only pathway to connect to services was  
3 something that where NYPD was a gatekeeper, that  
4 there would be a real challenge, but I think what we  
5 are trying to do is offer a very broad array of  
6 services. A lot of moments when people can connect  
7 to whether it's shelter or other safe havens, other  
8 kinds of services, and in the moment where there is  
9 going to be an enforcement action happening, that  
10 that could be-- there is an alternative pathway that  
11 can also be outreach-related. So, I do think it's  
12 critically important to acknowledge that this is a  
13 relatively small piece in a large spectrum of  
14 services.  
15

16 COUNCIL MEMBER MENCHACA: So, again, what  
17 prevents you from moving that, if it's a small piece,  
18 at all from the program?

19 FIRST DEPUTY COMMISSIONER PARK: Because  
20 I think the-- there is an enforcement moment that's  
21 happening, right? So, I think if you-- if you  
22 acknowledge that there needs to be some degree of  
23 enforcement of subway rules. And then there is a  
24 moment where that is happening, and I think helping  
25 people to connect to that services had some value.

2 COUNCIL MEMBER MENCHACA: Yeah.

3 CHIEF DELATORRE: I agree.

4 COUNCIL MEMBER MENCHACA: Okay, I think--

5 CHIEF DELATORRE: [interposing] And then  
6 just if I can--

7 COUNCIL MEMBER MENCHACA: I made my  
8 point.

9 CHIEF DELATORRE: You know, we do have an  
10 obligation to our six million riders a day to address  
11 conditions in the system, and I'm talking about  
12 violations of rules, not people, rules. Now, if those  
13 violations of rules that we're addressing, and we  
14 come across them and somebody has no address, it's  
15 only humane to give that person an opportunity to  
16 step out of the system.

17 COUNCIL MEMBER MENCHACA: But you're also  
18 giving them a summons, and this is the whole point is  
19 that--

20 CHIEF DELATORRE: [interposing] A summons  
21 that can be expunged.

22 COUNCIL MEMBER MENCHACA: And you  
23 testified--

24 CHIEF DELATORRE: [interposing] Very--

25

1  
2 COUNCIL MEMBER MENCHACA: and you  
3 testified to the point that you're having difficulty  
4 removing those summons, and you're going to have to  
5 do more work to remove those summons.it just-- I  
6 think there's a fundamental difference in how you're  
7 shaping your work, and the humanity that you're  
8 trying to express here is just failing to make me  
9 convinced that this is a good idea. And so we're  
10 going to have to keep working together to make this  
11 work, and my idea, I'll own it, is to remove the NYPD  
12 from this somehow and figure out another way to  
13 access-- for those New Yorkers to access the  
14 services.

15 CHIEF DELATORRE: Yeah.

16 [applause]

17 COUNCIL MEMBER MENCHACA: Thank you. I  
18 think we're done.

19 CHAIRPERSON LEVIN: Before I call on  
20 Council Member Gjonaj, I just have a couple of quick  
21 questions here. What's the budget of this  
22 initiative? Is there a clearly defined budget? I  
23 realize that there's probably some crossover with  
24 other programs, but--

25

2 FIRST DEPUTY COMMISSIONER PARK: We're  
3 still working with OMB to line up the exact numbers.

4 CHAIRPERSON LEVIN: Okay, but it's an-- I  
5 mean, it's up and running. It's an FY20 expenditure,  
6 so we should probably know, obviously now that we're  
7 in the back half of FY20.

8 FIRST DEPUTY COMMISSIONER PARK: We're  
9 working through the budget documents, and we will.

10 CHAIRPERSON LEVIN: Okay, we should have  
11 that obviously soon.

12 FIRST DEPUTY COMMISSIONER PARK: Agreed.

13 CHAIRPERSON LEVIN: And then, do we have  
14 a comparison, a side-by-side comparison of the number  
15 of people that received summonses that were-- that  
16 did not have a fixed address for outstretch violation  
17 in the months of September to November of 18, 2018,  
18 in a side-by-side comparison to those months in 2019?

19 CHIEF DELATORRE: No, we do not.

20 CHAIRPERSON LEVIN: can we get that?

21 CHIEF DELATORRE: WE can try. One of the  
22 problems is that now we're actually reaching out to  
23 BRC on these engagements to confirm address, and what  
24 we found is we were able to confirm addresses for  
25 many people who may have even themselves thought un-

1 domiciled but weren't-- because if they had stayed in  
2 a shelter during a certain period of time, they were  
3 then qualified, you know, to have an address and not  
4 qualified for the actual diversion. So we can try,  
5 but I can't say that--

7 CHAIRPERSON LEVIN: [interposing] I--

8 CHIEF DELATORRE: the numbers are accurate  
9 because we weren't drilling down on this a year ago.

10 CHAIRPERSON LEVIN: Or if we can get the  
11 numbers of individuals that got a violation for  
12 outstretch--

13 CHIEF DELATORRE: [interposing] Yes.

14 CHAIRPERSON LEVIN: in general in those  
15 months compared to those that had the violation  
16 written, because I just want to be clear that we have  
17 the 1,200 people that got the violation written, and  
18 477 that then got that violation expunged.

19 CHIEF DELATORRE: Expunged, yes.

20 CHAIRPERSON LEVIN: But so the remain--  
21 so, it's the-- kind of the overall picture is the  
22 number of summonses that were written, inclusive of  
23 the ones that were already expunged. If we could get  
24 that kind of in a side by side month comparison 2018  
25 19, that'd be great. Council Member Gjonaj?

CHAIRPERSON GJONAJ: Thank you, Chair.

It's evident we're dealing with some incredible homeless numbers, mental health crisis numbers.

Commissioner, I just go back. I'm taken back by a statement that you made that we should not be using the metrics of the number of homeless people, but we should focus on the number that we're actually finding shelter for. I don't know how we can have a metric without looking at both sides of the equation. So yes, 2,400 people are placed in shelters, homeless people. Without looking at the actual number of remaining homeless people in the transit system above ground, below ground, anywhere on the ground.

FIRST DEPUTY COMMISSIONER PARK: So, if I could just clarify my statement for the record. So, first of all, 2,450 people placed from the streets into a combination of transitional and permanent housing, going back to the start of HomeStat. When I say it's not reasonable to hold BRC accountable for the size of the number, it doesn't mean we don't need to know the number. Actually, we-- next Monday night is the annual HOPE survey. We could still use some volunteers. We would love people to help us where we go out every year and we develop exactly that metric

1 for the number of people who are living unsheltered  
2 at any given time. So, it is incredibly important to  
3 know. But to expect that the acts of one nonprofit  
4 organization can counterbalance the macroeconomic  
5 forces that are driving that number. That's where we  
6 feel like it wasn't a reasonable metric.

8 COUNCIL MEMBER GJONAJ: I'm sorry, go  
9 back to that. If not BRC, then DHS, and if not DHS,  
10 whomever, but someone should be held accountable.  
11 We're throwing a ton of money at problem, and perhaps  
12 there's not a way to gauge the effect of what we're  
13 doing then, the percentage that is not being sought  
14 after begetting them off the streets. That's how we  
15 measure success, and if ever year, the percent is  
16 going down and more people are being placed into  
17 transit or temporary or permanent housing. That's  
18 how we can measure success, by no other standard.

19 FIRST DEPUTY COMMISSIONER PARK:

20 Absolutely agree that the number of people placed in  
21 permanent housing is the gold standard metric, and  
22 that's what we look at very carefully. I think we as  
23 a society absolutely need to be looking at the number  
24 of people who are on the street. My point was as we  
25 can't hold BRC individually accountable for that.

1                   COUNCIL MEMBER GJONAJ: We'll continue  
2  
3 that. I think - you have to hold them accountable  
4 because that's the responsibility they've been tasked  
5 for, to get people-- to get homeless people out of  
6 the subways and into a shelter--

7                   FIRST DEPUTY COMMISSIONER PARK: and we do  
8 hold them re--

9                   COUNCIL MEMBER GJONAJ: [interposing] so,  
10 we're going to say we hold. We going to congratulate  
11 you and give you pint of vodka because you were able  
12 to get 2,450 homeless into shelters, but we're not  
13 going to look at the tens of thousands that are out  
14 there, I think is not reasonable. And I also,  
15 understanding what is happening here. I'm sure anyone  
16 listening to this hearing that hears anyone that's  
17 been homeless for 10 years and has fallen through the  
18 cracks time and time again and requires hundreds of  
19 points of contact, at what point do you say we have a  
20 real problem here? A person is on the streets for 10  
21 years, a decade, that is known-- that is given a  
22 nickname like "Grandma" is a fundamental flaw that  
23 falls on who?

24                   FIRST DEPUTY COMMISSIONER PARK: Well, I  
25 think the action, the Journey Home Action Plan to End

1 Long-term Street Homelessness is exactly that  
2 acknowledgement that we need more strategy than  
3 different strategies to address what is a really  
4 challenging problem. So, we are adding Safe Haven  
5 capacity. We are creating a brand new permanent  
6 housing model. We are adding medical services. We  
7 are adding outreach contacts. So, yes, this is a--

9 COUNCIL MEMBER GJONAJ: [interposing] But  
10 a person that's been approached for 10 years, time  
11 and time again, refusing services, to the point where  
12 we know that fundamentally-- I mean, morally, we have  
13 an obligation here. That person may not know what's  
14 in their best interest and they're a detriment to  
15 their own health, being exposed to the elements, the  
16 cold, the heat, the rain, that is a person that's in  
17 danger. At what point do we say, you know what, we  
18 can no longer worry about that person's rights and  
19 make the argument that they're entitled to rights  
20 when we're entitled to make sure that that person is  
21 protected even from themselves?

22 FIRST DEPUTY COMMISSIONER PARK: So,  
23 there is as component of the state mental health law  
24 that allows for us to require hospitalization when  
25 somebody is in immediate danger to themselves or

2 others. It is a very specific definition, and simply  
3 being street homeless doesn't satisfy that  
4 definition.

5 COUNCIL MEMBER GJONAJ: What is the name  
6 of that law?

7 FIRST DEPUTY COMMISSIONER PARK: It's  
8 Section 958 of the-- 9.58 of the State Mental Hygiene  
9 Law, I believe. If I got that wrong, somebody will  
10 get back to you.

11 COUNCIL MEMBER GJONAJ: How many times  
12 was that law used in all of 2019?

13 FIRST DEPUTY COMMISSIONER PARK: I don't  
14 have that number right in front of me. It is  
15 something that we are collaborating closely with our  
16 healthcare colleagues to make sure that if somebody  
17 is a danger to themselves or others, that we are  
18 getting them hospitalization.

19 COUNCIL MEMBER GJONAJ: Could you take a  
20 stab at it? Because I'm going to guess under 10,  
21 maybe even zero.

22 FIRST DEPUTY COMMISSIONER PARK: No, it  
23 was more than that. In calendar year 18, it was in  
24 the range of about 30 times. I think it is-- that  
25 number is on the uptick, but I don't have it with me.

1  
2 COUNCIL MEMBER GJONAJ: So 30 times in a  
3 calendar year with the homeless population of 2018  
4 was upward of 60,000 anyhow. That's a small  
5 fraction.

6 FIRST DEPUTY COMMISSIONER PARK: So, just  
7 to clarify the record, the vast majority of those  
8 60,000 individuals are sheltered. They are living in  
9 a DHS-financed facility for families. It generally  
10 looks more or less like an apartment. For adults,  
11 single adults it's generally dorm-style living. In  
12 that case, wow, it is certainly possible to be a  
13 danger to oneself or others while living in doors.  
14 Those are not people experiencing street  
15 homelessness. There are people experiencing street  
16 homelessness for whom-- who are a danger to  
17 themselves or others, but sim-- you know, I can  
18 assure you that simply opting to be on the street  
19 does not-- it does not qualify for that standard, and  
20 it is-- I hear where your concern is coming from, but  
21 we are very concerned about making sure that we are  
22 balancing people's civil liberties along with those  
23 health concerns. So, when it is warranted, we do  
24 invoke it.

