

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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HELD AT: Remote Hearing

B E F O R E: Donovan Richards
CHAIRPERSON

Corey Johnson
SPEAKER

COUNCIL MEMBERS:

- Keith Powers
- Ydanis Rodriguez
- Andrew Cohen
- Fernando Cabrera
- Vanessa L. Gibson
- Paul Vallone
- Rory I. Lancman
- I. Daneek Miller
- Adrienne E. Adams
- Carlos Menchaca
- Justin Brannan
- Chaim M. Deutsch
- Farah Louis

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

Oleg Chernyavsky, Assistant Deputy Commissioner of
Legal Matters,
New York Police Department

Fausto Pichardo, Chief of Patrol
New York Police Department

Margaret Nelson, Deputy Commissioner
Urban Park Service and Public Programs

Brady Hamed, Chief of Staff
New York City Mayor's Office of Operations

Raymond Spinella, Chief of Support Services
New York City Police Department

Sanford Rubenstein, Civil Rights Lawyer

Alvin Bragg, Co-Director
Racial Justice Project at New York Law School

Brandon Holmes
Just Leadership USA

Kevin McCall, Reverend, President and Founder
Crisis Action Center

Monifa Bandel, New York City Resident

Victoria Davis, New York City Resident

Tijon Dembo, Student and Youth Leader
Rockaway Youth Task Force

Michael Sisitzky, Lead Policy Counsel
New York Civil Liberties Union

Cleopatra Acquaye-Reynolds, Co-Director
Audre Lorde Project

Jennvine Wong, Staff Attorney
Special Litigation Unit at Legal Aid Society

Melissa Moore
Drug Policy Alliance

Lupe Aguirre, Attorney
Center for Constitutional Rights

Pilar de Jesus, New York Resident

Dani Green, Attorney
Criminal Defense Practice Bronx Defenders

Quadira Coles, Policy Managers
Girls for Gender Equity

Andrea Ritchie, Researcher
Interrupting Criminalization Initiative
Barnard Center for Research on Women

Dr. Victoria A. Phillips
Jails Action Coalition and Justice for Women

Jennifer Grossman, Executive Director
Nurses for Social Justice

Rachel Zimny, member
Campaign for an Elected Civilian Review Boards

Jaron Benjamin
Housing Works

Vincent Riggins, New York City Resident

Paperboy Love Prince, New York City Resident

SERGEANT-AT-ARMS: 10-4. Good morning and welcome to the Committee on Public Safety. Will Council members and staff please turn on their video at this time? Please silence all electronic devices. Any testimony can be sent to testimony@council.nyc.gov. Again, that is testimony@council.nyc.gov. We are ready to begin.

CHAIRPERSON RICHARDS: All right. Here we go. All right. Good morning everyone.

[gavel]

CHAIRPERSON RICHARDS: All right. Thank you for joining our virtual hearing today on the NYPD's enforcement of social distancing orders. First, I would like to acknowledge that we have been joined by the Speaker. I would also like to acknowledge my other colleagues who have joined us thus far. And I will go through this list. I am going to the start with the-- we are joined by our Public Advocate Jumaane Williams. We are joined by Council member Cabrera. We are joined by Council member Miller, Council member Yeger, and Council member Lancman, Deutsch, Lander, Cohen. I said Miller. All right. So, I think I got everybody and I to you, if I did not do that. I am going to turn

it over to our Committee counsel Harbani Ahujah [sp?]
To go over some procedural items.

COMMITTEE COUNSEL: Thank you, Chair. My name is Harbani Ahujah [sp?] And I am committee counsel for the New York City Council. Before we begin, I want to remind everyone that you will be on mute until you are called on to testify, when you will be on muted by the host. I will be calling panel asked to testify. Please listen for your name to be called. Will be periodically announcing the next panelists will be. Today, will be hearing from representatives from the New York City Police Department, the Parks Department, and the Mayor's Office of Operations. We will additionally hear from public defenders, advocates, and members of the public. We will be calling agency representatives and panels and ask for Council members reserve their questions for after each panel is finished testifying. The first panel will be the New York City Police Department represented by Chief Fausto Pichardo, Chief of Patrol, Deputy Commissioner Ernest Hart, Deputy Commissioner of Legal Matters, Assistant Deputy Commissioner Oleg Chernyavsky, Assistant Deputy Commissioner of Legal Matters, and Chief of

Support Services Raymond Spinella. For the question-and-answer period only, we will be joined by Brady Hamed, Chief of Staff for the Mayor's Office of Operations and Margaret Nelson, Deputy Commissioner for Urban Park Service and Public Programs at the New York City Parks Department. During the hearing, as Council members would like to ask a question of the administration or a specific panelists, please use the Zoom raise hand function and I will call on you in order. We will be limiting Council member questions to three minutes, which includes the time it takes to answer your questions. Please note that, for ease of this virtual hearing, we will not be allowing for a second round of questions for each panelist. Thank you. I will now pass it to the Speaker in a given opening.

SPEAKER JOHNSON: Calling on the Council members that were joining us. I think, since that time, Council member Vallone is also on and Council member Menchaca is on, as well. So, want to recognize both of them and I am glad that the Public Advocate is joining us today. His voice, I think, is really important and crucial to this discussion. I've been deeply troubled by the reports that we have

seen about the NYPD's enforcement of social distancing. I think we have all seen the videos of a few incidents in particular that have been really hard to watch, not only because of what happens, but because they remind us of the time not so long ago when the police were stopping in frisking countless young men of color for no reason. Arresting thousands of mostly black and brown folks for things like marijuana and issuing hundreds of thousands of summonses every year. A time when we were literally filling our jails with people of color. Those videos are powerful reminder that we must never be complacent that we must do everything we can to prevent anything like that from ever becoming the norm and our city again. I know that the Commissioner has said that those videos were disheartening. For many communities, what is disheartening is that we are having the same conversation about policing in certain neighborhoods over and over again. The racial disparities in social distancing arrests and summonses speak for themselves. 90 percent of arrests and 80 percent of summonses have been people of color. Granted, for the city of ours size, then number of social

distancing arrests and summonses is actually pretty small, especially when compared to the number of summonses that we are used to seeing for quality-of-life offenses. We know that the Department has told its officers to use arrests and summonses as a last resort and that is, generally, what is happening. But that is not good enough. There is still too much we don't know when there is too much we are only learning now. For weeks, my staff, here at the Council-- I know along with Council member Richards-- Chair Richards-- has asked for the racial breakdown of enforcement actions. Two months into this crisis, the numbers finally came out and showed exactly what we were worried about. Arrests and summonses are overwhelmingly happening for people of color. For weeks, my staff is also been asking for data on where the NYPD's task force has been deployed. Three weeks ago, Chair Richards even sent a letter specifically asking for that data. But today, we still do not have it. We do not know where people are being deployed. This information is absolutely critical because there may be a number of reasons for these racial disparities. Some of them may be due to factors outside of the NYPD's control,

as Commissioner Shea has said, but the NYPD does control where it sends its officers and we know, from marijuana to turn style jumping, that wherever you send your officers is where you will actually see enforcement. It's common sense. If you are sending officers to minority neighborhoods and not white neighborhoods, you're going to see enforcement against people of color and not against white New Yorkers. So I want to know what data the NYPD is using to identify hotspots and whether that lines up with where they're actually sending the COVID NYPD task force. I'm also concerned about the reports that came out yesterday related to 311 calls. From what I'm seeing, the most complaints, as it relates to 311, are coming from predominantly white neighborhoods, but relatively few white people are receiving summonses or getting arrested. Communities need an explanation for that. I want to wrap up by saying that I know that there are many officers who have been doing a great job and they have been avoiding arrests and following instructions and not issuing summonses and using de-escalation. I want those officers to know that we support you and we all appreciate your work. What we are talking about

today is simply not about you. This is about how the department can get better at eliminating inequitable policies and practices that so many black and brown new Yorkers have endured for a long, long time.

There is another fundamental question that needs to be asked. Why does the NYPD have to do this at all?

Social distancing is, at its core, a public health issue. It's a community issue and it's a community issue that deserves a community response. We have seen that community-based programing, such as the Cure Violence programs on eliminating gun violence, do a fantastic job in creating social pressure to reduce crime. As I said, we cannot arrest our way out of this problem. And, quite frankly, you don't need someone with a gun and handcuffs to deliver a message about public health, especially in

neighborhoods still scared by decades of over policing. So, I'd like to hear today from the department whether there is another way. Whether there are other folks who can do this work because the way we have been doing it for so long isn't working for all of our communities and, frankly, I see no reason why the NYPD should be doing social distance enforcement at all. Thank you for giving me

a moment to provide an opening statement. I thank you all for being here today and now I turn it back over to Chair Richards.

CHAIRPERSON RICHARDS: Thank you, Speaker Johnson, and good morning. I'm Donovan Richards from the 31st district in Queens. Literally in the 31st district today. And I am the Chair of the Public Safety Committee. We had our budget hearing last week and, for anyone who was listening, knows I was very critical in my remarks of what I believe was lack of appropriate contrition on behalf of the department in response to two incidents that I [inaudible 00:17:42] deplorable and some damning statistics. I want to discuss those incidents briefly, but, before I do, I actually want to say something that I didn't expect to say at this particular hearing. I think I am not doing my job if I am only critical of the bad and do not endorse the good. I want to thank Commissioner Shea for acknowledging certain things last week. That the department has made mistakes and that they have more work to do to maintain the progress of the last few years. I appreciate those comments and hope it means we can continue to dialogue about how we move

forward. So let me turn to the social distancing incidents that are troubling a lot of us. Of course, I found the video of Officer Garcia slapping and humiliating, abusing, and unjustly arresting an innocent bystander revolting to my core. I don't know how anyone else could feel otherwise. That officer should not be on the force. Based on his history, he should already have been off the force. That's easy. But what I really want the department to understand is how your response or lack of a response to these incidents has such a powerful impact on community's views of the department. Turning back to today's subject, many of us were skeptical of the NYPD enforcing social distancing because we didn't want to see these incidents, but know that, sooner or later, we would because we have seen these so many times before. And when we see this, we want to hear you say that this is not how officers should behave. I understand the Commissioner has a role and a disciplinary process and has to remain impartial and can only say so much, but there has to be a way to communicate that this is not what the department stands for. Other officers need to know that they cannot behave this way. We

need to hear you say that to them. So I'm calling on you to support the disciplinary matrix bill. It will require you to put a fair and transparent system for determining discipline online for all New Yorkers to see. You decide what it is. The Commissioner keeps his discretion, but you have to tell us what officers get when they do things like this. It's simple and it's fair. It's transparent. It's good for you. Oleg, let's get this done and, Mr. Speaker, let's pass this bill. Turning now to the young mother who was arrested after she didn't wear a face mask, the department talks about de-escalation. I have heard it many times. I know you mean it. But what I need to hear and see is how you respond when officers fail to de-escalate. And you know what-- it's not really about those officers in that video. The truth is I don't know what happened before the video we saw, but I will say I'm disappointed that the department hasn't agreed to turn over the body camera footage in the social distancing arrest including that one. But what is important going forward is that the department understand that I want to see you evaluate whether it is ever worth it for you to arrest someone in that situation. Show me that you're reconsidering

why anything she did requires an arrest. Show me that you are telling officers that, when someone refuses to wear a face mask or just a turn style or does anything that doesn't directly harm someone else, that they can, and should, just let it go. I agree with the Speaker when he says that we can't arrest our way out of every problem. And I want the department to start to identify problems that they will just decide is never worth an arrest. That's what people need to see. Don't get me wrong. This pandemic is dangerous. People need to wear masks and socially distance themselves, including the NYPD. No question drugs are bad for you. People shouldn't [inaudible 00:21:34]. No question. But that's not the issue, ever, when it comes to police reform. It's not the question we-- oh, where did I go? People need to wear masks and da da da da da. But that's not the issue ever when it comes to police reform. It's not the question we should be asking ourselves about the decision to ask the police to intervene. The right question is whether there is a need, in particular situations, to use force and cuffs and courts and jails. Does it do any good? Does it do the department any good? I think the

answer, with regard to social distancing, is no. I think the Commissioner understands a lot of what I'm saying and so I am hopeful. I think the Mayor is starting to understand this, as well, and I'm heartened by the fact that DC 37 members will be the new social distancing ambassadors because I have a lot of faith in them. My questions for you today are going to be about whether we are keeping them safe. How they are going to be trained and how they are going to be paid. But I am also still unclear as to what the NYPD's role will be. I noticed that the Mayor said that people won't be arrested for failing to wear a mask, but will they still be getting summonses for it? And I didn't think that's what people were getting arrested for in the first place. So what does this really change? And the Mayor even added an exception for a serious dangers. What is a serious danger? I'm worried that the new policy isn't all that new and that we're still going to see more of the same. Finally, like Speaker Johnson, I want answers about exactly where the task force have been deployed. The data on race was troubling, but expect. Now, the question we're entitled to answer is what role did the department's policies play in

those disparities? I sent a letter asking questions and I didn't get the answers I wanted, so I hope I'm going to get them today. With that, I will turn over to our Public Advocate, Jumaane Williams, for an opening statement.