1  
2 COUNCIL MEMBER GJONAJ: Civil liberties,  
3 great point. At what point do you-- and I'll share  
4 an example with you. I had a homeless couple on  
5 Pellum [sp?] Parkway for quite a period of time  
6 before I got involved, and they were sending  
7 BronxWorks and everyone out there. DHS knew this  
8 couple by name. And I would ask, how are you making  
9 an evaluation as to the medical needs of the  
10 individual, can you please explain it to me? I am  
11 not a physician, but I could see clearly there is  
12 health-- there's underlying health issues here.  
13 Well, the response was we could visually evaluate  
14 them. We can't ask them to stand, move, show, do  
15 anything, but we have to make a visual assessment,  
16 and based on that assessment we have to determine  
17 whether or not there's healthcare needs. Well, let  
18 me explain what happened with this couple. I  
19 intervened, convinced them that I would keep them  
20 together, told them I would drive them to the  
21 hospital myself in my car, assured them that they  
22 would never be split for him to agree. It took us  
23 almost 15 minutes to get this man up off the floor.  
24 He was suffering from diabetes and a slew other  
25 issues. He could not stand on his own. Do

1 understand what would have happened if we would have  
2 prolonged the individual rights, the civil liberties?  
3 We would have had a fatality on our hands, and it  
4 was-- and this is according to the physician that  
5 examined them, they said, "I can't consider this  
6 anything more than life-saving what you've done."

8 FIRST DEPUTY COMMISSIONER PARK: So,  
9 Council Member, I'd be happy to follow up--

10 COUNCIL MEMBER GJONAJ: [interposing] It's  
11 not about follow-up. It's more. It's more than that.  
12 We cannot worry about civil rights when someone  
13 doesn't know they're a detriment to themselves, and  
14 we can't expect NYPD to turn a blind eye to crimes or  
15 rules that are being broken. And by whatever means  
16 we have to be cautious, and I'm not looking for  
17 arrests, and I'm not looking for summonses, but we  
18 have to be mindful that we're all responsible, and  
19 whatever it takes, whether it be using something as  
20 the coffee to engage with them and have them open up,  
21 or push them without worrying about civil liberties  
22 by asking someone to stand. I can't believe that for  
23 months no one asked the man to stand up so they can  
24 perform an evaluation. If they would have asked that  
25 simple task, it would have been determined that this

2 person is in jeopardy of losing his legs because of  
3 diabetes, and would have required immediate  
4 attention.

5 FIRST DEPUTY COMMISSIONER PARK: So, one  
6 of the reasons that we are particularly excited about  
7 expanding the Safe Haven capacity that we have in the  
8 Action Plan is it will allow us to not only meet the  
9 needs of more people, but also meet the needs of  
10 people where they are and where they want to be. So  
11 one of the reasons that we've heard that people are  
12 sometimes reluctant to accept the placements that we  
13 have to offer them, you know, including in Safe  
14 Havens, is that they aren't in the community where  
15 they are used to being. So, by being able to add  
16 capacity and put capacity in more neighborhoods, we  
17 think we'll be able to meet the needs of people. it  
18 is not just what services we have to offer that have  
19 services line up with people's individual needs and  
20 by broadening the array and the variety that we have,  
21 we think we'll be able to do more of that.

22 COUNCIL MEMBER GJONAJ: We've been at it  
23 for a long time. We've thrown a lot of money at it,  
24 and apparently it's not working, and yes, maybe  
25 occasionally we actually service and given someone to

1 take advantage of the programs by interacting. We  
2 caught them on one good day after hundreds of  
3 attempts. I think the writing is on the wall. At  
4 this point, we have to be more aggressive. And when I  
5 mean more aggressive that we jeopardize a person's  
6 civil rights, we have to be more aggressive that it's  
7 evident. A person living 10 years on the street, and  
8 Grandma's not the only example, because you can go to  
9 Pellum Base [sic] Station, you can go to any station,  
10 and you will find people there that are known to the  
11 community for years as being homeless, and not enough  
12 is being done.

14 FIRST DEPUTY COMMISSIONER PARK: For  
15 2,450 people, what we have done has worked. There is  
16 more to do. We are continuing to expand what we're  
17 doing. I'm really proud of the Action Plan commitment  
18 that we have to expand the services that we have.  
19 This is absolutely an urgent problem, but I do think  
20 we are showing-- we have shown the work that we can  
21 do can --

22 COUNCIL MEMBER GJONAJ: [interposing]  
23 Commissioner, if you're looking to get a pat on the  
24 back because you took 2,400 people off the streets  
25 that were homeless and put in temporary housing,

1 you're not going to get one here, not when we got so  
2 many more thousands out there that are in desperate  
3 need.

4 [applause]

5 CHAIRPERSON LEVIN: Council Member  
6 Treyger.

7 COUNCIL MEMBER TREYGER: Thank you. I've  
8 been listening very carefully and I am here today not  
9 just as a Council Member, but as a proud former  
10 public school teacher, and as the Chair of the  
11 Education Committee, where we have to confront the  
12 fact that over 100,000 of our kids are also homeless,  
13 it's a part of the numbers that we're talking about  
14 here today. I also heard a lot today about rules. I  
15 have seen enough to determine that there has been  
16 unequal application of rules in our city and across  
17 our country. There have been government officials  
18 that lied under oath and signed false documents that  
19 they tested for lead in housing, and I don't recall  
20 one of them getting a summons or going to jail. I  
21 want to share with you that in the school system  
22 there are over 700 kids-- 700 schools, forgive me,  
23 that don't have access to a fulltime social worker,  
24 and there was a case where a school in my district, a

1 7-year-old child with an IEP was having a bad day,  
2 and because the school didn't have a fulltime social  
3 worker and counselor, they actually called PD to  
4 respond to the child. I said it at the Education  
5 hearing, I'll say it at this hearing, a 7-year-old  
6 child having a bad day at school was not an NYPD  
7 issue, and a person who is without a home is not an  
8 NYPD issue. I would like to know-- I know that we're  
9 spending quite a bit to try to manage poverty and  
10 manage homelessness. There's a difference between  
11 managing and solving it. How many licensed social  
12 workers on the DHS' payroll?  
13

14 FIRST DEPUTY COMMISSIONER PARK: I'm  
15 going to have to get back to you, and what I would  
16 like to get back to you is the number of social  
17 workers across the system. The vast majority of our  
18 shelters are operated not by DHS staff, but by  
19 contracted not-for-profits. So, I do think the  
20 number of social workers on the DHS staff is going to  
21 be an under-representation of services offered.

22 COUNCIL MEMBER TREYGER: I would be  
23 curious to know how many licensed social workers work  
24 under the DHS payroll, and with regards to nonprofit  
25 organizations, I know them well enough to know that

1 sometimes their director might be a licensed social  
2 worker, but that person is not always on the field,  
3 because they don't have the funds and the resources  
4 to hire a lot of social workers to respond to the  
5 needs of people. I want to share with you to the  
6 Police Department that one of my good friends is a  
7 lieutenant in the Police Department, and I understand  
8 the gravity of your work, but respectfully, officers  
9 I speak with acknowledge that they are not licensed  
10 to respond to the type of crisis they're confronted  
11 with every day. I had to call out the fact that in  
12 the DOE they were spending millions of dollars on  
13 Thrive services that was heavily reliant on  
14 consultants. When a principle called asking for help  
15 and assistance for a child experiencing crisis, they  
16 were told, "No, we can't help you, but we can do a  
17 workshop for your staff three months from now." Why  
18 isn't a licensed social worker funded by the City of  
19 New York a part of the front-end outreach to reach  
20 people and to provide direct services. A cop cannot  
21 do that. I don't-- I have much respect for city  
22 workers, but when I hear these titles, I don't know  
23 who's licensed to do any work. We need to know are  
24 they licensed to provide direct services.  
25

1  
2 FIRST DEPUTY COMMISSIONER PARK: So we'll  
3 say we have licensed social workers in all of our  
4 Families with Children shelters and many of the adult  
5 shelters as well.

6 COUNCIL MEMBER TREYGER: So, the reason  
7 why I'm going to take issue with this is because in  
8 the school system we keep hearing complaints that  
9 there's not enough. And the reason why I wanted to  
10 know the number of social workers is that I wanted to  
11 know the ratio, how many families, how people to  
12 social workers. In the school system it is an  
13 outrageous number. Many of which, again, one-tenth  
14 of our children are homeless, and we have to fight  
15 like hell every year to get more social workers in  
16 the school system. and the social workers we have in  
17 the school system, by the way, end up bring social  
18 workers for those families as well, because you take  
19 on one case, you take on a family case. And I hear  
20 from them, respectfully, and they say they can't  
21 handle this alone. So, I just say respectfully to  
22 the Police Department, we appreciate the gravity of  
23 your work, but I believe that you know in your hearts  
24 that this is not a police matter internally. And to  
25 our city officials, we're spending, I think, billions

1 of dollars to tackle this issue. We need to solve  
2 this issue. I'm going to share with you that when I  
3 spoke to someone that was lying on the street across  
4 the street from Nathan's in Coney Island, and I  
5 offered help and assistance, the individual shared  
6 with me that she was almost stabbed at a shelter, and  
7 she said to me, "Councilman, I'd rather lay on the  
8 street than go back." That image and those words  
9 will never leave me. I wanted to help her. I called  
10 all 311, all the services to try to help her, she did  
11 not want to go back because she was afraid, and we  
12 have to understand that. And so we spend all this  
13 money on services, how are we ensuring that there's  
14 quality? How are we ensuring that folks are, in  
15 fact, safe and folks are, in fact, nourished? The  
16 last thing I'll say, I turn back to the Chairs, is  
17 that I discovered through a PTA member in my district  
18 that one of our hotels was also housing homeless  
19 families. I didn't issue any press release. I  
20 didn't do anything to hurt that because these are our  
21 families, these are our kids, but do you know what  
22 the PTA member complained about? That the child  
23 coming out of the hotel was coming to school hungry  
24 every day. So I paid a visit to the hotel, wanted to  
25

2 see what kind of food they were giving. I saw little  
3 just tiny packages of juice, tiny packages of  
4 crackers. These are human beings. We're spending  
5 billions of dollars and they're getting small  
6 biscuits? So, I hear, I hear people, and we speak to  
7 people, and I want to solve this issue and not just  
8 manage this issue. And respectfully, to the Police  
9 Department, we appreciate you; this should not be  
10 your work. But we have to figure out a way to get  
11 people the help which they deserve through licensed  
12 personnel and the housing and dignity which they  
13 deserve, which is the long-term answer and solution--  
14 with supportive services. Thank you to the Chairs  
15 for their time.

16 CHAIRPERSON LEVIN: Thank you, Council  
17 Member Treyger. Commissioner Park, I just want to  
18 allow you to correct the record for a moment there.  
19 When you said all family shelters-- family with  
20 children shelters have social workers, you're  
21 referring just to Tier II shelters, correct?

22 FIRST DEPUTY COMMISSIONER PARK: Just to  
23 shelters.

24 CHAIRPERSON LEVIN: Not hotels?

25 FIRST DEPUTY COMMISSIONER PARK: Correct.

1  
2 CHAIRPERSON LEVIN: Alright, and there's  
3 hundreds of hotels in-- with families with children  
4 in the system. They don't have-- they don't have  
5 social workers because we tried to get it in last  
6 years' budget and we were told no.

7 FIRST DEPUTY COMMISSIONER PARK: And as  
8 we have testified, we are down-sizing the hotel  
9 portfolio with a plan to be out of the hotels by  
10 2023. It does take time. I think it goes back to my  
11 plea. There aren't many people left, but my plea for  
12 the collaboration on siting, and we have made very  
13 strong progress on the Turning the Tide. We have 30  
14 open, 60 notified. We do still have a pathway still  
15 to go, and we really appreciate everybody's  
16 collaboration to open the strong, sustainable, high-  
17 quality shelters that we all want.

18 CHAIRPERSON LEVIN: That said, 2023 is  
19 three years away. I think by the end of 2023, that's  
20 four years away. There are thousands of children  
21 that are in hotels today. There are many thousands  
22 that will be in hotels between now and the end of  
23 2023. If there's no social workers there for them,  
24 they're the ones that are going to suffer. And then  
25 just to be clear, because I just want to-- you know,

2 most of the time it's not families with children  
3 sleeping on the subway. Are there social workers in  
4 our single adult shelters?

5 FIRST DEPUTY COMMISSIONER PARK: Some of  
6 them, yes.

7 CHAIRPERSON LEVIN: But not all.

8 FIRST DEPUTY COMMISSIONER PARK: Not all  
9 of them.

10 CHAIRPERSON LEVIN: Those run by DHS?

11 FIRST DEPUTY COMMISSIONER PARK: Very  
12 few-- very few of our shelters across the board are  
13 run by DHS.

14 CHAIRPERSON LEVIN: Single adults more  
15 than-- more than family.

16 FIRST DEPUTY COMMISSIONER PARK: It is  
17 still a small handful. The vast majority of our  
18 shelters are contracted.