PUBLIC ADVOCATE WILLIAMS: Thank you very much for that, Mr. Chair. As was mentioned, my name is Jumaane Williams and I am the public advocate for the city of New York. I want to, again, thank Chair Richards and the Speaker for holding this important hearing that continues our conversation on social distancing enforcement. Today's hearing stems from the disparity we have seen from the New York Police Department in enforcement of social distancing. We've seen the videos, the images, and the data showing racial disparities that invoke previous variations of policing in this city. Over 80 percent of people who receive summonses were either black or Hispanic, bringing into question whether this is effective at all. The short answer is no. Issuing summonses and arresting people is not an effective way to enforce social distancing or to get compliance. The NYPD itself selectively showed us other things that can be done like handing out masks

to people on the Upper East Side. What is still clearly unacceptable is the response in communities of more color such as the May 3rd incident in East New York where persons were punched, arrested, and detained only to later be released or the incident that was spoke about with Officer Garcia in the Lower East Side. We only know of the incidents that were recorded and gained online attention, yet, [inaudible 00:24:45] is not an excuse for police abuse of any kind. Though I'm relieved to see many of the recommendations I first proposed on April 1st in my COVID-19 preliminary response and recovery report reflecting the Mayor's recent reset of social distancing, I do not believe the NYPD should be the primary agency tasked with compliance of public health guidelines. I agree with the Mayor on many elements of this reset. Yes, we should distribute more masks and face coverings at parks, as she a few summonses, support community members to educate people on social distancing, and create open spaces by expanding several miles of streets. But the effectiveness of these measures will largely depend on who is responsible for their enforcement. For many weeks, our officers lead the call. One I'm so

glad that many others joined because their voices are what brought us to where we are today. We lead the call for the city to move away from a law enforcement center of response and to employ a grassroots, community-driven approach to sharing information and resources while encouraging social distancing, specifically by using the existing Cure Violence model, as well as other things. A few weeks later, we lead the call in asking for the data. We some received-- which some of it received has showed what we were afraid of. We're still waiting for the rest of the data. I understand that, within the last hour, the Mayor has finally agreed to work with these groups. This development is welcome, but we would already be showing public health benefits if the administration had heeded our initial call. A hesitation, which is a characteristic of much in this administration's response to this pandemic. The delay in adopting this strategy. The cities initial reluctance to form the crisis management system and Cure Violence group that this Council prioritized many years ago, doubting their effectiveness. Years later, we have seen the results. The system is currently playing on the role in reducing gun

violence and saving lives across our city and will continue to save lives in the streets now by using the same networks and credible messengers to achieve harm reduction. I have also urged the Department of Mental and Hygiene to have a more central role as the guidelines we are relying on in our communities to adhere to should be directly provided and supported by public health agencies and organizations. I am concerned, however, that DOHMH and the Health and Hospital representative is are not here for this important hearing. There are also other ways we can and should go further. The city means a holistic strategy to address social distancing. As the warmer months approach, including this weekend, and more people leave their homes, that does not rely on law enforcement and concern about the city's plan for our beaches. For example, as the Commissioner of Parks and Recreation noted earlier this week, that the NYPD will help enforce rules. Instead, the mayor should rely on community members and other health agencies. I also call on me administration to install hand sanitizer dispensers near the entrance of public parks and nearby extinctions. I applaud the free 30 day bike membership for first responders and other

critical work members and urge the mayor to extend this benefit to all essential workers over a long period of time. I also continue to call for the reinstatement of the Summer Youth Employment Program, which we know keeps young people meaningfully engaged and dramatically reducing incarceration rates as seen in 2014 study of the city's SYEP's program. These ideas are useful in prioritizing my health and safety of New Yorkers. I also understand the administration took another one of our ideas, engaging other agency is to be part of spreading the message. We're waiting to get more information on how those vehicles are being used. Our response to this pit to make will either exacerbate the spread or the coronavirus or Lee does on a path to recovery. We cannot rely on reactive responses based on videos and images that force the administration's hand. We need a proactive approach that puts the community first with members of the black community leading the effort. This is why my office and many members of the Council of expressed concerns about the minimal cuts to the NYPD's budget as the administration's overall budget seems to not appear to put community first. And I agree with everyone that we all have to adhere to

this. It's how that we get compliance and it is more important. And the most important thing to me is I am also glad that we heard the sayings that there were mistakes that were made, but what we need to now do is just to admit, as a city and have them administration, that there is disparate policing in black and brown communities and not accountability for it. That is at the core of this issue. And I've always heard that that is not it. We have heard that we're responding to calls. Well, the Daily News reported today that most 311 calls come from white communities, but most summonses and arrests come from black and brown. We heard that with marijuana arrests. We heard that when people are [inaudible 00:29:05]. We heard that-- I heard that when I was arrested on Labor Day in 2011 in [inaudible 00:29:12] with my good friend [inaudible 00:29:14] Foy trying to get into an event we were invited to. All of these are not just asides. They represent the core issue that we just have to address as a community for the benefit-- as a city for the benefit of the community and the many police officers who come day in and day out to do a great job in assisting this city. So I'll echo what Commissioner Shea and I

agreed on last week's hearing. We need to work together and no take a step back. The use of police to enforce public health guidelines is ill advised, given the existing relationship between the department and many communities of more color that we are seeking to make. With that, I'm looking forward to hearing your testimony. And thank you, Chair, and I look forward to what's to come.

CHAIRPERSON RICHARDS: Thank you, Council member Williams. And now we will turn it over to our moderator. Harbani.

COMMITTEE COUNSEL: Thank you, Chair. We will now call on the New York City Police Department to testify. Before we begin, I will administer the oath. Chief Pichardo, Deputy Commissioner Hart, Assistant Deputy Commissioner Chernyavsky, Chief Spinella, Deputy Commissioner Nelson, and Mr. Hamed. I will call on each of you individually for a response. Please raise your right hand. Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this committee and to respond honestly to Council member questions? Chief Pichardo?

CHIEF PICHARDO: I do.

COMMITTEE COUNSEL: Deputy Commissioner
Hart? Deputy Commissioner Hart?

SPEAKER JOHNSON: Deputy Commissioner
Hart, can you hear us? We can't hear you. Keep
going--

COMMITTEE COUNSEL: Okay. While we
fix--

SPEAKER JOHNSON: Harbani.

COMMITTEE COUNSEL: the audio, we'll
keep going. Assistant Deputy Commissioner
Chernyavsky?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I do.

COMMITTEE COUNSEL: Chief Spinella?

CHIEF SPINELLA: I do.

COMMITTEE COUNSEL: Deputy Commissioner
Nelson?

DEPUTY COMMISSIONER NELSON: I do.

COMMITTEE COUNSEL: Mr. Hamed?

BRADY HAMED: I do.

COMMITTEE COUNSEL: Thank you. And
Deputy Commissioner Hart?

SPEAKER JOHNSON: I think there's an issue
with his audio.

COMMITTEE COUNSEL: Okay. We can come back and swear you in after. For now, Chief Pichardo, you may begin your testimony when you are ready.

CHIEF PICHARDO: Good morning, Speaker Johnson, Public Advocate Williams, and Chair Richards, and members of the Council. I'm Fausto Pichardo, Chief of Patrol in the New York City Police Department. I am joined by Deputy Commissioner of Legal Matters Earnest Hart, Chief Raymond Spinella, Assistant Deputy Commissioner for Legal Matters Oleg Chernyavsky, as well as Deputy Commissioner Margaret Nelson from the Department of Parks and Recreation, and Bryan Hamed, the Chief of Staff for the Mayor's Office of Operations. On behalf of Commissioner Dermot Shea, I wish to thank the Council for the opportunity to talk about the enforcement of social distancing rules during this pandemic. We are in unprecedented times in our city. The pandemic has exacted a heavy toll on all New Yorkers, as well as the NYPD. 42 members of our NYPD family have been lost to this pandemic. Our thoughts and prayers are with these dedicated public servants and their families. These brave men and women will never be

forgotten. In March and April, we pulled from all corners of our agency to supplement our patrol efforts as we grappled with this virus. Social distancing rules did not exist several weeks ago and there is no manual on how to deal with this type of pandemic and a densely populated city of over 8.6 million people. As the police commissioner made clear before this body a little over a week ago, it is important to acknowledge some of the attention that has given rise to this hearing. Over the last several weeks, some have questioned to the police department's role in the city's overall public health strategy and the enforcement of social distancing rules put forward in several executive orders. To some, these responsibilities do not appear to fall within the scope of the police department. Some have questioned why the NYPD has expanded its mission to include the management of crowds and social distancing during the current pandemic. So, let me answer. Our core mission is public safety and, when the NYPD is called to step up in times of great crisis, we're going to answer that challenge. We're going to do it for all New Yorkers, for all communities. We are in everyone's corner. Every

community, supporting them, supporting each other as we are fighting this virus together. In addition to preventing crime and making arrests, the Police Department's duty in the city charter includes guarding public health. That phrase has certainly taken on new meaning during these times. The NYPD has joined our fellow uniform agencies, medical professionals, and are the front lines of this pandemic, even as the current reality for all New Yorkers and all of us serving them has continued to revolve, sometime hour by hour. The current health crisis has shaped a dynamic new environment for our officers. The executive orders issued by the governor and the mayor have become progressively more restrictive throughout the pandemic, beginning with limits on the operations of restaurants and bars and other essential and nonessential business is an expanding to the required wearing of masks in public when social distancing is not possible and bans nonessential gatherings. The NYPD has moved decisively to provide direct guidance to our officers in this rapidly changing setting. The primary goal has been to employ our officers to remind people about social distancing of six feet apart and wearing

face coverings in public are essential to stopping the spread of the fire is. And, overwhelmingly, compliance has been achieved the reminders and warnings. But, at times, enforcement has been necessary. And this responsibility falls on all our officers and every command. But, to bolster these efforts at the end of March, we detailed nearly 700 officers and supervisors to a task force specifically established to address this issue. The task for this primary goal is to use non-enforcement measures to ensure those not observing social distancing to do so. The members visited parks, supermarkets, bars, restaurants, and anywhere people might congregate. They posed social distancing information on posters. We have recorded a public service announcement that can be broadcast over vehicles, loudspeakers when officers encounter a group of people who are not practicing appropriate social distancing. The task force also assists in our response to a number of social distancing complaints received via the 311 hotline. As of May 17, the task force has responded with visits and inspections some more than 13,000 calls for service regarding social distancing violations and has distributed over 164,000 masks.

In addition, officers from my patrol Bureau had visited 397,656 bars and restaurants, 186,286 supermarkets and pharmacies, 63,387 public spaces, and 169,277 personal care facilities. Collectively, the department is distributed 373,050 masks during this period. Though we did not see this pandemic coming, if there was ever a challenge that neighborhood policing was seemingly designed to address, this would be it. From day one, Commissioner Shea, myself, and the rest of the NYPD leadership knew that we would not be able to enforce our way to the safe and health. Instead, we had to successfully engage people in the streets, the park, businesses, every day and convince them to into the right thing to protect everyone's health. And every time we persuade people in this way without placing handcuffs or issuing summons, we counted it as a small victory. Then, to be clear, the NYPD is not engaging and broad phase or arbitrary enforcement on social distancing. On the contrary, we are responding to community and public health concerns and addressing the most egregious actions that put every New Yorker in harm's way. Each and every member of the NYPD has been instructed to take

enforcement action only as a last resort. They have been given enforcement guidance by our legal Bureau on the various state and city executive orders that have been issued during this pandemic. Since the start of the emergency, we have taken minimal enforcement action in these few incidents when all efforts to gain compliance have failed. We continue to further hone our enforcement to address only the most serious conditions then, by focusing on presence where citizens need us most. In over 1 million social distancing interventions from March 16 through May 17, officers issued only 444 summons is and made 128 arrests that are related to the pandemic in any way. But these numbers, as low as they are, do not provide a complete picture of the few times we actually had to enforce-- to resort to enforcement actions. All of the available signs tells us the most dangerous conditions for spreading the virus are large gatherings of people, especially in confined spaces. Often, when we have taken enforcement actions, has been to break up this large gatherings. Though they have been few in number, large gatherings have represented a disproportionate share of the summons and arrest numbers. A small number of these

incidents during the 62 day. Accounted for approximately 40 percent of all the COVID-related summonses. 63 of the 77 precincts in the city have recorded fewer than 10 summonses over this period. But even the numbers don't tell the whole story. Here are some examples from the 62 day. From March 16 through May 17. The 69th precinct in Canarsie has led the city in COVID -related summonses with 66, representing 15 percent of the overall citywide summonses. But 65 of those 66 arose from one single incident and a large gathering packed in an illegal nightclub operating in a barbershop. Furthermore, in that instance, two people were arrested for possession of loaded and illegal firearms. The 77th precinct issued 22 summonses during this time period, 17 of which stemmed from a single occurrence in a large gathering. Efforts to convince that crowd to disperse failed and officers took enforcement action. In this instance, four people were arrested and three illegal guns, a large quantity of controlled substances were also recovered. Nine of the 21 summonses issued in the 47th precinct were due to a single cramped illegal social club and 12 of the 18 summonses in the 44th precinct were issued to