19 CHAIRPERSON LEVIN: And there's a  
20 contract-- and there's a line in the contracts for  
21 social workers in the single adult system?

22 FIRST DEPUTY COMMISSIONER PARK: In some  
23 of our shelters, yes.

24 CHAIRPERSON LEVIN: Why not all?  
25

2 FIRST DEPUTY COMMISSIONER PARK: Right  
3 now, we have the financial capacity to do some.

4 CHAIRPERSON LEVIN: That's a case-by-case  
5 basis, or? I mean, that's a--

6 FIRST DEPUTY COMMISSIONER PARK:  
7 [interposing] They're in the Thrive-funded shelters.

8 CHAIRPERSON LEVIN: Thrive-funded  
9 shelters. How many-- what percentage are Thrive-  
10 funded?

11 FIRST DEPUTY COMMISSIONER PARK: I need  
12 to get back to you on that one.

13 CHAIRPERSON LEVIN: Okay, so I'm going to  
14 just kind of run through some house-keeping questions  
15 here, and if we could do this as quick as possible, I  
16 know there's a panel or two-- two panels that would  
17 like to speak. How-- how many people-- can you  
18 provide a breakdown of through this program the  
19 number of people-- a breakdown by the type of  
20 violation, rule violation? The number of summonses  
21 that were written? And these aren't the ones that  
22 were-- this has to be inclusive of the ones that have  
23 been expunged. How many were written broken down by  
24 what type of violation we're talking about?

1                   MICHAEL CLARKE: We'll get back to you on  
2 the breakdown of the summonses.  
3

4                   CHAIRPERSON LEVIN: Okay. Let's see.  
5 I'll wait for Chief to get back to ask NYPD  
6 questions. I guess I could ask, prior to this  
7 program what was the protocol for interaction between  
8 outreach teams and people identified as being  
9 homeless on the subway? BRC has had this contract for  
10 a number of years. It's not as if there's-- it's not  
11 as if we haven't made efforts to engage with people.  
12 And then I have a follow-up to that question.

13                   FIRST DEPUTY COMMISSIONER PARK: Sure.  
14 So, I break-- this is my own break-out as opposed to  
15 a formal contract division. But there's basically  
16 four pathways of subway engagement. There's the  
17 diversion initiative that we've been talking about.  
18 There's end-of-line work. There's rush-hour  
19 presence, and then there is just kind of standard  
20 practice, go where we are seeing people, have a  
21 presence across the City. Diversion is new. That is  
22 something that has come up since this past summer.  
23 Those other-- the other components of outreach have  
24 existed, you know, under different times, different  
25 pieces of it, are the priority, but all the other

2 streams of work in the-- with respect to subway  
3 outreach have existed for some time and BRC has been  
4 engaged in those for some time.

5 CHAIRPERSON LEVIN: Let me ask, are  
6 there-- are there individuals identified through the  
7 diversion program or through the joint crisis  
8 coordination center that were unknown to BRC?

9 FIRST DEPUTY COMMISSIONER PARK: I  
10 mentioned earlier that our data systems haven't quite  
11 caught up with all of our initiatives. That's one of  
12 the questions that we can't answer at this time. I  
13 think--

14 CHAIRPERSON LEVIN: [interposing] It'd be  
15 interesting to know how many were known or unknown,  
16 because those that I talk to-- I mean, I've been  
17 asking people about this. Most people have said,  
18 "Well, we know basically everybody that's sleeping on  
19 the subway." The outreach teams, BRC outreach teams.  
20 And if that's the case, you know, then we're not  
21 identifying anybody new. We're not really offering  
22 any new services other than the ones you mentioned,  
23 but with all due respect, they're not earth-  
24 shattering new initiatives, expansion of Safe Havens,  
25 healthcare stuff, but you know, we're not like-- you

2 know, we're not breaking through on that, really.

3 And so-- you know, you can see that there's-- here we  
4 are-- this is-- basically, this is a tactic that we  
5 are now using to get people to engage with the  
6 system.

7 FIRST DEPUTY COMMISSIONER PARK: I don't  
8 think that the goal was necessarily ever to identify  
9 anybody new, although certainly we'd be happy to  
10 engage with somebody new if we-- if that happened  
11 occur. If the goal is take what would have been a  
12 purely enforcement interaction, right, and I will  
13 allow my colleagues to correct me if I get this  
14 wrong, but under-- before diversion existed, this was  
15 a moment that could have meant arrest, right? And  
16 turn it into a point where services can be offered.

17 CHAIRPERSON LEVIN: But that's why I  
18 asked Chief Delatorre about whether-- basically,  
19 whether we're seeing increased interaction between  
20 NYPD and the individuals who are sleeping on the  
21 subway prior-- through this program compared to prior  
22 to the roll out of this program. In other words,  
23 were these instances where there was a police  
24 interaction or was the-- or were the police kind of  
25 not interacting with people. They saw somebody

1       outstretched, really wasn't their top priority to  
2       engage?  
3

4                   CHIEF DELATORRE:  Yeah, I can't answer  
5       for every officer out there in that respect, but I  
6       would hope we've always been interacting.  We do  
7       probably account for tens of thousands of contacts a  
8       year, so in different ways.  Again, I can't answer  
9       for what every officer would do out there, but I  
10      would hope if they see something that they engage  
11      somehow, and that goes back to what I gave you out of  
12      my snapshot from the JCC.  You know, over 1,100 jobs,  
13      101 people sent to the hospital, 28 diversion.  So,  
14      those jobs they responded to and had to engage  
15      somehow because they were sent there.  So, there's  
16      different ways to handle every job.

17                   CHAIRPERSON LEVIN:  And so when you were  
18      out I asked around the number of-- the breakdown by  
19      type of violation or rule in the subway through the  
20      diversion program.  In other words, the number of  
21      summonses broken down by type of summons.

22                   CHIEF DELATORRE:  Yeah, the majority is  
23      going to be outstretched.

24                   CHAIRPERSON LEVIN:  So that's why we want  
25      to get those numbers compared to 2018.  And we don't

1 know how many were hand-cuffed at some point during  
2 the--

3  
4 CHIEF DELATORRE: No, but remember what I  
5 said about the JCC. The majority of those jobs were  
6 outstretched, and 28 resulted in diversion. To  
7 capture the universe outside of the JCC where we know  
8 the jobs,--

9 CHAIRPERSON LEVIN: [interposing] Yeah.

10 CHIEF DELATORRE: you know, the  
11 conditions are seen and someone is sent--

12 CHAIRPERSON LEVIN: [interposing] Yeah,  
13 right.

14 CHIEF DELATORRE: it's going to be very  
15 difficult. So the officer could see many of these  
16 incidents throughout the course of his or her tour,  
17 but we're not going to know. Except what's actually  
18 actionable.

19 CHAIRPERSON LEVIN: Now, the--

20 CHIEF DELATORRE: [interposing] What they  
21 act on, excuse me.

22 CHAIRPERSON LEVIN: The Governor just  
23 added 500 police officers to the MTA police, the  
24 State Police. I mean, your entire command is how  
25 many officers?

2 CHIEF DELATORRE: About 2,700-2,800.

3 CHAIRPERSON LEVIN: Okay, so 500 is a  
4 significant addition.

5 CHIEF DELATORRE: Yeah, but they not--  
6 they have not been added.

7 CHAIRPERSON LEVIN: But there have been--  
8 the funding for them has been approved by the MTA  
9 Board.

10 CHIEF DELATORRE: Yes, yes. And they are  
11 forthcoming to some degree.

12 CHAIRPERSON LEVIN: And they're  
13 forthcoming. Are they going to participate in this,  
14 or are they doing totally different stuff?

15 CHIEF DELATORRE: No, no, that's up to  
16 the MTA.

17 CHAIRPERSON LEVIN: So they're not  
18 necessarily coordinating with NYPD at this point.

19 CHIEF DELATORRE: Not at this point on  
20 this subject, no.

21 CHAIRPERSON LEVIN: Can-- are these  
22 considered arrests? Somebody is given the summons  
23 and taken to the precinct, is that considered an  
24 arrest?

25

1  
2 CHIEF DELATORRE: So, somebody is not  
3 given a summons and taken to a precinct. That's not  
4 the way we work. If you're give a summons, you're  
5 free to leave. So, somebody who comes to a police  
6 district is somebody who is taken into custody  
7 because they're not identifiable or they have a  
8 warrant. SO that's a different set of circumstances.

9 CHAIRPERSON LEVIN: Not identifiable  
10 meaning what, that they don't have I.D.

11 CHIEF DELATORRE: We don't know who you  
12 are, and we can't figure out who you are unless we go  
13 back and do a further investigation.

14 CHAIRPERSON LEVIN: So, if you don't have  
15 an I.D. and you're outstretched and you're sleeping,  
16 and an officer says, you know, "What are you doing?"  
17 and, "We're going to write you a summons. But if you  
18 want to-- if you want to participate if you can, but  
19 here's the summons." And you don't have an  
20 identification, then are you-- are you an unknown--

21 CHIEF DELATORRE: [interposing] Let me  
22 help you right here with this. The officer cannot  
23 write a summons to someone who they don't know who  
24 they are. So we have to be able to identify you to  
25 write a summons. Even if it was a traffic

1           infrac­tion, we have to be able to identify you to  
2           write the summons.  
3

4                         CHAIRPERSON LEVIN: But a lot of people  
5           that are sleeping on the street or in the subway  
6           don't have an I.D., right?

7                         CHIEF DELATORRE: That doesn't mean we  
8           can't identify the. I told you, what we built into  
9           this process is a phone call to BRC to say this  
10          person, "John Doe, says he's residing in a shelter,  
11          can you confirm that, or John Does has resided in the  
12          past, can you confirm that?" If they can confirm  
13          that, then we consider them identified at that point  
14          and they can certainly receive a summons and don't  
15          fall into the diversion category at all, or they may  
16          be warned as in many of these cases as well.

17                        CHAIRPERSON LEVIN: Well, why wouldn't  
18          fall into the diversion category if they receive a  
19          summons? The summons--

20                        CHIEF DELATORRE: [interposing] Because a  
21          diversion-- a diversion is for somebody who does not  
22          have an address, not someone who does. So, in other  
23          words, if you were outstretched on a train--

24                        CHAIRPERSON LEVIN: [interposing] Oh, I  
25          see.

2 CHIEF DELATORRE: and you have an  
3 address, you're going to get a summons, and that's  
4 the end of it.

5 CHAIRPERSON LEVIN: Right.

6 CHIEF DELATORRE: The summons-- the  
7 diversion is someone who doesn't have an address who  
8 can now be eligible for a summons and not get caught  
9 up in any other process, be eligible for the summons,  
10 and then be offered the additional ability to have  
11 that summons expunged.

12 CHAIRPERSON LEVIN: Are people ever hand-  
13 cuffed? Have you-- how do you report use of hand-  
14 cuffs, is that--

15 CHIEF DELATORRE: [interposing] we don't.  
16 We don't report use of hand-cuffs, but somebody taken  
17 into custody ordinarily may be cuffed, especially--

18 CHAIRPERSON LEVIN: [interposing] People  
19 are taken into custody--

20 CHIEF DELATORRE: [interposing] many of  
21 these people--

22 CHAIRPERSON LEVIN: [interposing] through  
23 this initiative?

24

25

2 CHIEF DELATORRE: They may be.

3 Certainly, people with warrants are taken into  
4 custody, yeah.

5 CHAIRPERSON LEVIN: Aside from warrants,  
6 are we seeing on the ground taken into the custody?

7 CHIEF DELATORRE: So, policy, anybody  
8 who's brought and taken into custody and brought into  
9 the station house for any reason is likely to be  
10 cuffed.

11 CHAIRPERSON LEVIN: Right.

12 CHIEF DELATORRE: Yes.

13 CHAIRPERSON LEVIN: So, are we seeing-- I  
14 mean, how many individuals have been taken in for  
15 something other than warrants?

16 CHIEF DELATORRE: I don't have that. I  
17 wouldn't have that. You know, people-- the ultimate  
18 goal is if we bring somebody into custody, it's to  
19 identify them and hopefully release them from the  
20 station house with a summons if they're eligible. So  
21 those are the circumstances that could overlap at  
22 different times.

23 CHAIRPERSON LEVIN: Does NYPD give  
24 summonses to people that are outstretched that they  
25 don't deem to be homeless?