individuals gathering in the basement of a supermarket to the party and illegal gamble. I hope we can agree today that engaging in this type of activity, as I've just described, during a public health crisis of these proportions, is egregious. It is an affront to public health and to all the compliant New Yorkers who are making extraordinary sacrifices at this time. This kind of conduct should not be tolerated by any public official in our city. As for the COVID-19 -related arrests, 55 of the 77 precincts recorded one or no arrests and 65 percent of the 128 arrests were only marginally related to COVID-19, meaning that these arrests were not for social gatherings or not for wearing a face covering. They included arrests for hate crimes against Asian Americans, domestic violence incidents, weapons possessions, individuals wanted on felony warrants or on other non-social distancing grounds. We even included one arrest and our total arrest numbers of 128 because of bank robber passed a note saying this is a bank robbery. I have COVID. Education and outreach are the most vital investments we can make to ensure New York City progresses past this crisis. I do want to take a moment to specifically

acknowledge the work being done by our Community Affairs Bureau, led by Chief Nilda Hoffman and her staff. Community Affairs Bureau has taken major steps in the face of this pandemic to augment its efforts to educate the public about COVID-19 and to strengthen our outreach within the city's many diverse communities. Some of these initiatives include a serious, but specific, COVID-19 messages about safety tips, health and wellness, social distancing, and the importance of wearing face coverings developed by a 20 member team assembled on March 23rd. We also partnered with the Department of Sanitation to include a message on the importance of proper disposal of used gloves and face coverings. This partnership with DSNY was broadcasted on CBS Channel 2 news. The NYPD is using text, emails, social media, as well as telephone and conference calls to convey important COVID-19 related information. Our messages are sent daily to one network of nearly 900,000 contacts from a cross-section of faith-based entities, city agencies, and young people. Then ongoing social media campaign, featuring NYPD law enforcement explorers, clergy, the hearing-impaired, Asian-American community leaders,

sports enthusiasts, Broadway stars, as well as professional gamers who discuss COVID-19 safety issues. The hip-hop public health 20 seconds or more, featuring the commanding officer of our school safety division, Assistant chief Juanita Holmes, and recording artist was endorsed by the police department. Its aim is to provide youth and families with the latest information to mitigate the spread of COVID-19. A weekly conference call to clergy leaders of various faiths and community partners that address COVID -related 19 issues, including virtual worship, religious holiday observances, social distancing, hate crimes, and safety tips. Commissioner Shea himself frequently participates in these calls, as do I, First Deputy Commissioner Benjamin Tucker, Chief of Detectives Rodney Harrison, and the Chief of the Housing Bureau, Dave Burrer [sp?]. Is for NYPD personnel, we are doing our part to limit the spread amongst ourselves, which, in turn, prevents further the spread to the public. NYPD facilities are clean and disinfected multiple times throughout a given day and officers are encouraged to wear face coverings at all times and are required to wear them when interacting with the public. Additionally, we now

take thermal temperature of anyone, including our employees that enter our facilities. Then, when a person is placed under arrest, officers are directed to place a surgical mask on the arrestee when it is safe to do so prior to transporting the arrestee to a police facility. And our facilities, we limit the number of people in the holding cells and have opened additional cell areas and cells are quickly and frequently each time prisoners are move and then out of them. This is a unique time in our history and we, and the NYPD, try to be the leaders New York deserves and needs. In fact, anyone can be a leader in this crisis. All one has to do is lead by example and encourage others to do the same. All I know it may be difficult to see at the moment, I want New Yorkers to know that we well get through this crisis. I am inspired every day by how our city is come together collectively to combat this virus. The small acts of kindness exhibited by New Yorkers and police officers who serve by running errands for them, delivering food to the, and checking up on our most vulnerable population demonstrates who we are. In this time of crisis, like those before, once again, displays to the world what police officers

witness every day. Police community relations and the bond between all New Yorkers, no matter their backgrounds, are stronger than ever. We help each other, we work together, we respect one another. That is who we are. The resolve and resiliency of New Yorkers who will get us through this and get us through this together. Thank you for the opportunity to speak about this critical issue and we look forward to answering any questions you may have.

COMMITTEE COUNSEL: Thank you. I will now turn it over to questions from the Speaker, followed by Chair Richards. Panelists, please stay unmuted, if possible, during this question and answer period. Thank you. Mr. Speaker, please begin.

SPEAKER JOHNSON: Thank you, Chief for being here. Thank you for the testimony. First, let me say that I understand that officers have done a lot of outreach and talked to a lot of people and that the arrests and summonses are a very small percentage of it. I get it. You just mentioned that. But that doesn't answer some of the concerns that you have heard already from myself, Public Advocate Williams, and Chair returns and concerns that a lot of New Yorkers have. I want to start off

on deployment. I would like to know where you send the task force that was set up to enforce social distancing. Because, if you are sending them, as I said, in my opening statement, to communities of color more often than white neighborhoods, then that is contributing to the problem that people are worried about. We have been asking for this data for weeks why we haven't received it yet and when we can expect to receive it.

CHIEF PICHARDO: Can we unmute Chief Spinella, please?

SPEAKER JOHNSON: Oh. Chief Spinella. I apologize. Okay. Hey, Chief. Good to see you. There you go.

CHIEF SPINELLA: All right. Do you hear me now?

SPEAKER JOHNSON: Yes.

CHIEF SPINELLA: Okay. So, basically, task force was broken down into four zones. One zone was Manhattan. The borough of Manhattan. Zone two was Brooklyn. All of Brooklyn and Staten Island. In zone three was Queens, in zone four was the Bronx. In every zone, we had one car that was placed-- was

on patrol in every precinct from 9:30 in the morning until two at night. That was our deployment.

SPEAKER JOHNSON: But you keep track area exactly the deployment is going. Like, if it is four zones, you are keeping track of how many people are being sent to-- how many officers are to Brooklyn Heights as compared of Flatbush, correct?

CHIEF SPINELLA: Right. So, we broke down each of the valves according to the number of precincts. Each of the zones according to the number of precincts. So, if you look at the, you know, zone one and 22 precincts and we had over 115 cops there. Zone two covered 27 precincts. We had 178 cops there. So, every precinct received a number of cops to adequately patrol those areas.

SPEAKER JOHNSON: Okay. So, let me just say, Chief Spinella and Chief Pichardo and Oleg, I mean, I think a lot of members of the public are watching this today. Are watching this hearing and I now, of course, members of the media are watching this hearing. I think it is really important that, at this time, we communicate to the public in a way that is easy for them to understand and that we gave information about the appointment, about where

officers are sent in an easy-to-understand way, not in no way that is confusing or that, and the way could seem like it is obfuscating the information that the city Council, which has oversight authority on every city agency, the information that we are seeking. So, what we are asking for and work Chair Richards sent a letter on-- and the Public Advocate may have sent a letter on it, as well. What we have been asking for four weeks now is a detailed breakdown of where in the zones these officers are being deployed to, give in, again-- and when you add all these pieces together, give in that the vast majority of the 311 complaints are coming from predominantly white neighborhood, but the vast majority of the summonses and arrests have happened to the people of color. There seems to be a mismatch and the only thing that we can figure out is that the information we are not getting is the diploid issue. So, it would be helpful for you to give that to us in an easily understandable way because New Yorkers deserve that information.

CHIEF SPINELLA: Sure, Speaker. So, we are tracking all of the locations and, I believe, the response that we gave to Chair Richards was the top

locations. I mean, we certainly have locations and we code them to see where we have, you know, the one off. For example, we went to a location one time, versus locations that we went to 12 times, 15 times, 20 times. And then, in certain instances where we have certain of the large parks-- I think Astoria of Park may be one of them. There may have been hundreds of times that we went there. But the important thing to recognize-- and, I am mean, I know that the Chair asked for heat maps or we will work on getting the heat map. I mean, obviously, we are out there deployed during the pandemic, so, the resources-- and at the height of the pandemic, we have 20 percent of the department that was out. So, we are collecting the data and we certainly are not saying that we won't provide it. We want to provide it and no way that you are asking. But, what we did initially was provided the hot spots. You know, the most frequent locations that we went to. And but we do have the locations that we went to class. And we are going to compile that in the manner that you are talking about. Something that is easily digestible and we are going to provide that to you all.

SPEAKER JOHNSON: So, we are seeking today, again, the Chair of the Public Safety Committee of the city Council asked for information weeks ago. We are requesting today detailed information and no way that can be easily understood, not in the gobbledygook confusing way that will be hard to decipher. We are requesting one week from today, by next Friday, that information and we will make sure the committee counsel is in touch with you, Oleg, so that we get that information and then timely manner. I think that is more than enough time given that Chair Richards requested this information weeks ago. I want to move on and I am going to try to be quick because I know a lot of members have questions. How do you determine where you are sending these officers? How is that determination made?

CHIEF PICHARDO: Can we unmute the Chief again? Chief Spinella?

SPEAKER JOHNSON: Keep Chief Spinella on muted.

CHIEF SPINELLA: Okay. So, in the beginning, when we first started, we queried all the borough commanders and we asked them for their locations. Then, basically, when the waves started,

we worked-- we started going to parks, playgrounds, transit hubs, houses of worship, hospitals, because they were being-- they were having long lines in the beginning. Healthcare facilities, supermarkets, pharmacies, restaurants, shopping areas, barbershops, and hair and nail salons. We also created a radio code, you know, to track everywhere we went and then, by April 1st, we started receiving complaints from a variety of sources. 311, elected officials, chronic locations determined by past 311 calls, and New York State on pause complaint forum. And that was on April 1st. And then, by April 7th, what our information technology Bureau do was they dispensed all the 311 jobs to every officers phone in the field and my office is can pick up every 311 job to the precinct that they were assigned. So, that is how we were deployed.

CHIEF PICHARDO: Mr. Speaker, if I may-- and you made a very powerful statement and a point as to the, you know, and folks from the public are viewing this so they can understand-- and you might want to put a little context that it leads to your previous, and it ties into this one. From the patrol aspects, you know, 77 precincts that fall under my

command. At the very core of neighborhood policing, we have our neighborhood coordination officers and hours steady sector officers that work in the precincts in the same area every day. And, in the opening remarks, I alluded to and I gave some stats. Over 800,000 visits done by our patrol officers and that direction was hours steady sector officers and our neighborhood coordination officers. If there was a park, is there was a personal care facility, if there was a bar, if there was a restaurant, that they would visit those locations every single day. So, the patrol aspect from the citywide perspective, as you can see, would be visiting sticking to the roots that is worked really, really well since we launched neighborhood policing in 2015. We also implemented that during this pandemic.

SPEAKER JOHNSON: Thank you. But, Cheese, how would you explain the Wall Street Journal reported that most calls, most 311 calls are coming from more affluent areas. Communities that are considered wider communities, but have resulted in only a handful of her razz and summons. How do you explain that?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Mr. Speaker, if I can chime in on that. As both chiefs just explained, it's not only based on 311. And that is why and I think makes-- there's a couple of factors here that make that analysis a little bit misleading. One, our response to locations is not only based on 311 calls. As the Cheese said, the NCOs do their routine through contacts that they have, visit certain locations that are known to them to have long lines. It's not that there is necessarily 311 call that comes in and says, people are socially distancing here. Certain parks that we know that there is a lot of people that attend, it's not that we won't necessarily get a 311 call to go to the park. We know that there are a lot of people there on a good day with good weather, so we will deploy officers to those parks away about being called through 311. So, that is one example. The next example is-- and all of our directives from legal Bureau, all of the interactive from the Chiefs down to their police officers in the field has been worn, warm, worn again, and educate. And that plays out. And I think you mentioned it in the Chair mentioned it in his opening statement that the

numbers, the enforcement numbers are really deminimus. So, we have well over 1 million contacts with people. Most people are just complying on their own. They are watching the news. They know what is expected of them. They are wearing their masks. They are socially distancing. They are doing what they need to do. In those instances where we are not seeing that, 99.9 percent of the time, when an officer walks up to somebody-- and this is over 1 million contacts in the last two months-- people are complying with one of the officer is asking of them. It is only those very, very rare occasions that people are, basically, saying to officers, you know-- they are giving direction. They are providing over 370,000 masks since the beginning of the--

SPEAKER JOHNSON: Oleg. Oleg. Thank you. I mean, I just find it interesting that for one, sort of, as long as I can remember, when you all come to testify, we hear over and over again from the NYPD that you relied pretty heavily on 311 complaints to figure out where to deploy people and that has some access to summonses and arrests. So, it feels just interesting in some way is that that sort of being backed away from at this moment. I mean, I don't

know how many hearings Chair Richards has chaired where, when we ask about these issues, you always come back with 311 data. 311 data. 311 data. And then, we just asked that the 311 data is very clear that has been reported and now, all of a sudden, it feels like the answer is changing a little bit.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: No. It's absolutely not changing. One I'm saying is consistent with everything we have said in the past. What I am disputing is-- and I believe it is they are to call you are referring to-- is that 311 is the only corollary to where we are going and where we are enforcing. That is not the only corollary. It is never been the only corollary. Every time we have been at a hearing, we have highlighted 311. We have highlighted 911, but we have also highlighted build a block of meetings, community Council meetings, interactions with our NCOs not at meetings. We have always highlighted the fact that, whether it is police officer observations or the way complaints come in are not always through 311 and 911, but certainly 311 and 911 are indicators, they just are not the sole indicators.

SPEAKER JOHNSON: Okay. So, what about-- I want to go back to patrol officers and where they are determined to go and deployed. In the past, patrol was based on high crime areas and you have said, in the past, that is where the crime is, so that is where you are sending officers. But, now we have seen a significant reduction in crime and more of a focus on COVID. COVID doesn't really care about high crime or low crime. So, if you change deployment so that officers are spread out equally across the city, instead of focused on the same areas that you have always been focused in.