2 CHIEF DELATORRE: I'm sure we do.

3 CHAIRPERSON LEVIN: Okay. That would  
4 probably-- that would be something good to see as  
5 well. I mean, you could-- someone that has a fixed  
6 address that is not BRC. If we could see those  
7 numbers as well. The number of arres-- the number  
8 of-- sorry, the number of violations issued for  
9 individuals for outstretch that have a permanent  
10 address that's not BRC.

11 CHIEF DELATORRE: So, the goal under  
12 normal circumstances, if you will--

13 CHAIRPERSON LEVIN: [interposing] Yeah.

14 CHIEF DELATORRE: is to correct behavior.  
15 The goal here is to provide assistance to people and  
16 give them an off-ramp from that corrective behavior,  
17 so-- from that correction action, so to speak, which  
18 is why we use a civil summons which is the lightest  
19 touch available to help people correct behavior  
20 and/or get engaged.

21 CHAIRPERSON LEVIN: Now-- and I'm sorry.  
22 The purpose of the command center is-- what's the  
23 purpose of the command center exactly?

24

25

1  
2 CHIEF DELATORRE: The purpose, it's a DHS  
3 command center I believe you're talking about on  
4 Beaver Street?

5 CHAIRPERSON LEVIN: The joint-- the JCCC.

6 FIRST DEPUTY COMMISSIONER PARK: It  
7 brings--

8 CHAIRPERSON LEVIN: [interposing] That's  
9 not at NYPD, that's a DHS?

10 CHIEF DELATORRE: Yeah, DHS is the lead  
11 agency on the Beaver Street station.

12 FIRST DEPUTY COMMISSIONER PARK: It's a  
13 collaboration where we can bring the resources of  
14 various different systems together to address urgent  
15 issues. So, we do work very closely with PD. We're  
16 also working very closely with the health agencies,  
17 both DOHMH and H&H. We are able to have a  
18 centralized team of DHS employees collaborating with  
19 the Homeless Outreach Unit, with the PD who can  
20 deploy outreach workers very quickly, respond to  
21 notifications about crisis situations. You know, we  
22 regularly get-- there is a-- we are concerned about a  
23 client at XYZ address, and we can send a team out  
24 from that. It is-- it's an enhancement and an  
25 expansion of the work that we've been doing to try

1 and bring more eyes, more transparency to that to  
2 make sure that we are bringing the resources of many  
3 different city agencies to bear on what are some very  
4 complex problems.  
5

6 CHAIRPERSON LEVIN: Okay, how do you  
7 measure success of that center?

8 FIRST DEPUTY COMMISSIONER PARK: Well,  
9 the ultimate goal with for all of our street outreach  
10 remains the "come indoors, stay indoors" number, the  
11 2450 that I have mentioned several times already.  
12 We're actively looking at other ways that we can look  
13 at success. It is-- this is a relatively new  
14 initiative, and it is something that we're evolving.

15 CHAIRPERSON LEVIN: Chief, I just want  
16 to-- do you have any response to the letter that I  
17 read in the opening statement?

18 CHIEF DELATORRE: No, I just saw that  
19 letter today for the first time. A couple of months  
20 ago, I might have been able to move on it, the issues  
21 raised there a little quicker. I do know that there  
22 are things said in there that are just simply false,  
23 and the rest of it I'm going to take a look at. We  
24 don't have quotas. That's not true. What are the  
25 other issues that I saw there? Anywhere there's

2 several things. BRC is not funded; that's not true.  
3 BRC was funded to some degree to help with the  
4 diversion. I think, also, I'd like to make clear here  
5 that the subway diversion is one tiny piece of the  
6 City's bigger plan here. So when we talk about whose  
7 idea or who's the lead here, it's not-- we're just--  
8 we're part of a multiagency effort here to try to  
9 help people out there.

10 CHAIRPERSON LEVIN: Okay, well, I-- turn  
11 it over to my co-chair. Last word from me, I just  
12 want to-- you know, I under-- I think this is coming  
13 from, you know, a good place. I think that you all  
14 want to-- you know, I take you very much at your word  
15 that you want to have an impact on bringing people in  
16 who are sleeping on a train is not safe. However,  
17 people feel safer on the train than they do in  
18 shelter. That's a fact. And we know that. And so  
19 as long as we don't have the real resources that  
20 people need, whether that's social workers, low  
21 threshold shelter, safe shelter, moving away from a  
22 single point of intake at 30<sup>th</sup> Street which people  
23 hate-- it's demoralizing. Until we actually do all of  
24 those things on the back end, my fear is that we're  
25 just going to be kind of spinning our wheels because

1 we know the people, we know that we're not  
2 necessarily finding new people through this, and I  
3 could understand if we were having these law  
4 enforcement, NYPD, interactions anyway. I'm not  
5 totally sure that they were all happening prior to,  
6 but if we don't-- if we're not offering people the  
7 resources on the back end, I'm not sure how we can  
8 achieve success in what I think is everybody's goal,  
9 which is to provide permanent housing for as many  
10 people as possible. So, you know, I'll leave it at  
11 that, but I certainly-- I'm also concerned that we  
12 weren't involved in any discussion around this. As  
13 far as I know, none of providers or advocates or  
14 people that work with single adult homeless  
15 population every day, like we-- none of them were  
16 consulted about it. It does-- it does-- it causes to  
17 question, you know, why that is and you know, whether  
18 this is a policy that maybe the Administration wanted  
19 to keep from us or not seek our input, because  
20 obviously it didn't happen overnight. I'm assuming  
21 that this, the planning of this, went on probably  
22 back to Calendar Year 18, I'm assuming, and so you  
23 know, I didn't hear about it until Sept-- I think I  
24

1 might have read about it in the press, or I might  
2 have got a call from you guys on September something.

3  
4 FIRST DEPUTY COMMISSIONER PARK: So, we  
5 do collaborate with partners very, very closely. We  
6 meet regularly with both advocacy groups and  
7 providers. This has been--

8 CHAIRPERSON LEVIN: [interposing] Nobody  
9 had heard about this.

10 FIRST DEPUTY COMMISSIONER PARK: topic of  
11 discussion initially, and it's also something that,  
12 you know, it is not a set-in-stone program. I think  
13 the-- it's been alluded to before that we are  
14 evolving and continuing to evolve in response to  
15 feedback. Certainly welcome additional feedback.  
16 You know, I will respectfully disagree with the  
17 characterization of the resources in the Action Plan  
18 as insignificant. I think a thousand new Safe Haven  
19 beds and a thousand of brand new low-barrier  
20 permanent housing are incredibly exciting. I do  
21 think it's-- and I'm--

22 CHAIRPERSON LEVIN: [interposing] I'm just  
23 stating they made--

24 FIRST DEPUTY COMMISSIONER PARK:  
25 [interposing] very proud--

1                   CHAIRPERSON LEVIN: [interposing] We were  
2 probably going to announce-- those were going to be  
3 announced only in coordination with a diversion plan?  
4

5                   FIRST DEPUTY COMMISSIONER PARK: No,  
6 those were part of the Action Plan, but I think that  
7 is-- as we've talked about, the diversion is a piece  
8 of outreach, and it is important that we have  
9 resources, and I think we're making an incredible  
10 significant commitment of resources on that back end  
11 that you refer to. And with respect to 30<sup>th</sup> Street,  
12 you know, I think we are trying to balance the  
13 concerns of managing a very large system, and when we  
14 talk about making sure that people are safe, right,  
15 making sure that people are, to the extent that we  
16 possibly can, getting to the shelter that is the  
17 appropriate shelter for their needs, that we are--  
18 that we know who people are that they are get-- that  
19 they are connected with, the services that they  
20 should have or if there are other people in the  
21 system with whom it doesn't make sense for them to be  
22 with, that we're addressing that. We have to have  
23 some infrastructure around intake. I certainly  
24 understand that it is burdensome and that people  
25 don't like it, but I think, you know, managing that

1 infrastructure is an important part of running what  
2 is a very large system.

3  
4 UNIDENTIFIED: And one point to add to  
5 that. With the vacancy rate that we have across the  
6 system, that single point of entry is critical to us,  
7 and so opening those additional shelter beds is  
8 incredibly important.

9 CHAIRPERSON LEVIN: Absolutely. I would  
10 just say one recommendation, get a focus group of  
11 like 10 to 15 people that are experiencing  
12 homelessness and ask them what is needed in the  
13 system, and do like a rigorous process around that,  
14 and ask them how they feel about the single point-- I  
15 mean, it just-- I'm a little bit-- and I'm going to  
16 just-- I'll leave it. But I'm just a little bit  
17 annoyed that as-- I mean, I'm the Chair of the  
18 Committee. I didn't hear about this until it was  
19 like-- until it was literally expanded.

20 UNIDENTIFIED: Council Member, I have to  
21 disagree. You were included in the Mayoral press  
22 release in June along with a number of other elected  
23 officials.

24 CHAIRPERSON LEVIN: ON this program?  
25

1 UNIDENTIFIED: On the diversion program,  
2  
3 yes.

4 CHAIRPERSON LEVIN: I'll have to go look  
5 at that. I don't recall being-- I recall getting a  
6 call in August or September because then I called  
7 Muzzy and asked him what's the deal with this. So,  
8 I'll have to go back and look at that, but the  
9 reality is-- you know, I wasn't consulted about the  
10 construction of this plan, nobody else was. I'm not  
11 making it about me. Nobody else was consulted, and I  
12 asked all of them, Homeless Services United,  
13 Coalition for the Homeless, none of them. Just  
14 there's more work to be done. I'll leave it at that.  
15 I'll turn back over to my Chair. Thank you all very  
16 much for your time. I realize this has been a very  
17 long hearing.

18 CHAIRPERSON RICHARDS: And let me just  
19 add, the Mayor's Office sends out press releases all  
20 the time, and I'm sure we get a thousand of those  
21 requests a day, but what I do want to add-- and I'll  
22 just back him up a little bit. A briefing for the  
23 Chair would be appropriate even if he decides to put  
24 something in a press release briefing is very helpful  
25 to Council Members. Let me also just in closing just

1 ask you your opinion, Mr. Inspector, in a time when  
2 we're talking about building trust with people, do  
3 you see summonses being a good addition to building  
4 trust with individuals who are in the system. You  
5 know, would this be considered counterproductive in  
6 lieu of where the Department is going, and I  
7 understand, I get the services part, and I commend  
8 the NYPD for taking these steps, although I do  
9 believe this should be out of the NYPD's court. I  
10 think you should certainly be a part of the  
11 conversation, but I don't think you should  
12 necessarily be leading the conversation around social  
13 services, and I think many of your Commissioners,  
14 just as Commissioner O'Neill in the past has said,  
15 you know, a lot of these issues landed on your lap  
16 that should really be being dealt by other agencies.  
17 So, the question I just wanted to get a clear answer  
18 from you, do you see giving summonses as being  
19 counterproductive, because it seems much more heavy-  
20 handed rather than providing the direct services or  
21 making sure there are local organization on the  
22 ground in the subway who you can assist perhaps on  
23 the ground? But I think this just comes across as  
24 we've seen in the past, very law enforcement-heavy,  
25

2 and even if that's not your intention, and I don't  
3 think it is, it comes across very law enforcement-  
4 heavy rather than social service building.

5 CHIEF DELATORRE: Yeah, I don't-- I see  
6 your point, but I think we live in a world of  
7 neighborhood policing where the uniform should not be  
8 impacting these relationships, and when we focus on  
9 helping somebody avoid the criminal justice system  
10 and be able to walk out with a very minor civil  
11 summons that can be expunged, you know, I think it's  
12 a very good way. When I had that fellow come back  
13 the following day and thank us for what we had  
14 engaged him in, and the fact that he's still in  
15 services come early January anyway-- I don't know  
16 where he is now, but you know, that tells me that  
17 that one person makes it worth something, and I'm  
18 sure there are many others out there that have gotten  
19 meaningful engagement that are maybe inches or yards  
20 or miles closer to where they need to be, I don't  
21 know, but I think the officers-- you know, I'll go  
22 back to the Narcan on Staten Island, the diversion  
23 initiative on Staten Island for people in the throes  
24 of drug abuse. You know, public health to some  
25 degree is our responsibility, and where we can help,

1 we should. And when we talk about arresting people,  
2 we don't want to arrest our way out of anything.  
3 Anywhere where I can take somebody out of an arrest  
4 process and divert them into social services or a  
5 place where they can, you know, wind up with a more  
6 meaningful outcome, I think it's our responsibility  
7 to try and do it. And any ideas, I welcome the  
8 Council Members here to come down to my office and  
9 kick it around and have some coffee and we'll talk  
10 about it, because any ideas you have, I'm all ears.