CHIEF PICHARDO: Thank you for that question, Mr. Speaker. As you may recall, this is why neighborhood policing was created and implemented away back in 2015 because there was a lack of community-based policing where we were going specifically way back from Operation Impact deploying our youngest police officers, when they graduated from the police Academy, to high crime areas. And we acknowledge we had to move away from that and, since we have implemented the neighborhood policing, at its core, that was the foundation of working hand-in-hand with the community to keep the same police officers

to work the same area every single day so that, if there was an event somewhere in the Bronx and those police officers worked in Queens and there were police officers assigned to the Southeast Jamaica Queens, that they stayed in that sector, a Mac community every single day. So the deployment since then, and will continue to be that we have the same police officers so that they can engage and gain that trust from community members in their area.

SPEAKER JOHNSON: So, should the NYPD be enforcing social distancing at all? Former Commissioner O'Neil has said he has spent a lot of time thinking about ways in which the department was asked to do more things for the city than it should have been. It seems like being the primary messenger during the health crisis is one of those that you don't need a gun and handcuffs to do. And I think it's fair to wonder whether anyone will change their behavior just because some people got summonses at a house party. I'm not condoning that behavior. People shouldn't be having those parties. That is not what I am saying. But I am wondering whether cops can actually change it. Do you think there is really a need for the NYPD to be doing the

enforcement or do you think that we could actually affect the spread of the disease through arrests and summonses? If not, shouldn't we have other people doing this?

CHIEF PICHARDO: I think, is the Police Commissioners said, Mr. Speaker at, our budget hearing, I think it's an all hands on deck approach. You know, it's not only the police, but the police hard doing our part. You know, we need to have a uniformed force of 36,000 officers. We are out there. You know, at the height of the pandemic, we were losing 700-- close to 800 people a day. You know, yesterday, I think, it was just over 100 people, which is still unacceptable. The more people that are out there getting the message out-- and I certainly agree with you. Nobody in the police department is saying wear a mask at gunpoint. You know, the idea, you know, the fact that somebody has a gun or has a badge and that, somehow, changes the message, that's not what's being used to convey the message. You know, we're handing out masks. Close to 400,000 masks have been handed out by our police officers. Over a million interactions that are positive where we are educating the public and they

are complying parenting, thankfully, the curve moves, not only flattened, but we are on the down side of the curve and we are certainly making headway. So, is this our primary mission for the NYPD? Absolutely not. But are we doing our part? I think we all need to do our part. You know, people who are dying and people who are still dying in this city and to the extent the NYPD can help out to flatten the curve, to keep people safe, I think we are obliged to do that.

SPEAKER JOHNSON: But should the NYPD be the primary folks that are enforcing social distancing?

CHIEF PICHARDO: I think everybody should contribute. I don't think we should be primary. I think everybody should do their part and we are. And as you've noticed, I mean, the--

SPEAKER JOHNSON: [interposing] No. shouldn't we be looking at like the Cure Violence model?

CHIEF PICHARDO: Absolutely.

SPEAKER JOHNSON: So are we doing that?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, I'll speak to that, Mr. Speaker. And that's a tremendous-- I mean, from a personal

professional perspective, working with some of the folks of the crisis management system and violence interrupters and credible messengers-- I was just on a call about two weeks ago with various Cure Violence group members and that's a very, very valid point and that was really a discussion that I think was very, very productive. The Mayor spoke about it this morning and I think we've had a great relationship with the Cure Violence people in the past. It has led to decreases in gun violence in various parts of the city and we look forward to continue to build on those relationships and ask them to work hand in hand with us in everything that we do and, certainly, as we spoke about in the last couple of weeks. I have personally spoken with various members of that community that they are really engaged and willing to step up for it. So we really appreciate those efforts on their behalf.

SPEAKER JOHNSON: So I have some very quick just one word answers, final questions before I turn it over the Chair Richards. I don't need long answers on this. I understand the Mayor is expanding the number of social distancing ambassadors. What agency is going to be in charge of those ambassadors?

BRADY HAMED: Hi. This is Brady Hamed from the Mayor's Office of Operations. It's our central role to coordinate the social distancing ambassadors.

SPEAKER JOHNSON: So, it's the Mayor's Office of Operations is in charge of those ambassadors.

BRADY HAMED: We will be coordinating the response. The ambassadors come from several different agencies.

SPEAKER JOHNSON: What agencies?

BRADY HAMED: There's about a list of a dozen agencies that includes the Parks Department, the Fire Department, DEP-- There's several agencies.

SPEAKER JOHNSON: Tell me the rest of them. It will be helpful to hear all of them.

BRADY HAMED: Sure. We have the Department of Sanitation, Parks Department, the Department of Design and Construction, the Department of Correction, OATH is going out PEU, and then we have a couple of new agencies that are being on boarded on an ongoing basis.

SPEAKER JOHNSON: Who is determining their deployment?

BRADY HAMED: We are working with each of the agencies to figure out which parks and areas makes sense for those ambassadors to go out to. So, it is a collaborative discussion.

SPEAKER JOHNSON: So, ultimately, the Mayor's Office of cab operations is going to have a big role in the deployment.

BRADY HAMED: Yes. We are working with the agency's on determining kind of the citywide deployment of these 2300 social distancing ambassadors.

SPEAKER JOHNSON: Who is going to be hired for these roles?

BRADY HAMED: We are currently using existing city employees for these roles.

SPEAKER JOHNSON: What is the costs associated with this?

BRADY HAMED: I do not have an answer for that question right now.

SPEAKER JOHNSON: We would like to know that if you can get back to us. We are in the middle of the budget, so it would be helpful. How are they going to be trained?

BRADY HAMED: We are working with the Parks Department who really began a lot of this work as the weather but again improving. They have provided training and we are also using training materials from the Department of Health and Mental Hygiene, good social distancing practices, and are coordinating that training with our social distancing ambassadors.

SPEAKER JOHNSON: So, the Parks Department is in charge of training?

BRADY HAMED: The Parks Department has really created those training guidance that we are using.

SPEAKER JOHNSON: Who is actually doing the training, though?

BRADY HAMED: We're--

SPEAKER JOHNSON: [interposing] Who is in charge of training these people?

BRADY HAMED: The Mayor's Office of cab operations is coordinating that training. We are working with each of the agencies on the training.

SPEAKER JOHNSON: Band how will potential language barrier issues be addressed?

BRADY HAMED: We are developing our language access plan. We have several ambassadors who are bilingual. We are working on getting everyone buttons that say the language they are speaking and developing a comprehensive language access strategy now.

SPEAKER JOHNSON: Are we going to fold in community leaders as these ambassadors? People that are free and that have respect in the community?

BRADY HAMED: We are working with some community-based organizations. You mentioned the Cure Violence groups that are looking for more partnerships there.

SPEAKER JOHNSON: Thank you very much. I'm turning it back over the Chair Richards. Think you, Chair Richards, for giving me so much time. I really appreciate our partnership and mute chairing this hearing today. You've done a great job. Thank you very much. And thank you to the administration and the NYPD for being here. We really appreciate it. Thank you.

CHAIRPERSON RICHARDS: Thank you, Speaker Johnson, for your leadership, certainly, throughout this whole ordeal and I just want to thank you, once

again, for your leadership on this issue, as well. And, of course, want to thank Harbani who will be overseeing most of the questions from my colleagues. So I'm going to try to get through this briefly because the Speaker hit a lot of points. First, I just want to talk about Officer Garcia for a second. And I know that you are going to say that the incident is under investigation, but my question is a little different. This is about how the department's public response affects the community and the perception of the department in general. And I am not talking about PR, necessarily. I'm talking about letting the community and officers know right away what is not acceptable behavior for a police officer before we get there. Can you explain, just for the record, why you can't talk about Officer Garcia's case?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I think the answer you are looking for is what we know. It's state law prohibits us discussing disciplinary issues and we've-- you know, and I'll get ahead of your follow up question and, basically say that we have one up to Albany and we have advocated for changed to 50 A that

would make it permissible for us to be able to disclose certain information, especially in high profile incidents. In this particular incident, as I'm sure you know, that we can't speak about it, but the officer involved was modified fairly quickly right after the incident and the investigation is ongoing.

CHAIRPERSON RICHARDS: And you talked about 50 A. You said that you-- Has the Commissioner-- the new Commissioner-- taken a stance on repealing 50 A or can you just speak to that a little more?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 01:12 47] repealing 50 A, but we certainly-- we're well underway of implementing the 14 recommendations by the Blue Ribbon panel and paneled by Commissioner O'Neil. That's still ongoing. I know we've kept you abreast of some of the implementation we can do. I guess, with the pandemic, we haven't had a briefing lately, but we can certainly could do that. We've been posting our trial room calendars online. That was one of the issues. There has been a flurry of different recommendations that we've already

completed a good amount of them and we're well underway completing the rest of them. I personally testified in Albany at the direction of the police commissioner advocating for our position on modifying or ending 50 A. That would give the public transparency into certainly the most high profile of cases.

CHAIRPERSON RICHARDS: Right. And I just want to get back to that because I was going somewhere with that for a second. So, when it comes to officers like Officer Garcia and incidents that really upset people such as this, do you see how the department's inability to say anything about how he might be punished actually makes things worse for you know?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I mean, Chair, like I said, you know, I think the fact that we are advocating in Albany for an amendment to the law speaks for itself.

CHAIRPERSON RICHARDS: Right. And we have been advocating-- I think this is now my fifth or sixth year as the Chair and it seems why we are sort of running in circles around the--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 01:14:25] Neither me or you have a vote that--

CHAIRPERSON RICHARDS: Well, I believe the Mayor and the police commissioner definitely have a vote. And where there is a will, there is a way. So, I hope to see that.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Oh, I meant in Albany for the legislation.

CHAIRPERSON RICHARDS: No. I know. I know exactly what you meant. But that gets me to the disciplinary matrix where we will have a vote and if the department is supportive of that bill.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I will double check of where we are. I mean, I know we were working together and we moved pretty far along on it. I know it has been a little off the front burner given the pandemic and everything, but if I can take a look at the status of where we were on the bill where we-- when we last left off, I'll communicate with you offline on it. But I believe--

CHAIRPERSON RICHARDS: Right.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: we made significant headway. And, mind you, that was one of the recommendations of the Blue Ribbon panel and we are working on the matrix internally.

CHAIRPERSON RICHARDS: Okay. We look forward to passing that. I want to move over to now the young mother in the subway station. And I don't want to rehash all the different incidents, but these were just incidents-- and I just want you to see what the public sees for a second because there is certainly, when it comes to these incidents, we're seeing-- and the perception is and perception is reality-- we're seeing incidents where white people in parks, perhaps, that are very crowded-- and I think the 311 data shows that and they're given masks, but yet you get a mother coming down the train station with a masks on halfway-- and actually I would argue that at least she had a mask on. Because we are seeing a lot of incidents where police officers don't even have masks on. Period. But we're here talking about enforcing people having masks and certainly practicing social distancing. But I wanted to talk about the kind of de-escalation

training officers receive to prevent things from going that far. And all I've seen so far is the New York City finest message that officers were supposed to read. Now, how would they thought to avoid something like this? Let's just talk about that incident. Was that incident handled correctly? And if you can talk about her, then I'm not asking about her. I'm asking about a person who is walking away. Why can't the officer just let a person go and avoid the conflict?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: As I have said, I think, in response to the Speaker's line of questioning, by and large, well over a million contacts no enforcement was taken. I'm not going to talk about this particular case where the police commissioner is on the record and, I believe although I'm not sure if we've been served yet, but there may be litigation there, so we won't talk about this particular incident directly and the police commissioner, I believe, offered for you to come down to One Police Plaza when you are able to and to see the video, as we've done with past incidents that have gained any type of publicity. So, when you are ready, please just let me know and

I'll arrange that viewing with respect to this particular incident. But I think the take away, by and large, if we zoom out from any one particular incident, is that, you know, officers are not enforcing. Officers are educating. Officers are communicating. And then while over-- almost 100 percent of the time, the situation never escalates. The situation gets resolved. Close to 400,000 masks have been provided to the public in every neighborhood. And I believe we have some numbers on that, if you want to know where we have been providing the masks. We have some numbers to give you there. It'll certainly dispel the false narrative that we're handing out masks in white neighborhoods and not handing out masks in neighborhoods of color. I think the largest amount of masks were handed out in the Bronx. A significant amount of masks in Brooklyn and Queens and in Manhattan. You know, it really dispels this false narrative that, I think, a couple of images were put on social media and repeated that we are handing out masks in certain neighborhoods and not others. That's just--

CHAIRPERSON RICHARDS: Well, it's not necessarily a false narrative when-- Can you just

speak to what is the percentage of arrests and
 summonses that are going to communities of color?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I think we've release that data.

CHAIRPERSON RICHARDS: I want you to say
 it on record, though.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I think--

CHAIRPERSON RICHARDS: So, what is that
 data?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I don't think we should kind of play
 games with it, but I think the--

CHAIRPERSON RICHARDS: It's not a game. I
 just want you--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 01:19:17]

CHAIRPERSON RICHARDS: to go into that.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I think the reality of it is that, yes,
 there was a disparity, but at the end of the day.