12 CHAIRPERSON RICHARDS: Wish you brought  
13 the coffee today. That's probably be a conflict of  
14 interest.

15 CHIEF DELATORRE: I used it up in the end  
16 room in the resource room.

17 CHAIRPERSON RICHARDS: Probably couldn't  
18 do that anyway. But I'll add this as well. You  
19 know, you don't find-- you don't think if you were  
20 homeless that you find this as an insult. You're  
21 giving somebody a civil summons who is homeless who  
22 perhaps may be unemployed. Would you not find that  
23 insulting, even though you're giving the option to  
24 clear the summons, but if they did not clear the

2 summons they would have to pay the summons perhaps if  
3 they didn't--

4 CHIEF DELATORRE: [interposing] well, it  
5 depends on what you--

6 CHAIRPERSON RICHARDS: [interposing] How  
7 much are the summons? Let me ask you that.

8 CHIEF DELATORRE: I'm not sure. I know  
9 they're--

10 CHAIRPERSON RICHARDS: [interposing] Come  
11 on, somebody give me the summons--

12 CHIEF DELATORRE: [interposing] Probably  
13 about 50 dollars.

14 CHAIRPERSON RICHARDS: Okay, alrighty.

15 CHIEF DELATORRE: But again, I'm not sure--  
16 -

17 CHAIRPERSON RICHARDS: [interposing] So  
18 hold on. So hold on. Alright, hold on. Hold on.  
19 Let's imagine the summons is 50 dollars and I'm  
20 homeless. I'm basically being coerced. Try not to  
21 use that terminology, but coerced into accepting a  
22 program that may or may not work. I'm just putting  
23 it out there. But I would-- I'm not homeless, and I  
24 find this actually to be an insult that you would  
25 give a homeless person a 50 dollar ticket that could

2 go to mail or to, you know, getting on the train so  
3 that they don't have to fear beat [sic]. Just  
4 putting it out there. And how many civil-- how many  
5 summonses could you receive in a day or a week?  
6 Could they-- so if they got one civil summons today,  
7 and they decided not to go into your program, could  
8 get they get another civil summons the next day and  
9 the next day and the next day?

10 CHIEF DELATORRE: You could down the  
11 road--

12 CHAIRPERSON RICHARDS: [interposing] Okay.

13 CHIEF DELATORRE: be offered diversion  
14 again, if that's the question, yes.

15 CHAIRPERSON RICHARDS: Right, but the  
16 point is, though--

17 CHIEF DELATORRE: [interposing] But 90  
18 percent of the people that we've engaged--

19 CHAIRPERSON RICHARDS: [interposing]  
20 Right.

21 CHIEF DELATORRE: we've never seen again  
22 in violation of a rule, over 90--

23 CHAIRPERSON RICHARDS: [interposing]  
24 Right, because they're going to get on a different  
25 train.

1  
2 CHIEF DELATORRE: Remember, we're-- I got  
3 you.

4 CHAIRPERSON RICHARDS: Like, man, I got  
5 hit on the J today, I'm going to the E. So, you  
6 know, I live in-- I try to, you know, put myself in  
7 people's shoes and sort of from a real world  
8 perspective, of course, you're not going to be on the  
9 same train. You're not going to see me tomorrow if I  
10 get a 50 dollar summons, right? So, I just wanted to  
11 put that out there, because I think the Department is  
12 moving, and I'll give credit, to try to correct a lot  
13 of those systematic issues that, you know, have  
14 occurred in the past, but I just see this as  
15 unfortunately-- and I understand the pressures on the  
16 Department, because obviously there are commuters who  
17 complain, right? You get on the train, people are,  
18 you know, stretched out on the seats, and so you're  
19 trying to balance the quality of life issues. Let's  
20 just be clear, we could be real-- quality of life  
21 issue that people complain about as well, but I don't  
22 know if giving a civil summons to someone with mental  
23 health issues as I see on the train, you know, in  
24 some cases they may not even know what the paper  
25 says, based on some of the individuals that are on

2 the A train when I get on, or the E. So I'm not sure  
3 how to fully resolve the issue. I would also  
4 recommend the core response team stuff that we're  
5 working on, and I know-- I think you've been a part  
6 of those conversations, but the NCOs and others  
7 should certainly be traveling with mental health  
8 professionals and social service providers on the  
9 scene so that people are not being dragged in cuffs.

10 CHIEF DELATORRE: If I might, we are  
11 hiring more nurses to work on those teams. I think  
12 we're up to 12 now.

13 CHAIRPERSON RICHARDS: Okay, good, good.

14 CHIEF DELATORRE: That is part of what we  
15 do.

16 CHAIRPERSON RICHARDS: How many?

17 CHIEF DELATORRE: I think we're up to 12  
18 right now.

19 CHAIRPERSON RICHARDS: Okay.

20 CHIEF DELATORRE: I think we have an  
21 allocation for 16.

22 MICHAEL CLARKE: For 20, I believe.

23 CHIEF DELATORRE: Twenty. Twenty.

24 CHAIRPERSON RICHARDS: Twenty.

1  
2 CHIEF DELATORRE: So we're up to 12 now.  
3 So we're going to have more teams going out. You  
4 know, early on in the process we only had two at the  
5 time, but again this whole interagency approach has  
6 opened up new doors like finding those nurses to work  
7 those teams was a bit of a challenge for DHS, if I  
8 might, but once we brought -- once we brought Health  
9 and Hospitals on board and other city agencies, people  
10 were able to help us with some ideas on how to do  
11 things like find more nurses. So--

12 CHAIRPERSON RICHARDS: [interposing] I  
13 applaud you, but shouldn't be the NYPD's job. That  
14 should be DHS' shop or the Department of Health--

15 CHIEF DELATORRE: [interposing] I don't  
16 mean me here. I don't-- yeah.

17 CHAIRPERSON RICHARDS: Right, and I'm not  
18 putting the onus on you. I'm not putting the onus on  
19 you.

20 CHIEF DELATORRE: Yeah, yeah, yeah, yeah.

21 CHAIRPERSON RICHARDS: But what I'm  
22 saying is the Administration should take this out of  
23 your ball court, and--

24 CHIEF DELATORRE: [interposing] It wasn't  
25 the Administration who brought everybody together.

1                   CHAIRPERSON RICHARDS: Okay, got it, but  
2  
3 I'm saying I don't want you to lead it. So my  
4 recommendation to the Administration would be to have  
5 other professionals leading it and the NYPD  
6 assisting. And I'll close with that. Thank you.

7                   CHAIRPERSON LEVIN: Thank you my Co-  
8 Chair. Just a small rejoinder. I checked with my  
9 staff. we got a communication the night before the  
10 press release was to go out regarding the pilot  
11 program, and I'm just going to read the first  
12 paragraph of the press release so that-- for the  
13 record, so that we can see how well that corresponds  
14 with what we've been talking about for the last three  
15 hours. "The de Blasio Administration today announced  
16 a pilot initiative to support people experiencing  
17 unsheltered homelessness on the subway by offering  
18 alternative to pathways off the streets into  
19 transitional and permanent housing. The New York  
20 City Police Department in partnership with the  
21 Mayor's Office of Criminal Justice, Department  
22 Homeless Services, the Manhattan DA's, and New York  
23 City Transit will enhance our close coordination with  
24 HomeStat outreach teams by providing new options to  
25 individuals they encounter in the subway system,

2 diverting individuals from the Criminal justice  
3 System for its outreach services and sportive  
4 programs. Now, that's all technically true. The  
5 question is where those people that would-- are the  
6 people that you are diverting, would they have by  
7 practice, have received that summons prior to this  
8 program?

9 CHAIRPERSON LEVIN: And that's really the  
10 question.

11 CHIEF DELATORRE: Okay, I can't answer  
12 that question as to each individual case. Some of  
13 them may have actually been arrested. So the idea  
14 here is avoid the arrest, give them the lowest touch  
15 civil summons possible, and the opportunity to have  
16 it expunged. So,--

17 CHAIRPERSON LEVIN: [interposing] And that  
18 part is good. That part is good. But the part where  
19 somebody gets a summons, the 800 people or so that  
20 got the summons and now have that summons. If they  
21 wouldn't have otherwise had any interaction  
22 whatsoever because the transit cop would have said,  
23 I'm not going to bother that person. They're  
24 sleeping on the subway. You know, then that's  
25 another question. But we can have-- we continue to

2 have the conversation. Okay. Thanks so much. Thank  
3 you very much for your time. We'll take a three-  
4 minute break and call up the first panel. Catherine  
5 Trapani, Homeless Services United, Josh Dean,  
6 Human.Nyc, Kareem Walker [sp?], Giselle Routhier  
7 [sp?], and Josh Goldfein, Coalition and Legal Aid.

8 [break]

9 CHAIRPERSON RICHARDS: Alrighty. We are  
10 waiting for Council Member Levin to come back. Thank  
11 you for your patience. You've been here, what is it?  
12 Three hours 32 minutes at the moment. So thank you  
13 for being troopers. And you may begin, and just,  
14 I'll ask everybody to just state their name for the  
15 record, and then you may begin.

16 KAREEM WALKER: My name is Kareem Walker,  
17 and I am currently homeless.

18 CHAIRPERSON RICHARDS: And you could  
19 start your-- if you have a statement as well.

20 KAREEM WALKER: I do. Okay.

21 CHAIRPERSON RICHARDS: Thank you.

22 KAREEM WALKER: Ladies and gentlemen of  
23 the jury and hon-- excuse me. Ladies and gentlemen  
24 of the Council and honored guests.

25

1  
2 CHAIRPERSON RICHARDS: That's a first, by  
3 the way. You made history today. Thank you.

4 KAREEM WALKER: First of all, thank you  
5 for your time. My name is Kareem Walker. As we all  
6 know, we are facing a homelessness issue in our--  
7 like no other, one that reflects what is going on  
8 nationwide, but the city's ill-considered and ill-  
9 conceived Subway Diversion program does nothing to  
10 address the root causes of homelessness, a lack of  
11 affordable housing and rapid gentrification. I say  
12 this from experience, because in August of 2019, New  
13 York police officers picked me up while I was  
14 sleeping on a Jamaica-bound E Train at Port  
15 Authority. They actually hand-cuffed me, drove me up  
16 to the Columbus Circle precinct, and while waiting  
17 for BRC outreach workers to collect me, actually went  
18 through my possessions despite my fervent protest not  
19 to do so. After about a-- they actually even put me  
20 in a holding cell for about an hour and a half. After  
21 BRC came and collected me, that's when they gave me a  
22 summons, which they said that was going to be removed  
23 anyway. When BRC arrived I was released from the  
24 holding cell, and with them they escorted me out of  
25 the precinct. Once we were out of the precinct,

1 however, they actually said that I was not legally  
2 obligated to accompany them back to 30<sup>th</sup> Street, at  
3 which point I declined their help, and we parted  
4 company there. This entire ordeal was pretty  
5 dehumanizing, demoralizing, and inhumane to say the  
6 least, and this is not how we're supposed to treat  
7 the most vulnerable and the most marginalized amongst  
8 us, nor is this a productive use of the taxpayer's  
9 money. While I can't speak for the thousands of  
10 street homeless in New York City, I do believe many  
11 of them would agree that this wrong-headed approach  
12 to so intractable a problem has the potential to more  
13 harm than good. Many of us on the streets have  
14 experienced the lack of safety and cleanliness that  
15 are rampant in many city-run shelters. I'm not on  
16 the streets because I'm ignorant of the shelters. If  
17 anything, I'm all too familiar with the shelter  
18 system because I spent two years there. In 2019, I  
19 was again outstretched-- this time on a Queens-bound  
20 A train when police picked me up at Chamber Street.  
21 Still very wary of my last encounter, I declined  
22 help, declined-- and declined to give them my name.  
23 after about three minutes, decided to move on and  
24 kept-- but three weeks after that in December of 2019  
25

1 the police picked me up at the World Trade Center  
2 again, and this time, things got a little more  
3 interesting, because they were actually-- because  
4 when I once again refused to give my name or my I.D.,  
5 and because of such they couldn't write me a summons.  
6 As I went to-- as I left and went to collect my  
7 gatherings, my possessions, excuse me, the-- one of  
8 the officers actually grabbed my left arm and held  
9 onto it for about five to seven seconds. It was  
10 partner who told him that he had to let me go, and  
11 this was all done in full view of an outreach worker.  
12 They also proceeded to walk me-- proceeded to follow  
13 me out of the-- through the turnstiles threatening me  
14 with criminal trespassing-- arrest for-- pardon me.  
15 Threatened me with arrest for criminal trespass if I  
16 did not leave. Last April, the United States Ninth  
17 Circuit Court of Appeals ruled in Martin vs. Boise  
18 that street homeless cannot be punished simply  
19 because they don't have-- simply punished for  
20 sleeping on public property if they have no other  
21 alternatives, adequate or otherwise. While we may  
22 not be in that court's jurisdiction, given the  
23 deplorable conditions in many citywide shelters, it's  
24 very understandable why many on the street don't view  
25

2 the shelters as a viable, adequate, alternative. We  
3 owe it to them and to the city as a whole to find a  
4 better safer way to help our unhoused neighbors.