CHAIRPERSON RICHARDS: Okay, Oleg. What's
 the percentage of people in communities of color that

have received summonses and arrests over social distancing?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Do we have the current-- Chief, do we have the current demographic for summonses as of 5-17?

CHIEF SPINELLA: Chief Spinella. I only have the ones in the-- for the social distancing taskforce. I don't have the other numbers.

CHAIRPERSON RICHARDS: Okay. Let's try it a different way. Would we say that over 80 percent of all summonses and arrests went to black and brown communities?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY:

CHAIRPERSON RICHARDS: Okay.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Hold on one second. I have-- Or Chief Pichardo, do you have that number or--?

CHIEF PICHARDO: Yep. So, from March 16th through May 17th, which is Sunday, um... we're looking at for black and Hispanic communities, it would be about 79 percent.

CHAIRPERSON RICHARDS: So, 79 percent.

CHIEF PICHARDO: Yep. So, tell me, where were those 311 complaints, again? What precincts were those at?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, I get it, right?

CHAIRPERSON RICHARDS: Ha.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, I mean, I glad that you find it funny. I mean, it's not a laughing--

CHAIRPERSON RICHARDS: I don't find it funny.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I think you do, but, you know--

CHAIRPERSON RICHARDS: I don't.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 01:20:53]

CHAIRPERSON RICHARDS: I find it funny that white people in white neighborhood-- white affluent neighborhoods-- you had more 311 complaints. That's what I find funny. I don't find the situation funny as a black man at all.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I--

CHAIRPERSON RICHARDS: But I will say--
Hold on. Hold on. What I will say is that, based
on-- you know what? I'm going to shut up. Can you
read me the top precincts with the most 311
complaints regarding social distancing?

SPEAKER JOHNSON: Mr. Chair? Mr. Chair?
I just want to weigh in--

CHAIRPERSON RICHARDS: Can you get--

SPEAKER JOHNSON: I just want to weigh in
for a second--

CHAIRPERSON RICHARDS: Go ahead.

SPEAKER JOHNSON: and just say this is a
very important hearing and Council member and Chair
Richards, as you know, has talked about in the past
of being a young black man that was stopped and
frisked himself multiple times. His community has
been one of the hardest hit communities in the entire
city of New York and I think it is really important
that the tone of this meeting is to answer the
questions directly and to not impute motives on the
Chair of this committee who is asking very serious
questions giving me incidents that we have seen. He
is respectful. He has tough questions. And I think
that that should be the way that we conduct this

hearing today. As Speaker of the Council, it's my expectation that the NYPD and the people that are here answering questions today will transparently and affectively and appropriately answer the Chairs questions.

CHAIRPERSON RICHARDS: And let me just add, Speaker. You know, I would rather be doing something else on a Friday before Memorial Day, but, unfortunately, we are here because of the actions of the NYPD. I mean, I'm sure my colleagues would rather spend their Friday doing something or being with their families, but we're here based on the actions of the NYPD. All right? So I just wanted to put that out there. I'm laughing because, you know, when you come to a hearing, you should actually have that information at your fingertips. I don't think I've conducted myself any differently over the course of the last five years. We ask hard questions. We ask for data. We're just asking for data. I think it's your responsibility to provide that.

SPEAKER JOHNSON: And I think it's important today-- in reference to this earlier. Just to, again, backup what the Chair is saying. There have been many instances where we ask for data

and we don't get it. Over and over and over again. We send the letters. We have hearings. It takes a long time. We are in the midst of this crisis and I would think, just as some folks have talked about-- I think the Mayor has talked about having humility to understand where we have gotten things wrong. I do think it is important that the Chief Pichardo gave some contacts today on some of those numbers and what some of them were related to. But at the same time, there has been a history, Oleg, of you all not being transparent in a way that is responsive to the public, to the press, or to Council members. And so, at the height of this, on this important hearing on a Friday afternoon, if Chair Richards has specific questions, I don't think it's appropriate to impute motives on him. I think he was laughing because it's sort of unacceptable that he has basic questions that there aren't, you know, answers to in the context of this hearing. And it's flabbergasting in some ways. So it's my hope that over the rest of this hearing, you all will have the answers, get the information because we are trying to get information out to New Yorkers and I think the Chair has done a great job of

that. I apologize, Chair Richards. I'll turn it back to you.

CHAIRPERSON RICHARDS: No. That's okay.

SPEAKER JOHNSON: I'll shut up.

CHAIRPERSON RICHARDS: I appreciate it.

So, do we have the numbers of where the top complaints came from the city based on 311 complaints? Chief?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Chief Spinella--

CHAIRPERSON RICHARDS: Pichardo?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Is there 311 complaints with a list of top locations we have is 311 as well as referrals? Are they mixed together? Chief Spinella? The top locations. The hot spots on the list would-- Is that 311 only or--?

CHIEF SPINELLA: It's not. It's both. It's 311 and the referrals that we get. But we have the all map listing. Do you just want to go over--

CHAIRPERSON RICHARDS: So you don't-- Yes. So can you go through where we've seen the top complaints in the city.

CHIEF SPINELLA: Okay. So, if you look at Brooklyn, the top complaints of the 66 and the 90--

CHAIRPERSON RICHARDS: What areas are those?

CHIEF SPINELLA: I only have it broken down by precincts.

CHAIRPERSON RICHARDS: Okay.

CHIEF SPINELLA: So, it would be 66, 90, 70.

CHAIRPERSON RICHARDS: Okay.

CHIEF SPINELLA: So, it's Brooklyn. Those are the top three. If you look at Manhattan, it's the 19th, the 34, and the ninth. From my experience, being out there for the last 53 days that we have been doing social distancing, the ninth precinct in most likely Thompkins Square Park and the bars around Thompkins Square Park. The 14--

CHAIRPERSON RICHARDS: Uh-hm.

CHIEF SPINELLA: In Queens, the 114--

CHAIRPERSON RICHARDS: Uh-hm.

CHIEF SPINELLA: that would be, most likely, [inaudible 01:26:27]. It would be Astoria Park.

CHAIRPERSON RICHARDS: Uh-hm.

CHIEF SPINELLA: And the 104 and the 109 and the Bronx would be the 44, 52, and 45.

CHAIRPERSON RICHARDS: So, I was asking the question I knew the answer to already because you certainly sent that data in and, based on the data that was sent over, most of these locations that seem to have gotten the most complaints are way affluent areas, but yet, how many summonses were issued in those locations?

CHIEF SPINELLA: If you look at the social distancing task force numbers, Ray, we have 100-- 500 cops out there right now doing social distancing and we had over 50,000 interactions and we had--

CHAIRPERSON RICHARDS: How many summonses?

CHIEF SPINELLA: 15. We only issued 15 summonses and I could--

CHAIRPERSON RICHARDS: [interposing] Out of how many complaints?

CHIEF SPINELLA: Well, we went to 50,000 locations.

CHAIRPERSON RICHARDS: All right.

CHIEF SPINELLA: Over 50,000 locations and we handled--

CHAIRPERSON RICHARDS: Uh-hm.

CHIEF SPINELLA: You know, we managed over 10,000 311 complaints. And if you look at our numbers, we only issued 15 summonses for social distancing and I could give you the breakdown. One was Asian-Pacific, zero were black, seven were Hispanic, seven were white. Of the 15 of the 500 people that were assigned to me.

CHAIRPERSON RICHARDS: All right. So that's what I'm getting to when we talk about the specific disparities in arrests and summonses and why it's more than just perception in our eyes when it comes to the way the NYPD unequally enforces in communities of color. I don't want to stay here. I do want to move on just because I do want to talk quickly before we get to my colleagues about the future. Let's go into just quickly what-- can you go through what instructions are being given to officers on social distancing enforcement? Is there training? Are you just counting on de-escalation training that has been done in the past? Can you just speak to what is the NYPD doing there?

CHIEF SPINELLA: So, what the taskforce did is all my people received an instruction sheet and they were told at the beginning it's about education, information, and enforcement as a last resort with maximum discretion.

CHAIRPERSON RICHARDS: Okay. Maximum discretion, what does that mean?

CHIEF SPINELLA: That means, in all probability, most likely do not give a summons unless it is absolutely necessary.

CHAIRPERSON RICHARDS: And would you describe the situation? I know you can't go into it with the young lady at the train. Was that a necessary summons?

CHIEF SPINELLA: I don't know the circumstances. Those officers were not assigned to the social distancing task force.

CHAIRPERSON RICHARDS: The Mayor said you wouldn't make arrests for failure to wear a face mask. Does that mean you are no longer making arrests for social distancing violations at all or does it mean something else?

CHIEF SPINELLA: We're not issuing face masks-- Summonses for face masks violations.

CHAIRPERSON RICHARDS: And no arrests?

CHIEF SPINELLA: And no arrests. We never arrest for face mask violation. It would only be a summons and all probability-- We're giving out masks now. If you looks at my masks number that we issued the social distancing taskforce, we gave out over 172,000 face masks.

CHAIRPERSON RICHARDS: All right. And you would be using-- If a person fails to have a face mask on-- and I know we have this new policy being enacted. Would that be a reason for the police department to search those individuals for marijuana or anything like that?

CHIEF SPINELLA: Negative.

CHAIRPERSON RICHARDS: So, and how many-- So, you said you weren't making arrests and summonses just technically based off--

CHIEF SPINELLA: I can only speak for the social distancing task force.

CHAIRPERSON RICHARDS: All right. Who can speak for other people outside of the task force? Because, obviously, we still have plainclothes cops and some of the video. So, can speak for them?

CHIEF PICHARDO: Mr. Chair, I think I can speak for being the Chief of Patrol who oversees the 77 precincts. I certainly can speak to the patrol precincts and fundamental instructions given from the onset, which, to Chief Spinella's point, as we have seen, throughout the city-- and I certainly would never want this to get lost anywhere-- that the overwhelming amount of New Yorkers, the overwhelming amount, have been compliant, whether they are business owners, whether they are our young people at Park, folks out for a run. I think it is important to really acknowledge the efforts made by all of New Yorkers and, certainly, the Council. I know, from the onset, we had conversations with members from the Council and other elected officials who stepped up in a time of crisis like we always do together and said, hey, let me know what you need me to do. And I've seen that the various social media pages from various accounts, the efforts, the outreach on your end, what you have done. So, we're certainly grateful for that partnership. And I think, going forward, we are still going to need it for not only for this pandemic, but in everything that we do as an agency.

CHAIRPERSON RICHARDS: Right. And that sounded good. But what I want to ensure is that we are not using this pandemic to go into the pockets of young black men and to use it as an opportunity to dig into their pockets like stop and frisk. Period already. I'm going to go because I've got--

CHIEF PICHARDO: [interposing]
Categorically, Chairman Richards, we are not doing that. We are not using this pandemic for that.

CHAIRPERSON RICHARDS: How many marijuana summonses or arrests were given correlated to failure to have a mask on?

CHIEF PICHARDO: That specific information and granular about specifically marijuana, I don't have that information with me.

CHAIRPERSON RICHARDS: So, I'm going to request that you get that information to us, as well.

CHIEF PICHARDO: Sure.

CHAIRPERSON RICHARDS: And then, the last question. I'm going to go to my colleagues. I will come back for the second round because they are waiting patiently. The Mayor also said that there would be an exception from when there is a serious danger to the public. What does that mean when it

comes to giving violations or arrests? Because it sounds like they can still make arrests in situations, just as they did before. So, who makes that determination? What does that specifically mean if you are a serious danger to the public?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I think, you know, you have to take a look at each situation individually. Right? If it's got to be something that's egregious. It's something that is dangerous. You know? And the one example that we gave about the party that was going on at the illegal social club where you had well over the occupancy limits of that location. People packed together at the height. And this was going back three or four weeks. So, you know, we were still-- I don't know if we flattened the curve, but we were still certainly near the top of the curve. You know, that's a dangerous situation. People getting together where we saw in the streets there was a procession and there were well over a couple of thousand people in the streets and enforcement action was taken there and efforts were made to disperse. So, it's these egregious situations. You know, it is certainly, you know, not giving the new direction is

certainly not-- I mean, really, this is something we were always educating our officers to give warnings wherever possible and that's why you see such low enforcement numbers. But we are reinforcing the message that warn, warn, and educate.

CHAIRPERSON RICHARDS: Right. And you talked about that barbershop incident, but that is not the only place in New York City where we have seen lives gatherings. You take--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 01:34:47]

CHAIRPERSON RICHARDS: You look back and you were 60 for 60 there, right? So, when you look at other large people-- large groups of people congregating and we see zero summonses given if you are white and on the Upper East Side or West Side in front of a bar having a good during and cops are sitting in their car, you know, this is what caused us to be here today. Like I said, I was hoping not to be here today, but we need to have an obligation to our communities to ensure that the police department is not over policing and abusing authority during the pandemic. So, I just wanted to add that

out there. Are police officers mandated to wear masks?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: They're encouraged to wear masks where they're--

CHAIRPERSON RICHARDS: Encouraged or mandated?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, if I can finish. If they are interacting with the public, they're obligated to wear masks. We follow the direction from the Department of Health and that is the protocols that we have instituted internally. So, if an officer--

CHAIRPERSON RICHARDS: And so is--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: An officer sitting, for example-- and I think the police commissioner gave this example. We drive into One Police Plaza 10 there is a security booth where one officer is sitting in that security booth all day by himself. Is he or she obligated to wear a mask? No. If they are interacting with the public, as they are interacting with others, then the answer is yes.

CHAIRPERSON RICHARDS: Are the obligated or mandated if there interacting with the public?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, it's the same thing. That's the direction in the--

CHAIRPERSON RICHARDS: No. I want you say obligated or mandated. Those are two different things. If they are dealing with the public, are they obligated or mandated?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yeah. No. They are supposed to wear masks. I mean--

CHAIRPERSON RICHARDS: Okay. So, if we're going to be out here telling the public they should wear their masks and giving summonses and arrests because the presumption that your officers are making is that people are social distancing or wearing masks, I would hope that we wouldn't have the levels of hypocrisy because I am seeing too many officers out there without masks on. And if you are going to be in-- And not that I want you in this business anymore, but if you are going to be out there trying to uphold the law, you should probably be an example yourself. So, that's what I wanted to put out there.

It should be a mandate. We had a lot of officers out. 5000 officers. For it's of a little bit over 5000 north out because of COVID and they should not only protect themselves, protect the public, but always protect their partners when they are out in public. So, I am going to go to Harbani to go to the next questions are a man I will just come back and close out on just some of where we are going. So, thank you. Harbani?

COMMITTEE COUNSEL: Thank you, Chair.

I will now call on Council members in the order they have raised their hand using the Zoom raise hand function. If you would like to ask a question and you have not yet used the Zoom raise hand function, please raise it now. Council members, please keep your questions to five minutes. The Sergeant-at-arms will keep a timer and will let you know when your time is up. You should be again once I have called on you and the Sergeant has announced that you may begin before delivering your testimony. First, we will start with Council member Lancman, followed by Council member Cabrera, Council member Miller, and Council member Cohen, and then we'll get to the rest

of the Council members raising their hands. Council member Lancman, you may begin.

SERGEANT-AT-ARMS: Time begins now.

COUNCIL MEMBER LANCMAN: Thank you.

Good afternoon. So, the context for this conversation is the ongoing and historical use of low-level offenses almost exclusively against people of color. We have heard and stop and frisk mentioned. We have heard marijuana arrests mentioned. We may not have heard fare evasion. I don't recall. But that is in the same genre. And when I log out what the police department is doing in terms of forcing social distancing, the same concerns are raised in my mind. Some of the offenses that are used historically-- or overused, let's say-- and which invariably and consistently are applied almost uniformly against people of color, in addition to the ones that I have mentioned are arrests for disorderly conduct, resisting arrest, obstruction of governmental administration. So, my question to you is how many individuals were arrested or issued a summons for either disorderly conduct, resisting arrest, obstruction of governmental administration in connection with a social distancing violation? Does

anyone at the police department on this conference call know the answer to that question?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Chief, do you have that number? Chief Pichardo?

CHIEF PICHARDO: It's too specificity as it relates to tied into addressing people about not wearing a face covering. I do not have that information because I-- the context, as you very much--

COUNCIL MEMBER LANCMAN: So, let me--

CHIEF PICHARDO: [inaudible 01:40:22]

COUNCIL MEMBER LANCMAN: If you don't have the information, that's fine.

CHIEF PICHARDO: [inaudible 01:40:27]

COUNCIL MEMBER LANCMAN: Let me ask--

CHIEF PICHARDO: [inaudible 01:40:25]
doesn't necessarily apply directly to just--

COUNCIL MEMBER LANCMAN: All right. So let me--

CHIEF PICHARDO: that visual.

COUNCIL MEMBER LANCMAN: So let me ask this question since you don't have that information. What charges are being levied for people who are

either given a summons or arrested for a social distancing violation? You tell me.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, you're talking about arrests now, not summonses.

COUNCIL MEMBER LANCMAN: No. Both.

Summonses and arrest. If you are giving someone a summons--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Sure.

COUNCIL MEMBER LANCMAN: or arresting someone for a social distance violation, what are you exactly charging them with?

CHIEF PICHARDO: I mean, I appreciate the question, Council member. I think that-- I will let Oleg speak in terms of the legal aspect of it, but we have to sometimes differentiate the umbrella term of social distancing and-- for example, a business five is a nonessential business that is mandated by the governors and mayors executive orders to be closed, if we see that business that is open, we will warn them and say that you need to be closed. If that owner does not close the business, then we will issue a summons and violation of the Mayor's Executive

Order. Now, that will be part of that data that was released a couple of weeks ago--

COUNCIL MEMBER LANCMAN: No. No. That--

CHIEF PICHARDO: by the police department.

COUNCIL MEMBER LANCMAN: That's not a charge. Violation of the mayor's executive order.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: It's at code 3-108.

COUNCIL MEMBER LANCMAN: Which is--?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: That is a charge. It's a B misdemeanor. It's administrative code section 3-108. It's violating a mayoral executive order.

COUNCIL MEMBER LANCMAN: Okay. Got it. And so, that's one example that you might give to a business owner that is not complying with the mayor's executive order. Have you issued summonses to any individuals for some kind of social distance violation using that charge?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yes.

CHIEF PICHARDO: Yes. Actually, some of the examples on the opening statements. For example,

in the 69th precinct in Canarsie, the 65 summonses that were issued in that instance were specifically for that where we arrested two individuals with the illegal guns with some other illegal activities that were going there. Those 65 were issued summonses for 3-108.

COUNCIL MEMBER LANCMAN: Got it. What other charges, if any, were brought or levied against individuals for social distancing violations? Was anyone charged with obstruction of governmental administration or disorderly conduct or resisting arrest in the course of enforcing a social distancing role?

CHIEF PICHARDO: I mean, I think if we peel back the layers-- and that was what I was trying to articulate with your previous question in terms of obstructing governmental administration. I can probably think of one off the top of my head. An instance where--

SERGEANT-AT-ARMS: Time is expired.

COUNCIL MEMBER LANCMAN: You can finish your-- You can finish.

CHIEF PICHARDO: Thank you. Thank you. Thank you for that. Where the police officers were

on the scene addressing someone for an open container, but someone else came in and interfered with that process and they were arrested for obstruction. Governmental administration. And that, in itself, is part of the 125 arrests that were quoted as COVID related. So, to peel back the layers-- and we can continue to have this conversation as we move forward to get into the granular-- as you can see, sometimes it gets complicated. That individual that was arrested for obstruction governmental administration had nothing to do with the initial instance and interaction between the police officer and the other individuals.

COUNCIL MEMBER LANCMAN: Good. I would just like to get the data from the PD on how many-- on what individuals who were either given a summons or arrested for social distancing violations. So, violations of the social distancing rules, not ancillary conduct. But those rules themselves. I would like to get a breakdown of the charges that were levied against those people. That's my time. Thank you very much.

CHIEF PICHARDO: Thank you.

COMMITTEE COUNSEL: Next, we will move to Council member Cabrera followed by Council member Miller and Council member Cohen. Council member Cabrera, you--

SERGEANT-AT-ARMS: Time begins now.

COUNCIL MEMBER CABRERA: Thank you to the Chair, to the Speaker, Chief and staff. I first want to go on the record to thank the 46th precinct and the 52 precinct and my 50 precinct which cover my district. Every police officer that I have seen dealing with the public, they have always, always-- let me accentuate that. They've always worn their masks, including yesterday's event where we were sitting literally hundreds of people in our district. So, I thank you. Thank you for that. I had a question that is going to involve the operations of the Mayor's Office. This word enforcement, I think, at the end of the day, it comes to that. I'm curious about these ambassadors because, the ambassadors, they are not going to have power to enforce, literally, anything. I think only the NYPD has that power. So, I mean, are there just going to be advisory to the public? Please stay away from each other and so forth? What is going to happen when you

have an incident and where people are not adhering to social distancing with a large crowd, but we have the potentiality of multiplying just one person, as the governor has mentioned, took potentially affect hundreds of people and a crowd. So, what kind of powers are these ambassadors going to have? Can't hear you. Please unmute the police. We need to unmute Brady Hamed. Chief of staff, Mayor's Office of Operations.

BRADY HAMED: All right. Thank you. I was having significant background noise earlier, so I muted. Thank you for your question, Council member. I think it is a fair point. We have many of these agencies out and many of them do not have any enforcement ability. You are right that we are really focused on outreach and education. Our number one priority the health and safety of New Yorkers and of our staff. They will be--- Our staff will be provided with face coverings, hand sanitizer, gloves. And, for those that do not have a uniform, they will be wearing neon green vests that say NYC Social Distancing Ambassador and they will be distributing face coverings and they will be having interactions with groups that they are seeing in public.

Primarily parks who may not be following me social distancing guidelines. And so, we are having them into outreach and education and distribute these face coverings.

COUNCIL MEMBER CABRERA: And so, there lies the dilemma. And by the way, [inaudible 01:48:15] government operations and we didn't receive any notice to this day regarding me ambassadors and are you guys taking the lead. So, if you guys could communicate with us and disseminate that information, I would appreciate it. But let me just say that-- and I think this is the dilemma. We are asking the NYPD-- actually, let me take that back. The Mayor has asked the NYPD. They didn't bring this up on themselves. To enforce social distancing and now we are saying we're going to use the ambassadors who have no power at the end of the day to enforce it. So, I just don't know how effective that is going to be. I am wondering is there a way to correlate the social distancing enforcement that took place and how many lives we have been able to save. My area is in the top two in the Bronx where we have seen the most deaths. We have seen the most infections. I want social distancing to be enforced in my area. I

haven't had any problems with any NYPD officer. If anything, I'm just speaking my experience right here in my district. Not what happened on the Lower East Side. We need it. People are still dying. People are still getting infected. The numbers are still high. 1000 people in New York City are getting infected. Soon, people are not going to wear masks. I'm telling you, and summer, which is something I hope-- in this last 50 seconds, let me just say I hope there is guidance given both to the ambassador and NYPD. What is going to happen in the summer when it is 95 degrees hot? Are we going to tell people that you've got to wear a mask? And so forth? So, with that, I give you back--

SERGEANT-AT-ARMS: Time expired.

COUNCIL MEMBER CABRERA: Thank you.

COMMITTEE COUNCIL: Thank you, Council member. Next, we will move the Council member Miller followed by Council member Cohen and Council member Lander. Council member Miller, you may begin when you are--

SERGEANT-AT-ARMS: Time begins.

COUNCIL MEMBER MILLER: Thank you very much, Chair Richards. Thank you so much for this

very important hearing. For the Public Advocate and Speaker Johnson, thank you so much for your leadership. And I'd like to add my voice to saying that this is certainly a public health crisis and we all wonder whether or not police enforcement is the answer in doing so. So, certainly don't want to [inaudible 01:51:56] my calling. Previous colleague in doing so, but I think, and educating the community and having credible messengers in doing so is relevant. So, my first question is related to those collaborations with the community-based organizations. Some of our Cure Violence folks and faith-based folks that we have engaged. And, to Oleg's Craddick I more than a month ago, before social distancing began and enforcement, he reached out to me personally and asked for support. So, my first question is about the level of training, engagement, first of all, with these community-based organizations and others, including the ambassadors. What training outside of any training that they may have previously received related to this public health crisis have they received in order for them to go out and be the ambassadors that they have been?

BRADY HAMED: So, I am happy to respond to that question. The role of the Mayor's Office of Operations here and the ambassador program is largely around coordination and logistics. We need to have a relationship with some of these community-based organizations. Specifically the Cure Violence work is run through the Mayor's Office of Criminal Justice. We are really giving out some of that protective equipment, face coverings, gloves, hand sanitizer's, and I can't speak to some of the training that they have had in advance of this, but we are making sure that they have kind of the up to date guidelines on how we are operating, as well.

COUNCIL MEMBER MILLER: So, certainly the Council and particularly Black, Latino, and Asians Caucus focus and concern on the disparities and social distance is a real. And so, how we receive, and a very transparent way, the data, in order for us to not just kind of aggregate that data, tools so the goal to assist is really important and more important that we get it in real time and that we don't have to continue to ask the department for this information and it is no longer relevant and those issues. And so we talked about the masks that were being given

out and where people were congregating in the park. So, my list of parks, although they were given out within the community in the parks where people would congregate in the larger area, do not really include parks in communities of color. So, that would be concerning. I was out in the park myself giving out masks while the polys were in attendance and they were not distributing PPE. And so, I know time is short, so I do have an antidote that I want to be able to include. But I read an article by the former Deputy Commissioner of NYPD trials that suggested that the concerns around enforcement of social distance had to do more with leadership or the lack thereof. Had to do with the fact that there was support for a lot of the inflammatory stuff that we had seen over the videos and others and certainly policy is important. So, if we can speak to policy that is specifically around that includes community and other partners. And then, finally, I just want to say this because my colleagues that preceded me and others are going to continue to talk about the negatives that we have seen about social distancing as it relates to the New York City Police Department. So, Council member Chair Richards and I are neighbors

and we share precincts. And on Tuesday evening-- Tuesday morning-- early morning there was an accident. The young man killed on a motorcycle just up the street from each of us. And on Tuesday evening, there was a vigil like-- a candlelight vigil for this young person and I reached out--

SERGEANT-AT-ARMS: Time expired.