5 CHAIRPERSON LEVIN: Thank you so much.  
6 Thank you.

7 CHAIRPERSON RICHARDS: Thank you for your  
8 testimony. Thank you.

9 JOSH DEAN: Good afternoon, Council  
10 Members. I'll be brief because I know it's been a  
11 long day for everyone. I just want to comment on the  
12 questions that you all were doing a really great job  
13 of drilling down on, which is would people have been  
14 given a summons without the Subway Diversion program.  
15 I could speak from experience as I've spent much of  
16 time over the last two months on the subway platforms  
17 monitoring the policing and watching how the Subway  
18 Diversion played out. What I saw was officers  
19 spending hours upon hours at the specific stations  
20 standing on the platform waiting for trains to come  
21 through, and when the trains would come, they would  
22 stand there and look through the windows and scan  
23 looking specifically for people who were homeless and  
24 outstretched. Council Member Levin, you made the  
25 point that people are manspreading throughout the

1 subway station. I can tell you that for the hours I  
2 spent there, I did not see a single person given a  
3 summons for being outstretched who did not appear to  
4 be homeless. What they did then, if they saw  
5 someone, or if they weren't finished scanning the  
6 train, they would tell the conductor to hold the  
7 train. They would spend-- I saw them spend two to  
8 three minutes looking through each of the cars until  
9 they determined that there was no one on the train,  
10 and in the case that they did see someone who  
11 appeared to be homeless, they would pull them off,  
12 sit them down on a bench, or if there wasn't a bench  
13 they would stand, and they would start to question  
14 them about their-- any I.D.s they have, any history  
15 they have in homeless services, any history they have  
16 in the criminal justice system, and really what they  
17 were trying to do was determine whether this person  
18 was eligible for the Subway Diversion program. Mind  
19 you, they were asking quite personal questions out in  
20 the open such that I and others standing around could  
21 hear. Just yesterday I was with-- I saw them, you  
22 know, doing this again. They were scanning the  
23 trains and eventually they found someone and they  
24 brought an individual off the train. That  
25

1 individuals was actually residing in a Safe Haven  
2 some of the nights. He happened to be outstretched  
3 on the train. So he was given a summons, his second  
4 summons of the day. He was given one earlier at Penn  
5 Station and then he was given a second one at Canal  
6 Street. He was ineligible for the Diversion Program.  
7 So there was no way for his summons to be vacated.  
8 So the-- they targeted him because he was homeless,  
9 but he didn't fit all three of those criteria, so he  
10 left with not one, but two summons from a single day.  
11 It's-- Karem put it better than me, but this is just  
12 outrageous, and the fact that this hearing even had  
13 to happen today in 2020 with a so-called progressive  
14 mayor is quite absurd. I'll leave it there. Thank  
15 you.  
16

17 CHAIRPERSON RICHARDS: Thank you.

18 JOSH GOLDFEIN: I'm Josh Goldfein from  
19 the Legal Aid Society. We will present testimony--  
20 we presented written-- joint written testimony with  
21 Coalition for the Homeless. You'll hear from them  
22 next. I just wanted to make a couple quick points  
23 first. We heard again and again today that this idea  
24 that summons are going to be given out anyway, and  
25 therefore, the interaction with the client in that

1 situation is like an added bonus, but I've heard very  
2 good questioning from Council Members that  
3 highlighted that. There's not any reason why we need  
4 to assume that there's this baseline of summonses  
5 given out. As the point has been made again and  
6 again, the summonses are given out only to particular  
7 people, and the alleged infractions that the officers  
8 referred to are committed by everybody, and yet, only  
9 certain people are getting summonses. So I think it  
10 is-- one important takeaway from today, I think you  
11 established a very good record that there is a set of  
12 infractions that are being created solely from the  
13 purpose of targeting this population, and that we  
14 don't have to assume that there's this baseline of  
15 summonses that will be given out every day. I was  
16 particularly distressed by the response to Council  
17 Member Adams' questions about what happened to her  
18 constituent in the Jamaica station that essentially  
19 the individual who has been there for so long was  
20 arrested for her own health. I think that  
21 highlighted exactly what the problem is, that we're  
22 not coming to the people who-- it's coming to people  
23 on their own terms and asking what they need, but  
24 they're fitting this into their rubric of either  
25

1 we're going to give you a summons because you're  
2 breaking a rule or because you are a danger to  
3 yourself, and those are the only two ways that-- the  
4 only two lenses they have to look at people. And  
5 finally, I just want to highlight this point that  
6 the-- if you have a shelter address, you're not  
7 eligible for this program at all, as Josh was just  
8 highlighting. The-- and we heard earlier, they're  
9 going to call BRC and determine are you assigned to a  
10 shelter. If you're assigned to a shelter, you have  
11 an address. You're still homeless. You're still on  
12 the subway. You still-- whatever need that the next  
13 person who was also asleep had to, but yet, you're  
14 not going to get any services from this program.  
15 Finally,-- I know I said finally, but I say finally  
16 twice. One of my colleagues appeared at the press  
17 conference that we had before here. She had to go  
18 back to arraignments, but I just want to read part of  
19 the statement that she made. This is from Jen Ben  
20 Wong [sp?] who is an attorney in our Criminal Defense  
21 Practice. She says that Friday night she represented  
22 a man who was brought into criminal court by officers  
23 with a swollen, bloody lip after an unnecessary  
24 police interaction that occurred in the subway.  
25

1 "Transit officers woke my client up," she says,  
2 "shortly after midnight while he was sleeping on the  
3 train solely to issue him a ticket for having his  
4 feet up on the seats. That encounter escalated, and  
5 rather than just being issued the summons, he was  
6 detained. Twelve hours later he was in arraignments  
7 and was being charged with obstructing governmental  
8 administration and disorderly conduct." This is just  
9 one of many instances she says that she's seen where  
10 people ended up actually being brought into court for  
11 these interactions that wouldn't have happened if  
12 they weren't out looking for them. These  
13 interactions, you know, this kind of aggressive  
14 tactics disproportionately affect the marginalized  
15 and vulnerable. It doesn't serve to help anyone at  
16 the intersection of homeless and mental health  
17 issues. It doesn't increase public safety. It  
18 creates new situations that are more harmful than  
19 helpful. The client ended up injured, spent hours in  
20 police custody, was charged criminally, and this is  
21 not the solution to the problem that we're facing  
22 right now. But more of these kinds of encounters  
23 will result in conjunction with this outreach, not  
24 just the rosy picture that we heard about getting  
25

1 connected to services in a way that we understand  
2 that they want to happen. Thank you.

4 CHAIRPERSON LEVIN: Thank you, Josh.

5 GISELLE ROUTHIER: My name is Giselle  
6 Routhier. I'm the Policy Director at the Coalition  
7 for the Homeless. We've submitted joint testimony  
8 with Legal Aid and I'll be reading from that today. I  
9 want to thank Chair Levin and Chair Richards for  
10 holding this hearing and asking such important  
11 questions. Mayor de Blasio's subway diversion  
12 program was launched in June 2019. It was framed as  
13 a way to offer services to homeless people in the  
14 transit system in lieu of contact with the criminal  
15 justice system. Unfortunately, this has not turned  
16 out to be the case. Based on the first-hand reports  
17 of homeless individuals, it appears that the program  
18 has served only to increase unwelcome contact with  
19 NYPD officers while adding a counterproductive  
20 element of coercion to outreach by using summonses to  
21 force those individuals to accept transport to a  
22 shelter, regardless of whether or not they intend to  
23 stay there. We have witnessed several examples of  
24 police explicitly targeting homeless individuals for  
25 infractions that are commonly made by riders who are

1 not homeless, including taking up more than one seat  
2 or placing their bags on an adjacent seat, removing  
3 those individuals from the subway, and in some cases  
4 handcuffing them, as Kareem spoke to earlier. This  
5 is a direct violation of Local Law 71 of 2013, which  
6 prohibits bias-based profiling due to a person's  
7 housing status or other protected characteristics.  
8 The Coalition for the Homeless, The Legal Aid  
9 Society, and many other advocates have consistently  
10 raised concerns with the subway diversion program  
11 since it was first announced last summer. Our fears  
12 were confirmed on November 12th, 2019, when we  
13 received an email from an anonymous group of NYPD  
14 Transit Bureau officers who wanted to decry "the  
15 blatant discrimination against the homeless in the  
16 New York City subway" as a result of the program. In  
17 partnership with Human.nyc, we have created a website  
18 called [diversioniscoercion.nyc](http://diversioniscoercion.nyc) to disseminate the  
19 NYPD officers' letter along with other documentation  
20 we have compiled of the subway diversion program in  
21 action. As our documentation shows and the NYPD  
22 whistleblowers wrote, "The Diversion Program that is  
23 being advertised by the Mayor as helping the homeless  
24 can be nothing further from the truth." Increased

1     policing is not the answer to homelessness. Deploying  
2     police officers in this manner only serves to  
3     increase the mistrust that trained outreach workers  
4     work so hard to overcome. And again, the program  
5     fails to offer what homeless individuals truly need  
6     to get off the streets, and that's permanent  
7     affordable housing, with services for those who need  
8     them. I want to thank the Council for the  
9     opportunity to testify, and we look forward to  
10    working with you in the future. Thank you.

12                   CHAIRPERSON LEVIN: Thank you.

13                   CATHERINE TRAPANI: Thank you, Chair  
14    Levin. My name is Catherine Trapani. I'm the  
15    Executive Director of Homeless Services United. HSU  
16    is a coalition of nonprofit, mission-driven homeless  
17    services providers including those providers that are  
18    tasked with conducting street outreach, and I'm here  
19    to testify today because I cannot tell you how many  
20    times I have been pulled aside at events and meetings  
21    where everyone from frontline workers to the  
22    executives of these organizations have whispered in  
23    my ear and said, "Catherine, you have to do something  
24    about this program. This is not the approach we  
25    need." Client-centered practice, we need outreach

1 workers to lead the way. We know who are clients  
2 are. We just need to be able to deploy resources to  
3 help them. And these folks are not here to testify  
4 because they're afraid of alienating the  
5 Administration. So, I'm just sort of here to tell  
6 you what they've been telling me. We're grateful for  
7 the promised investments in Safe Havens that  
8 Commissioner Park spoke about earlier today. We  
9 agree that there have been substantial investments in  
10 improving the shelter stock, but the truth is that  
11 any person experiencing homelessness can tell you is  
12 that those investments haven't yet taken hold. So if  
13 the approach then is to threaten a homeless person to  
14 say, you know, here's a summons, or go to talk to  
15 this outreach worker. All that serves to do is to  
16 erode the trust that we're struggling mightily to  
17 build. And so this program is really undermining our  
18 efforts, and it's actually undermining the very  
19 investments that this Administration put in place.  
20 And so I just really want to call out that hypocrisy  
21 and note that they're really hand-cuffing these  
22 workers, these outreach workers and making it  
23 impossible for us to do our jobs. So I just wanted  
24 to flag that and note that, that there's a lot of  
25

2 people up and down the line that are working on the  
3 front lines that really know what our clients need,  
4 and we look forward to being able to deliver those  
5 services, and you know, just total-- just to echo my  
6 colleagues, I really struggle to understand why  
7 there's this presumption that the NYPD needs to be  
8 involved in street outreach at all. As long as we  
9 have the resources, as long as we have access to  
10 meaningful, permanent, supportive housing, Safe  
11 Havens, rent subsidies that pay the rent,  
12 comprehensive medical care, not just street medicine,  
13 but integrated primary health and behavioral  
14 healthcare into our communities and our shelter  
15 programs, those are the things that our folks need.  
16 So, I just wanted to flag that and just say that  
17 we're all on the same page, and speak on behalf of my  
18 members. Thank you.