COUNCIL MEMBER MILLER: I reached out to the inspector of the 113 precinct and him and his team came out, along with my team. There was 150 people showing their risk facts. And they did a masterful, masterful job of managing 150 young people. And I think that was leadership. I mean to say that. And it's something that, if it could be done in that situation and it was a situation not unlike what took place in Brownsville and it was just handled totally different. Is there a specific training for large crowds around social distancing and or what was the difference in the two?

CHIEF PICHARDO: Council member, I certainly appreciate the comments and I think I couldn't have said it any better. And I think what I caught from that was just the relationship working together to make that happen. And I can count

countless other examples, both with elected officials, community leaders, Cure Violence folks in the last couple of weeks back, to your point, we have had instances where large crowds have gathered the so we, unfortunately, we know it too well in this city. So many people have passed away to this illness and they have gotten off without a summons and without an arrest. So, I think, foreword, much like we've done-- but now more than ever, we have to really be entrenched in fostering those partnerships on the onset before anything happens because, once it happens, it's too late. So, to your point, word got out a vigil was going to be held. Let's work with the local precinct commander. Precinct NCOs and police officers and let's replicate that in every corner of the city in every neighborhood.

COUNCIL MEMBER MILLER: Thank you. Thank you, Chair Richards.

COMMITTEE COUNSEL: Thank you, Council member. Next we will hear from Council member Cohen, followed by Council member Lander, and Council member Menchaca. Council member Cohen, you may begin when you are--

SERGEANT-AT-ARMS: Time begins--

COUNCIL MEMBER COHEN: Thank you, Chair. Thank you, Chief, for your testimony. I just briefly-- and maybe send this and I just didn't quite, you know-- I lost it. But what is the underlying principle and deployment of the NYPD in terms of fighting COVID?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Can you repeat that? I'm sorry?

COUNCIL MEMBER COHEN: I mean, we talked about 311 complaints, but 311 complaints is not necessarily a health strategy. What is the underlying principle that you are using to figure out where your resources should be deployed?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I mean, it's--

COUNCIL MEMBER COHEN: Oleg, I'm asking does it correlate to hot spots in COVID? How are you deciding where to go?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I think the Chief answered it in the beginning, but we can certainly repeat that. With the task force, I think Chief Spinella can answer that question and then Chief Pichardo can answer the question with respect to--

COUNCIL MEMBER COHEN: I heard that there were forces in every borough, but I'm not clear, again, like I think 311 complaints is not always particularly reliable. In my district, you know, if I just responded based on complaints, it would not evenly distribute the resources of my office. I have communities that, you know, complain more than others, but that doesn't mean-- you know, in the 47 precinct, Oleg, you know, Woodlawn, they love to complain. There's a very little to no crime in Woodlawn and the 47 is a very busy precinct. So, I don't think that, you know, that 311 complaints, necessarily, should be the guiding principle of the force during trying to control and help us flatten-- the city flatten the curve.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I think you're making my point that I made earlier. That's not, you know-- 311 complaints are not the end-all-be-all of where we deploy. That's certainly one of the factors that play into it and, certainly, New Yorkers calling in and reporting something that is a violation of giving--

COUNCIL MEMBER COHEN: [interposing] Are you coordinating with the Health Department? Like

how do you know where the hotspots are in the city of New York?

COUNCIL MEMBER MILLER: [inaudible

02:00:10]

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I mean, there's, you know, again, there's 31 on complaints, there is coordination between multiple agencies including the Department of Health and other agencies. There is--

COUNCIL MEMBER COHEN: Is that formal? Is that happening-- Do you talk to the health? Does Commissioner Shea talk to the health Commissioner regularly? Like how are you getting the data?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yeah. Chief Pichardo? Do you have--

CHIEF PICHARDO: Council member, I think, you know, since this pandemic started, I've been part of a daily-- sometimes twice a day-- conference call with our partners across all city agencies and we speak about a variety of topics. There are potential hotspots. Some of it tied into 311 data. Some of it tied to some of our elected officials, community leaders who provide us some insight as to something that may be transpiring at any given time. So, it's

a multitude of layers in terms of deployment of Chief Spinella and that portion of it. But our day to day police officers out in the street, they're visiting the local supermarkets, the local eateries to make sure they're in compliance with the set parameters as it relates to the executive orders by the Mayor and the Governor and our public spaces. So that really does not tie into--

COUNCIL MEMBER COHEN: [interposing] I hear you, Chief, and I appreciate that. And let me say, you know, I represent the 52. You know, where I think people are doing a great job. I will say that I, you know, have some of the concerns that my colleagues to that I am not sure the NYPD should be on the front lines. The first line of defense in terms of social distancing education, trying to get comply with that, but I will say I think that we would have greater peace of mind if there were like hard-core metrics. You know, we are going to concentrate in areas that either the department of health indicates are hotspots that-- and I think that it would not be that hard to imagine what those metrics might look like. You know, I just got the other day, you know, a breakdown by zip code of COVID

infections. Like the data is out there. Where you need to be deployed is out there and I think that we might feel better knowing that there were defined criteria by which we were focusing our efforts. That's all I have, Chair. Thank you very much. I've got seven seconds left. I'm going to give it back.

COMMITTEE COUNSEL: Thank you, Council member. Next, we will move to Council member Lander followed by Council member Menchaca, followed by Council member Barron. Council member Lander, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER LANDER: Thanks very much to the Chair and to the administration and NYPD representatives here. I'm just going to start, you know, with what I think is important. Just telling you how it looks like from where I am sitting. I am here in the 78 precinct in Park Slope and one side of Prospect Park. In the other side of the park is mostly the 77th precinct. So, Park Slope, an overwhelmingly white neighborhood. Crown Heights and Prospect Heights, largely African-American and Caribbean neighborhoods. In my community, there have been about 425 311 complaints, 70 complaints per

10,000 people, and zero arrests or summonses in the 77th precinct. About the same number of complaints. Actually a little fewer, 410. It's a smaller precinct, so it's only 43 out of 10,000. About half the rate. 22 summonses. So, you know, I think it is just important to like understand what it looks like on the ground. It's hard to understand any real difference other than my community is a white community. That community is largely a black community. And land is not a lot, 22, but it is not found a time of tension to just get us all rightly on edge about racially disparate impact. And so, but my question-- so, that's just, you know, what it feels like on the ground. And, you know, I just-- talking to my African-American and Caribbean colleagues right now, especially knowing the disparate impact of kind of death and COVID illness, we've got to find a way to come together differently than that represents. Then I really want to ask my question for Mr. Hamed because I think the point that we are trying to make is not likely to blame on the NYPD. You know, I actually had a really good conversation with Commissioner Shea on this. And I think he agrees. It's like our traditional policing

strategies are not designed for something like COVID. Policing is designed with the theory that there is a small number of bad guys out there. And, for that, arrests and handcuffs and sells and summonses and guns, you know, are needed sometimes. But arrests and sells and summonses and handguns and handcuffs are not going to stop the spread of the virus. And that is really true when it comes to social distancing compliance. It is a really hard problem to figure out how to get people to change their behavior. Like I find it difficult. We can't shop like we used to. We can't recreate like we normally would expect to. We can't mourn like we expect to. It is very difficult for everyone to change our behavior in these ways. And I see the lack of compliance in all corners of my district amongst kind of the white yuppies of Park Slope, amongst the Orthodox Jews of Borough Park, amongst the Bangladeshi Muslims in Kensington. I love all those neighborhoods. And, and everyone, most people comply most of the time, but there is meaningful noncompliance and all of those places. And not by like bad people who are evil. By people who find it very difficult to change-- understand this insane

moment we are in and think about how to really adjust behavior profoundly in order to protect all of us. Like that is a really, really hard problem. And I don't know that I have the answers for how do you get people to change their mindset and change their behavior and understand public health and then persuade their neighbors to do it. Last Friday, when we had the Test and Trace Corps hearing, I came in sort of skeptical and I went out persuaded that we have in place, actually, a really first rate team of public health professionals, thinking about how to do the testing and tracing and isolating. But I haven't yet heard that today. So, I guess I just want to ask it again and give you another chance, Mr. Hamed, to like persuade me because what I would like to know is in place is something similar. Like a real public health corps with people that look like everybody in the city. So, in Kensington, folks that speak on Bangla and understand Muslim traditions and values. Edinburgh Park, folks who speak Yiddish and have community ties and understand Orthodox traditions and customs and values and how they have to be changed. And in Park Slope, speak mostly English there, but understand, you know, kind of yuppie customs and

values and in each case from that position of sharing language and values and habits, but knowing the public health and the epidemiology and some theories of behavior change. Help us achieve collective compliance. And Cure Violence groups are great and city employees are great, but they don't have the breadth of representation, language, of shared values and they certainly don't have that shared training and understanding of epidemiology and behavior change. That is a huge challenge, but I guess I'm not persuaded that we are really leaning into it in that way and we really need to be. So, can you tell me a little more about what the efforts are--

SERGEANT-AT-ARMS: Time expired.

COUNCIL MEMBER LANDER: and stand up a system that could do this very gargantuan task of getting us collectively to have good social distancing compliance because lives really depend on it. And it is very hard. I would love to be a partner in it, but there needs to be something to be a partner to and, so far, I haven't heard it yet.

BRADY HAMED: Thank you, Council member. I know we're short on time, so I'm happy to set up

additional time with you to talk you through the Social Distancing Ambassador program.

COUNCIL MEMBER LANDER: But that is what this hearing is about. So, I mean, if you have more details on how the Social Ambassadors program is going to achieve that set of goals, I think we really would love to-- Yeah. This is for the Chair to decide, but I think that is what we want to hear.

BRADY HAMED: Absolutely. I can respond quickly. We are really deploying our efforts citywide. We have employees who are working as social distancing ambassadors who come from a wide set of diverse backgrounds and from every borough in every area of the city who are going out over 230 parks and other places citywide. We are really trying to reach people and a variety of languages. We are playing car messages. And then I think we have really seen that the social distancing ambassadors have been well-received over the past several weeks. People are receptive to the social distancing ambassadors. People are really listening. You know, I think when in parks, if there are areas that are closed, social distancing ambassadors have the ability to reach out to those people who are

there. Maybe they are not wearing face coverings. Provide some education on why those areas of the parks are closed and we have seen, by and large, that people are really understanding and compliant and accepting face coverings from our staff. We have guidance from the Department of Health on how to distribute that safely and we are really making sure that we take a citywide approach and are constantly evaluating this program.

COUNCIL MEMBER LANDER: So, my time is up and I've got a lot of colleagues, but I just have to be honest. That is not an answer that is up to the challenge that we are facing. This is the masses public health challenge to achieve collective compliance of millions of New Yorkers to do something that is very difficult. And with respect to the folks that are out there doing that, that does not reflect for me a thoughtfulness about a public health approach, a thoughtfulness about what it gets behavior change when it is difficult, thoughtfulness about the genuine breadth and diversity of New Yorkers, and a thoughtfulness about compliance different from enforcement and, if lives depend on it over the next year, I really just want to plead with

you. Come back with something that reflects a deep understanding of public health and behavior change because the lives of New Yorkers depend on it. Thank you.

COMMITTEE COUNSEL: Thank you, Council member. Next we will move to Council member Menchaca followed by Council member Barron and Council member Salamanca. Council member Menchaca, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER MENCHACA: Thank you to the Chair and my colleagues. I want to echo something that have been brought by several colleagues about releasing the racial data regarding the COVID arrests. I hope that that can get to us quickly. That is going to tell us the full picture of the story. My first question is about neighborhoods. Which neighborhoods and precincts have received training rooted in anti-biased and antiracist principles either in general or prior to their policing of COVID-related issues? And I think there were conversations about the ambassadors. Will they also be provided with antiracist training?

BRADY HAMED: I can respond briefly to the ambassador program first and then turned it over to my colleagues at the police department answer for them. That is something that we are looking at. We have provided some preliminary training and right now we are working with an organization on developing a video that is more specific to conflict resolution, social distancing, and how to navigate these challenges, given the unique experience of having to do this type of conflict resolution where, while wearing a face covering will not necessarily having kind of all of the skills and tools that you normally would have.

COUNCIL MEMBER MENCHACA: Can you share that training with us so we can review that with you?

BRADY HAMED: Absolutely. We have
[inaudible 02:12:43]

COUNCIL MEMBER MENCHACA: And is that the same as the Police Department is doing-- or I guess we should let the PD answer that question about what they are doing in terms of training and antiracist training.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, I know-- Or go ahead, Chief, I'm sorry.

CHIEF PICHARDO: [inaudible 02:12:58]

ahead, Oleg.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I know that the department has done implicit biased training. I can give you numbers after the hearing just in terms of if everybody has been trained already, I can give you some sort of breakdown. I just don't have it now, but we did an implicit biased training--

COUNCIL MEMBER MENCHACA: [interposing]

Thank you, Oleg, and the breakdown and what that training is so we can look at it.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yes. Absolutely.

COUNCIL MEMBER MENCHACA: Pre-COVID and post-COVID.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, it would be the same.

COUNCIL MEMBER MENCHACA: Okay. It would be the exact same.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: [inaudible 02:13:29] it will just be what it is.