19 CHAIRPERSON LEVIN: Thank you to this  
20 panel. Question for you all, was anyone consulted  
21 about the design of this program on this panel?

22 KAREEM WALKER: I certainly wasn't.

23 JOSH DEAN: I was not.

24 GISELLE ROUTHIER: I was not, and I  
25 remember getting the press release that day after it

1 came out and thinking I had to scroll really far down  
2 to see the details about what the summons that people  
3 would actually be given summonses and then they would  
4 have to get them cleared, and thinking that doesn't  
5 make sense. Why would you do that, right? And so it  
6 was like very confusing, but no we-- we were not  
7 consulted prior to the program, and raised many  
8 concerns since.

10 CHAIRPERSON LEVIN: It's like Amazon  
11 letter 2.0 for me where I signed on to that Amazon  
12 letter that one time. Big mistake. But this was-- I  
13 did give a quote in June, but I did not realize that  
14 this was what I was giving a quote to. Yeah.

15 GISELLE ROUTHIER: Yeah.

16 CHAIRPERSON LEVIN: Catherine?

17 CATHERINE TRAPANI: We're not consulted.  
18 We often get those late-night phone calls asking for  
19 quotes. So, yeah, no, I've been there. I wasn't on  
20 this press release, I checked.

21 CHAIRPERSON LEVIN: Yeah, I mean,  
22 obviously I appreciate you guys stepping up and doing  
23 this and being out there and calling attention to it.  
24 Kareem, thank you so much for your testimony. This  
25 was-- it was very important to hear somebody's

2 personal experience with this program, and I very  
3 much appreciate you taking the time to be here today,  
4 and--

5 KAREEM WALKER: It was my pleasure.

6 CHAIRPERSON LEVIN: And look forward to  
7 continue working with you. So, yeah, let's regroup  
8 in the coming days and talk about what came up in  
9 this hearing, and how to move forward.

10 CATHERINE TRAPANI: Thank you.

11 CHAIRPERSON LEVIN: Thanks. And last  
12 panel-- just for-- just for the record, is there any  
13 representatives from the Administration here in the  
14 room right now to listen to that panel? Nope. None.  
15 Okay. Just wanted to make that clear. Next panel:  
16 Richard Hobbs [sp?], James Abro [sp?], Richard W.  
17 Flores [sp?], Wendy O'Shields, and Jonathan Sunshine  
18 [sp?]. If there was anybody that wanted to testify  
19 whose name was not called, please fill out a form  
20 with the Sergeant at Arms, and we'll make sure that  
21 you're here to testify.

22 WENDY O'SHIELDS: Chair Levin? May I  
23 start?

24 CHAIRPERSON LEVIN: Go ahead, Wendy,  
25 thank you.

1  
2           WENDY O'SHIELDS: I have a graphic and  
3 it's-- it says NYPD Subway Diversion Program, why not  
4 HUD Housing first or HUD rapid rehousing? And then I  
5 have hand-cuffs, hundred dollar bills versus housing.  
6 That's the real solution, housing. That's all I have  
7 to say.

8           CHAIRPERSON LEVIN: Thank you so much.  
9 Look for the red light.

10           JOHNATHAN SUNSHINE: Okay, my name is  
11 Jonathan Sunshine. I'm a consultant with the Urban  
12 Justice Center. Anyway, my thing is I wanted to say  
13 that, you know,-- I heard things about the housing  
14 the homeless and everything and the hotel-- I heard  
15 about the hotel. There-- you know, but I'm not saying  
16 that they have-- they should-- they should-- outreach  
17 teams should also look into the kind of hotels that  
18 they're-- you know, because they have like the Howard  
19 Johnsons and I know, Penn Stations and the other  
20 things, you know, like the Empire hotels and stuff  
21 like that. They can put some-- they can make a  
22 contract with some of them to house some of them in  
23 there and not worry about the beds and everything  
24 because the food and the, you know, quality of life  
25 is a lot better in those places, because you know,

1 Howard Johnsons-- I mean, Motel 6 says, "We'll leave  
2 the light on for you." So, you know, let them leave  
3 the light on for the people-- for many of the people  
4 who really need to have the light on, you know.  
5 That's what I'm saying about that. And as far as the  
6 rest of it, they-- you know, they -- people want to  
7 be on-- they don't want to be on the streets and they  
8 don't want to be a lot of times in these shelters  
9 because they-- in the shelters it's almost worse than  
10 being on the street. I'm telling you that because--  
11 and then the sub-- that's why they go to the subway.  
12 That's why they go to the people in Port Authority  
13 and in Penn Station and stuff like that. That's why  
14 they're stretched out there like that, because  
15 they're over stressed and everything. They can't  
16 find affordable housing. Get in touch with the  
17 developers and everything and that's making these new  
18 buildings and stuff like that. Put some of them--  
19 and put some of them in there, in the 80/20, the  
20 20/20s and the 80/20 with the Elliot Spitzer thing.  
21 I mean, you got to-- and cut down on the-- I hear a  
22 lot of in a-- you know, I say inappropriate, but it's  
23 plain BS sometimes, I think, when they say they're  
24 talking about all the improvements they're making and  
25

2 they're not making them fast enough and they're not  
3 really helping the people that are really out there  
4 freezing their jollies off on the streets, and these  
5 so-called, you know, when you give them summonses and  
6 make them come in , that's almost like criminalizing  
7 them for things that they don't have any control  
8 over. So, that's what I had to say.

9 CHAIRPERSON LEVIN: Thank you, Mr.  
10 Sunshine. Whoever wants to go next.

11 JAMES ABRO: I'll go. I'm James Abro.  
12 Okay, so I'll start with this. I'm living in a  
13 homeless shelter, but I am a human. Okay, there we  
14 go. I just say that I'm living in my homeless  
15 shelter, but I am a human, and we really need to  
16 start with that, because that's not how you-- I came  
17 into New York in November 2019 to meet with a  
18 publisher. I'm a professional writer, a published  
19 author. I needed a place to stay in order to work on  
20 a book proposal. So I stayed at Bellevue for three  
21 months to do the proposal. The proposal didn't work  
22 out with the publisher. I've been stuck in the  
23 shelter system since then. I spent six months in  
24 Bellevue, six months in two different places in the  
25 Bronx, and now I'm in a hotel in Brooklyn. So, I

1 think I'm a resident expert on the shelters. So, let  
2 me tell you, first of all, they don't need more  
3 security. Security is the problem. When you go into  
4 the 30<sup>th</sup> Street you are-- I was going to say  
5 assaulted. You're checked by people-- now, first of  
6 all they have them in pseudo police uniforms just  
7 like the regular police only they have Tasers but not  
8 guns. So, all of these guys are there, and you give  
9 somebody who doesn't have any power, and most of  
10 these are street dudes. You see them coming in the  
11 mornings. They're coming from the hood. They put on  
12 the street uniform. They got a little power and you  
13 ain't got no power. That's just human nature.  
14 They're going to abuse you. So we don't need more  
15 security. We don't need more security guards. If I  
16 have a problem with anybody in a shelter while I am  
17 there, I take care of it myself, or I get the homies  
18 who have my back and I have their back. You don't  
19 call security. That's a big waste of time and money.  
20 Now I know that the budget of HDS, Homeless, whatever  
21 you call that, Homeless Services, its three billion  
22 dollars a year. Eighty-eight percent of that goes to  
23 the administrators. That's the clowns that are--  
24 they-- the place is completely dysfunctional. The  
25

2 administration of it is completely dysfunctional.

3 Social workers, that's a joke. And the food, I was

4 the four or five different-- four or five different

5 shelters. The food is different at each one. The

6 worse the shelter is, like you go to the Bronx, they

7 sent me to a hell hole because I complain a lot and

8 the food there was terrible. The place was terrible.

9 There is no uniformed shelter system. Wherever you

10 go you will end up there. Now, I'm-- now these are

11 all vendors. Now they have-- they're not cooking on

12 the premises. They're paying a vendor. You got to

13 look into kickbacks here. There's got to be a kick-

14 back because this food is shit. I wouldn't give it

15 to a teenager. Now, you go to any restaurant in New

16 York City, and they're all bragging, Fret du Menge

17 [sp?] or wherever, "We don't waste a single meal at

18 night. We give it-- We make sure it goes to people

19 who are" and they do. They send it out to the

20 churches or they send it out to the food banks. Why

21 doesn't somebody have them send it to the shelters?

22 We're living in the place with the greatest

23 restaurants in the world and we're eating like we're

24 in the third world. The food at 30<sup>th</sup> Street is

25 lethal. It comes in plastic and they reheat it in a

2 microwave. You don't reheat food in a plastic  
3 microwave. That's carcinogenic, right? Some people  
4 they're doing it on purpose. That's their solution.  
5 Now the permanent housing, let's forget about that.  
6 There is no permanent housing. There is no  
7 affordable housing in New York. The rents are going  
8 up and nobody wants to sell. I've seen what-- when I  
9 was in the Bronx they would take guys, they would  
10 give three of them-- they would go to a ghetto pimp,  
11 three to a room. Three crazy people, put them in a  
12 room. Of course they're going to go more crazy, and  
13 they're supposed to-- he's getting three of the rents  
14 for this little place. I've been in the system a  
15 year. I've seen one place in Harlem and it was  
16 supervised housing for crazy people. What are you  
17 showing me here? Now, I-- my version of using the  
18 shelters is give me a safe place to sleep and  
19 something decent to eat and let me go out here and  
20 hustle, because writing is a hustle. I'll get myself  
21 out of here, but just don't freaking bother me, you  
22 know. I was in a place in Jerome Avenue in the Bronx  
23 where they sent me-- they sent me to one place by  
24 mistake. You know, you can say they're messing with  
25 you or they're just so incompetent that they do this

2 shit. Who knows? But that's what they do. And  
3 well, that bing mean I'm over, right?

4 CHAIRPERSON LEVIN: Yeah, if you could  
5 conclude, that'd be great.

6 JAMES ABRO: What I want conclude? I  
7 don't even remember where I started. The shelter  
8 system sucks, period. It needs to be revamped, re-  
9 hauled, done away with. You can't reform it. It's a  
10 monster. It grew into something it was never intended  
11 to be. Give me that three billion dollars and I'll  
12 do a lot more with it than this shelter system.

13 CHAIRPERSON LEVIN: Thank you. Thank you  
14 for your testimony. Thanks. Whoever is next? No,  
15 no. Whoever wants to go?

16 UNIDENTIFIED: Mrs. Routhier just left.  
17 Ms. Routhier said in a recent interview that one of  
18 the primary reasons for homeless amongst single males  
19 for a rehabilitation facility, a prison, or a mental  
20 hospital is because hospital workers or city case  
21 workers don't discharge former hospitalized or  
22 inmates without a safe discharge plan, and as a  
23 result many people become homeless. I hope that  
24 sounded clear. Well, that's what happened to me. I  
25 was literally thrown into the street. I was evicted

1 and thrown into the street with nowhere to go. I  
2 went to the Coalition for the Homeless for help, and  
3 I was told, "We can't help you because you have an  
4 unemployment check and you get too much money from  
5 the state. We can't do anything for you." After  
6 that, I went to 30<sup>th</sup> Street. I was told, "You can't  
7 come here because you don't have a substance abuse  
8 problem, sir?" I said, no, I don't have a substance  
9 abuse problem. "We can't help you." Everywhere I  
10 went, every agency I've been to, no one helped me.  
11 I've made repeated calls to, what is it, DHS? Is  
12 that what's it's called. I got no help. They  
13 literally said, "We can't help you, sir." I called  
14 the Legal Aid Society. They said, "We can't help  
15 you." So to make a long story short, I haven't gotten  
16 any help, and I've been homeless for four years and a  
17 month. As far as criminalization of the homeless is  
18 concerned, I hope I can say this on camera, but I  
19 think the NYPD are pathological liars, because I seen  
20 what they do. I've been a victim of what they do.  
21 I've seen the arbitrary behavior that they conduct  
22 themselves with, and they were sitting here with you,  
23 and you were questioning them, and they were giving  
24 you answers and saying this is what we've done, these  
25

2 are the numbers, etcetera, but I've seen where they  
3 blatantly disrespect homeless people including  
4 myself. And then it becomes a contentious situation  
5 because if I say something or if I get upset, or if I  
6 feel like I'm not being treated lawfully, I can get  
7 arrested or something could happen to me. You know,  
8 they could say he's deranged, you know, he doesn't  
9 know what he's talking about. He's on the street,  
10 etcetera. So, it becomes a contentious situation,  
11 and then if you keep your mouth shut, then you won't  
12 get any help either. So, the point I'm making is  
13 that if this kind of divisiveness continues to go on,  
14 how can anyone expect anything to get any better?  
15 That's between the police, even what I listened here  
16 today, what I see on the street with civilians. This  
17 divisiveness that's going on. Unless the people want  
18 to actually really deal with that, which I know this  
19 is about, nothing is going to get any better. That's  
20 what's really alarming to me, you know. If that  
21 divisiveness doesn't come together, you know, it's  
22 only going to get worse, you know, the numbers are  
23 only going to continue to grow. There's young kids  
24 right now who, as you said, live in shelters, and  
25 what's going to happen to them when they get older?

2 You know, that next group of people who unfortunately  
3 going to find themselves in this kind of situation.  
4 So, all I'd like to say is that to me there needs to  
5 be real communication, not a kind of semantical game  
6 of language, and I heard a lot of that go on here  
7 today, and I find that to be a little distressing  
8 amongst individuals who I consider to be very  
9 respectful and educated and that you want to do a  
10 good job, and everyone seems to want to have change,  
11 but if even in the language that they're using, you  
12 can hear this kind of divisiveness going on as a  
13 result of economic and social reasons, I guess. How  
14 do you expect for change to happen. That's just a  
15 question I'd like to leave you with.

16 CHAIRPERSON LEVIN: I appreciate that.  
17 Thank you. If you can make sure the red light is  
18 on.

19 RICHARD HOBBS: My name is Richard P.  
20 Hobbs, and I want to say first that I really blessed  
21 today because one of the few times in my life I've  
22 seen people who are involved in the legislature's  
23 process who seem to have-- who seem to be trying to  
24 bend the curve to social justice. I was blessed in my  
25 life. I was born in Rochelle [sp?]. I grew up. I'm

2 a member of the Riverside Church in the City of New  
3 York, and even though I didn't understand what was  
4 happening at the time, I got to sit in church with  
5 my mother and listen to a man speak. His name was  
6 Reverend Dr. Martin Luther King, and he did mention  
7 through his lifetime about how a society can be rated  
8 by the way in which it treats the least amongst us.  
9 So, I'm 15 years old, I started working with homeless  
10 people when I was a boy scout and I've been doing it  
11 since. I'm a minister. When I work with the homeless  
12 I didn't take pay. I paid myself for doing the work,  
13 and I've always been poor. I was born poor. I'm  
14 going to die poor, and some poor people are poor  
15 because they mismanage their monies. Others of us,  
16 including myself, are poor because we don't have any  
17 money, and we can learn to be very frugal with it,  
18 and I have been very effective at using small amounts  
19 of money to accomplish a lot, by putting effort into  
20 it, by volunteering, by helping. I've also-- I've  
21 helped many homeless persons in the last 50 years,  
22 individuals who I've helped by taking a personal  
23 concern for them and considering them-- Dr. King  
24 talked about the beloved community where I consider  
25 you to be more important than myself, and that's a

1 difficult thing for most humans to do. But when we  
2 do that, if we have eight people in a room and each  
3 one is concerned about the other seven succeeding,  
4 that's one scenario. What the scenario we usually  
5 use here is eight people in a room all concerned  
6 about themselves succeeding. Which would you rather  
7 be in? And I believe we're at the time in history  
8 where God or providence is calling us to reinvent  
9 ourselves, and I hope that this is a part of what  
10 you're doing. I became homeless in March 10<sup>th</sup>. I  
11 lived in Yonkers. I was in a Section 8 apartment for  
12 nine years. You paid a thousand dollars a month for  
13 my rent, but I couldn't get any heat in my apartment  
14 in my bedroom for nine years. And then six years  
15 after that I went in the hospital for having frozen  
16 almost through the winters not being able to bathe  
17 right. They wanted to cut my foot off, the doctors  
18 did, but I refused to let them do it, because I knew  
19 how to get it-- I knew things they didn't know,  
20 because I've been poor and I've had times when I had  
21 no doctors. I had to take care of myself. Now, I've  
22 fallen through all the cracks, and in the times I've  
23 been homeless people-- let me give you two short  
24 stories. One, a person become homeless and they have  
25

1 things, and what do they do with their things? The  
2 welfare system will say, "Well, we'll give you  
3 storage." And then you become a part of that system  
4 and they take over your finances. But what happens  
5 is, the mechanisms of the government are such that  
6 you never get the storage until all of your stuff--  
7 or you might get the stuff in storage, and by the  
8 time it gets paid, the stuff is gone because it's too  
9 late. I'm saying is the efforts we make to try to  
10 solve problems tend to cause problems unless we're  
11 directly interested in helping the person as an  
12 individual. And I've been at Penn Station. I'm not  
13 a-- I'm an intelligent person. In the seventh grade I  
14 went to college, and I know things, and I understand  
15 things, and I'm not better than anyone else, but I  
16 know that I'm a liar. Well, I do, and I admit it, so  
17 that's my take on life. I don't usually lie, but I  
18 am a liar, and I don't drink. I don't smoke. I don't  
19 use alcohol. I don't use coffee, because I think  
20 it's a substance. I'm never-- I'm a virgin, although  
21 people accuse me otherwise, but it's not true. And I  
22 don't need anything from anybody else except the  
23 opportunity to do this thing that this country lets  
24 us do and that's to be self-- be able to control my  
25

1 own life and do what I need to do for my psyche. And  
2 in Penn Station I was mugged two days after Christmas  
3 at the ATM machine, and the guy mugged me, and the  
4 Amtrak police came by a little later. I was pulled--  
5 money was pulled out of my-- well, they didn't get  
6 it, but they pulled me off my chair onto the floor at  
7 the ATM machine Wells Fargo behind the Amtrak circle,  
8 and when the police came there, the Amtrak, I said to  
9 them, "Police, police." People helped me back in my  
10 wheel chair. I hurt my knees. I said, "I was just  
11 mugged." And he says, "I don't believe you." And  
12 then I asked him to make a report and he refused to  
13 make a report, and then a little while later-- and  
14 I'm sorry, unfortunately, in New York City it's  
15 against the law to sleep, and it's hard to have a  
16 place to go to the bathroom. I have to use a  
17 bathroom every hour and a half, and that's the--  
18 where is there a place in the middle of the night  
19 where you can use a bathroom? And I go to the  
20 Riverside Church and they have a shower project  
21 there, and they think they're doing a wonderful thing  
22 for God and the world, but then at 10 o'clock they  
23 throw all of the homeless people out of the church,  
24 and they pay a guard to sit there, and he can use the  
25

2 bathroom or she can use the bathroom, but nobody else  
3 can, and that's not social justice. You pay someone  
4 to keep-- so, now, what did I see in Penn Station?  
5 They say, you see something, say something. In order  
6 to deal with that Amtrak police, I had to call the  
7 FBI and report what happened, and I do that. And the  
8 Long Island Railroad, there's eight police officers  
9 there, and I saw someone peddling drugs to someone  
10 else, and I went over to the police officers and  
11 tried to tell them, and they shooed me away and all  
12 left. I'm sorry, my-- it's just-- I'm sorry. And I  
13 saw-- I'm seeing a lot of things going on here, that  
14 if you saw them, you would want to know about it. I  
15 was robbed. My phone was robbed from me in the Penn-  
16 - the most benign place I found where there's a  
17 bathroom at night that I can use seems to be the  
18 Staten Island side of the ferry, but they still--  
19 there may be 40 people sleeping on the floor at  
20 certain parts, and there's a whole process going on  
21 where they use the rules to oppress other people.  
22 You know, we had a rule that slavery was legal once,  
23 and we used it to oppress people, and the purpose of  
24 laws is not to oppress people. The purpose of this  
25 country is so people who want to do something that is

1 right have the freedom to do it, and unfortunately  
2 most of think that freedom is the right to do  
3 something we shouldn't be doing. Now, they robbed my  
4 phone, and I went over to the police, "He robbed my  
5 phone." They ignored me. They didn't say a thing or  
6 do a thing. They talk about cameras all over the  
7 place, and I had to call Internal Affairs Bureau. I  
8 had to call the FBI. About a week later they started  
9 to investigate. Then the fellows name was Robert  
10 Gordon and he robbed my phone from me, and he robs  
11 phones all day long from people all over the place  
12 over there. All the other homeless know about it,  
13 but the people who travel through the terminal don't  
14 know that he's robbing their phones. And then I  
15 prosec-- I did the things necessary for them to have  
16 him go in front of a judge, but the judge just signed  
17 off and let him go. And since then, it's been about  
18 three days, four days, he's still stealing phones  
19 from people. So, I hope you get the gist of what I'm  
20 talking about. I volunteer my services to any of you  
21 to help you. I lobbied Congress for eight years. I  
22 went to college in the 7<sup>th</sup> grade. I'm not stupid.  
23 I'm homeless in a wheelchair. I am homeless in a  
24 wheelchair in the greatest city in the world, and I  
25

2 belong to a church that has 100 million dollars in  
3 the bank, and they think it's good to give a shower,  
4 but then they throw people, even me a member, they  
5 put me out on the street so I have to poop in my  
6 pants, and then they wonder why people pee on the  
7 street. There's no bathroom. So, we really need to  
8 start reinventing ourselves, don't you think? And I  
9 think you're trying to do it.

10 CHAIRPERSON LEVIN: I agree.

11 RICHARD HOBBS: And if you are, then God  
12 bless you.

13 CHAIRPERSON LEVIN: Thank you. Thank you.  
14 And I appreciate--

15 RICHARD HOBBS: [interposing] And I'll  
16 help.

17 CHAIRPERSON LEVIN: Thank you. I  
18 appreciate that very much, and thank you to this  
19 entire panel, and I think that the takeaway from this  
20 panel is we need to not just reform this system by  
21 reinvent it.

22 RICHARD HOBBS: Reinvent it. And it has  
23 to be humane.

24 CHAIRPERSON LEVIN: It has to be humane.  
25

1  
2 RICHARD HOBBS: If it's not humane, I  
3 mean, you wouldn't put your dog in the shelter I was  
4 in. They got-- I was in Westchester shelter. They  
5 get \$4,185 a month for me to be there and they want  
6 to take my SSI away and give me 20 dollars a month,  
7 and then I have to-- and what happens in Westchester--  
8 - I don't know about here, but I do know that's the  
9 wealthiest county in the world, and they get from the  
10 Federal Government \$4,185 a month for each homeless  
11 person they have. How much does the city get? Maybe  
12 it's become a business, and maybe there's people who  
13 profit off of the homelessness, and maybe-- you know  
14 I'm told that a relative of the Governor is in charge  
15 of a whole agency. I know the BCR. I know Amish  
16 people. The BCR has become a business. It was taken  
17 over, and I know what went on politically in that  
18 organization. They took both of the shelters over.  
19 Milton Freedman told us about having a marketplace  
20 with a lot of people actively involved and he was  
21 pretty smart about that. Maybe we need to let these  
22 agencies compete with each other and let the best  
23 ones rise.

24 CHAIRPERSON LEVIN: So, again I want to  
25 thank all of you and appreciate you taking all the

2 time and staying here. This has been-- you know, it's  
3 been a four-hour hearing. So I appreciate you all  
4 staying to the end and giving your testimony on the  
5 record. This is on not only the written record, but  
6 it'll be-- the video is online and it's part of this--  
7 - the permanent record of this hearing. So, I want  
8 to thank you all very much and if there's anything we  
9 could do--

10 RICHARD HOBBS: Most of what happened to  
11 me I have documented on YouTube.

12 CHAIRPERSON LEVIN: Yeah.

13 RICHARD HOBBS: Most of it.

14 CHAIRPERSON LEVIN: And if there's any  
15 help that our offices can provide, we're more than  
16 happy to do that. Correct. That's Levine, close.  
17 That's Mark Levine. I'm Steve Levin, but Mark Levine--  
18 - that's Mark Levine, similar last name. But I want  
19 to thank all of you very much for your time and  
20 appreciate your testimony. Thank you. And with that,  
21 at-- I want to thank also our Sergeants at Arms and  
22 staff who helped put this hearing together: Daniel  
23 and Amenta and Natalie who I think still here. I  
24 want to thank all of you guys very much. And with  
25 that, this hearing is adjourned.

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COMMITTEE ON GENERAL WELFARE WITH COMMITTEE ON PUBLIC SAFETY

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 March 17, 2020