COUNCIL MEMBER MENCHACA: Okay. There has been reporting that school safety agents have been assigned to enforce social distancing in parks and neighborhoods. How many have been assigned? Conversation happened with the DOE, when that decision was made, and the school safety agents are funded by a contract from the DOE. Is enforcing social distancing somehow part of that contract now?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Well, I would just clarify that they are not enforcing social distancing. So, I would use enforcing in that sense. They are out there. They are providing masks. They are educating. They are informing. They are not writing summonses or making arrests, so that is not what is happening. And it was done in conjunction with DOE and the relevant labor unions and-- yeah.

COUNCIL MEMBER MENCHACA: Can we get a sense of what that new role of responsibility is just by-- I'm calling in a contract, but I'm assuming that there is kind of an official paramilitary

language that you all are using. If we can get that, that would be great.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Okay. I'm not really-- There isn't really a paramilitary term. They are out there, effectively, I guess like ambassadors helping people and educating them. Yeah.

COUNCIL MEMBER MENCHACA: I'm assuming there is a content that was agreed upon. We would like to see that.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yeah. Sure. Sure.

COUNCIL MEMBER MENCHACA: Let's move over to NCOs. The neighborhood coordination officers. What is the policy regarding their transition to the virtual experiences? And I know that in Red Hook and Sunset Park, we are beginning to talk about that with different organizations that are having-- need to engage. And then, separately from that, but connected to the on the ground conversations that are happening with the officers, how are officers communicating with people who do not speak English when they are stopped? What happens?

What is the protocol? What kind of translation services are you offering in that interaction?

CHIEF PICHARDO: Sure. So, as you know and it has been widely reported, at our peak, we had over 7,000 of our officers who were ill. Over 5,000 with COVID-related illnesses and the landscape of our department changed tremendously. And everyone can appreciate that. And what this has taught us, probably as a country, certainly as an agency, is the eagerness and necessity to be very fluid and change and adapt in anything that we do. And so, we are exploring that, to your point and--

SERGEANT-AT-ARMS: Time is expired.

CHIEF PICHARDO: today is a perfect example. Where having the meeting, and unconventional, if you will, meeting where we do well the sitting across the street in the chambers and having it. So, the technology aspect of it we're certainly exploring as to we want to get the [inaudible 02:16:29]. We want to get the community Council meetings going. So, we are farming that out now. We started, of course, at this level, but I think, at the local level, and is certainly needed and we are definitely going to push that out.

COUNCIL MEMBER MENCHACA: Okay. And I need you to answer the kind of translation services, but this is the point that the Chair was pushing on obligation versus mandated. Obligation feels more moral. Like these NCOs are obligated to go into virtual world, versus mandated, which is the rule which is something that they have to do. That is the difference, Oleg, that we were talking about earlier.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Oh, sure. Sure.

COUNCIL MEMBER MENCHACA: [inaudible
02:17:07]

CHIEF PICHARDO: I'm sorry, Council member. I think, to get to your second questions-- because I want to make sure that we answer it for you. On our smart phones, every police officer has an app that has translation services. At the precinct, anyone who walks into a precinct, we have both officers with their smart phones on the phone or the hard landline phone where they can call for translation services. So, I think, with those two ticket items, as well as, you know, getting the goodwill of the people of the city of New York that

need be at the scene of an incident, I think it goes a long way.

COUNCIL MEMBER MENCHACA: Thank you.

CHIEF PICHARDO: Thank you.

COMMITTEE COUNSEL: Thank you, Council member. Next, we will move to Council member Barron, followed by Council member Salamanca followed by Council member Louis. Council member Barron, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

Council member, you--

SPEAKER JOHNSON: [interposing] Is muted.

SERGEANT-AT-ARMS: Council member, we unmuted you. You can begin now.

SPEAKER JOHNSON: She's not unmuted.

Council member Barron, if you could try to unmute yourself. There you go. There you go. We hear you.

COUNCIL MEMBER BARRON: Okay. Thank you so much. I do want to thank the Chair for the hearing and thank the NYPD for coming, although, once again, they, in terms of a teaching perspective, they haven't done their homework. They haven't been able to respond and full disclosure. I have been elusive or dismissive or evasive and had to be called out and

challenged to be direct. So, that speaks to me to how they are interpreting this very important hearing. I am disappointed that Commissioner Shea is not here. Perhaps he was here before I joined, but I think for a topic of this significance, he should have at least made an appearance to let people know this is an important issue and that he intends to make sure that it is handled judiciously and equitably. However, I continue to remind folks that Commissioner Shea has, in 2018 in his appearance before this body, said that he does not believe that police officers treat black communities any differently than they treat white communities. In the face of the evidence then and the face of the data that we're collecting now which shows that 80 percent of the summonses and arrests are from black and Latino people, he still holds to that belief, which is troubling. Because if he believes that and have not changed to say, well, there is a discrepancy and what we have to do is make sure that way correct that discrepancy and in equity and I haven't heard that from him yet. So, that is disturbing. I think what we are locating that in terms of the data that is on the record is that we have now the beginning

emerging of stop and frisk 2.0 where whites can move about exercising their constitutional freedoms to move about freely and obstructed and black and brown people are not given the same rate. I think that what we are seeing is the practice that shows selective enforcement and is, in fact, a reflection of the inequity that black and brown communities face. We have all seen the videos of how police interactions with masses of white people is very different from the interactions with three or four or five black or brown people. We are looking to see that this is corrected and until-- we can talk about training and retraining. I believe that the officer cited in this incident has been read trained several times for his behavior. So, until we come to a situation where the goodwill that you are trying to get from the community is seen and evidenced because of how black and brown communities will be treated equitably and until we see that officers who break the law violate their oath are given appropriate consequences-- not just a loss of vacation days, but are given appropriate consequences that may include being fired, not put on desk duty for a period of time while we do this ongoing investigation which

takes lengthy time and people sometimes forget. But until we see the appropriate consequences of officers losing their jobs and were necessarily going to jail for breaking the law and for engaging in racist behavior, we're going to have this tension and inequality. And we've got to make sure that that does not continue. As we talk about coming through the end of this COVID crisis in coming to a new normal, that new normal has got to be more equitable. Has got to be addressing the systemic problems that we face and is got to have black and brown people sitting at the table making decisions and deciding what are the priorities to make sure that we move forward in an equitable fashion. If you wanted to comment on any of that, whether or not, in fact, you do still-- the Commissioner, well, he can speak for himself, but he's not here. If he still holds that point of view. Thank you. Thank you, Mr. Chair. I yield back my time.

COMMITTEE COUNSEL. Thank you, Council member. Next, we will move to Council member Salamanca followed by Council member Louis. Council member Salamanca, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER SALAMANCA: Thank you.

Thank you, Mr. Chair. First, I want to-- it's good to see you, Chief Pichardo. You know, and I really want to thank the-- I want to put on the record. I want to thank the precincts in my district who have been working with me hand-in-hand as I have had events throughout my district on giving out fresh produce and groceries to my seniors and to those in my vulnerable population. And I need to give a big shout out to the [inaudible 2:23:42] PSA seven, the 40, the 42, and 43. So, I want to make sure leadership and NYPD know that they are the extremely helpful. And thank you for that. Now, in terms of the concerns that I have and many complaints that I get from my constituents, it's we do know that we have officers patrolling and enforcing social distancing and encouraging our communities to wear face coverings, to wear masks, but the issue that I am saying, even in these videos where there are enforcement's in my own district, whether there are uniformed officers or there are undercover, they are not wearing masks themselves. So, it's difficult, you know? You need to be the example, so I really encourage you to really enforce that these precincts

wear masks and it is not just the officers. It's the leadership in these precincts. The sergeants, the lieutenants that are in the street. So, I really, really hope that this internal policy is taken seriously and that they follow this rule in terms of masks. Now, masks are not easy to come by. I mean, I know that it has gotten much better now. The Mayor's Office has given elected officials masks and I know that parks department has done some of the vents in terms of masks and it is my understanding that precincts have been given masks, as well, to give out some members of the community. My question is, has every precinct received masks from One Police Plaza or from the administration equally to give out the community?

CHIEF SPINELLA: Chief Spinella. Yes. We have an ample supply of masks. In the Bronx alone, we gave out, so far, and 53 days, we gave out-- actually, less than that. Probably around 40 days. We gave out 41,886 masks in the Bronx. If you want to be specific about precincts, we gave out, and the 40, we gave out 992. In the 42, 773. And the 43, we gave out 871.

COUNCIL MEMBER SALAMANCA: capsules, these masks that were given out, they were given out on your own? NYPD? Not an event that you had with the Parks Department?

CHIEF SPINELLA: No. Every time we ride around, we see people without masks. Maybe they are on the line going into a supermarket going into a store, we will stop and give them masks. Sometime so we gave them a five pack. Sometimes we give them individual masks.

COUNCIL MEMBER SALAMANCA: I would encourage that every patrol car that is driving around through our community has masks available to give out to individuals. You know, unfortunately, in my communities, my bodegas are priced gouging. They are selling these masks for about three dollars apiece. So, if you have a family of four and you have two by four masks, you know, that is 12 bucks. You know, make him do something else with those 12 bucks. So, I really encourage that. And then, also and I know that Chief Pichardo knows very well because he covered the 43 precinct. You know, in my low income communities, we do have some homeowners, but there is a lot of density in my community where

individuals, now with the summer months, their backyards are, basically, in the front of their buildings. You know? And we want to encourage them to come out and get some fresh air. We want to encourage them to do social distancing. We want to encourage them to visit their parks while doing social distancing. And I know that we have someone hear from parks department. I know parks had programs where they were giving out masks and they did that about a couple weeks ago and then it stopped. Are you going to continue giving out masks to individual part as good weather is upon us? Is there someone hear from parks?

MARGARET NELSON: Yeah. Sorry. They just and muted me. So, when we first got masks to hand out to the public, we wanted to get them out as quickly as possible, so we set up tabling events that you referenced. So, we did two different weekends of about four days overlapping the weekend to get out a huge number of masks. We got about 550,000 mass over those nine days of tabling in our parks. Since then, we do have a steady supply of masks to hand out to the public from City Hall. And what we are doing is we're really supplying all of our PEP officers, all

of our Rangers, all of our Social Distance Ambassadors with masks who are handing them out in the field, so we're able to cover--

SERGEANT-AT-ARMS: Time is expired.

MARGARET NELSON: of parks on a daily basis. So, so far, we've handed out 550,000 masks through our tabling events and over 300,000 masks from our field operations.

COUNCIL MEMBER SALAMANCA: All right. Thank you, Mr. Chair.

COMMITTEE COUNSEL: Thank you, Council member. Now we will move to Council member Louis for questions. Council member Louis?

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER LOUIS: Good afternoon, everyone. I just want to thank Speaker Johnson and Chair Richards for their leadership and for convening this much-needed conversation today. I just also want to say, for the record, the passive response that was given Chair Richards earlier regarding questions on disparity and data was very disrespectful and unprofessional. So, moving forward, I hope we can be a little bit more respectful when we are addressing the Chair and his

concerns because he speaks on behalf of all of us and his community. So, I have three quick questions. The first one-- and it was mentioned earlier, but it wasn't clear. As the Mayor's Office considered allowing the Cure Violence organizations with outstanding history on de-escalation and community engagement to leave the trainings for social justice enforcement? The second one, regarding the ambassador program, I heard about it earlier in this conversation and it includes employees, but is this a volunteer effort or are we paying them to provide that service? And, last, regarding the guidelines and narratives that were shared today, I wanted to know who drafted the guidelines. Is it the same as the NYPD protocol? And where recommendations taken from the city Council? Have you considered getting recommendations from the Chair of Public Safety city Council and, maybe, the Chair of Immigration of city Council or maybe the BLAC co-chairs that could provide you with more information on these guidelines? As it appears, it is still being flushed out or figure it out. Here is an opportunity and an olive branch to put in the information you need on the guidelines in order to continue the social

distance enforcement. Which I would change that narrative to social distance support services. Thank you.

BRADY HAMED: I can take the first question on Care Violence and then pass it over to Commissioner Nelson from the Parks Department. We are not specifically working with Care Islands on this particular training. The Mayor's Office of Criminal Justice works with many of the Cure Filings providers. We are working with the Mayor's Office of Criminal Justice: developing these trainings with a different organization.

COUNCIL MEMBER LOUIS: Would you be willing to take their recommendation?

BRADY HAMED: Yes. Absolutely.

COUNCIL MEMBER LOUIS: Okay. Is that going to happen? Can you give that information, then?

BRADY HAMED: Yes. We will work with the Mayor's Office of Criminal Justice and the Cure Violence providers on that.

COUNCIL MEMBER LOUIS: Okay. I look forward to a follow up on that. And regarding the other two questions, the ambassador program in which

employees of the city are going to be participating in that. Is this a volunteer effort? Are they being paid to provide the service?

BRADY HAMED: Every--

MARGARET NELSON: I'll take one piece of that and then hand it back to Brady. So, at the Parks Department, basically, at the beginning of the COVID crisis when our recreation center is closed, we had staff that had been working at the closed to recreation centers and then we also saw that, in our parks, people were coming because this was one of the only places open in the city and people needed to get out for fresh air and for recreation and for mental health. But people weren't socially distancing. So, we were able to take the workers who worked in our recreation centers who knew the communities that the recreation centers were in. Knew the members of the public and were used to and had great competency and skill set, you know, working to educate, working to communicate on healthy activities with the members of the public. So, they became the first kind of social distance ambassadors. So the Parks Department kind of started this program to go out into our parks and it was really having those employees. So, they are

paid by the Parks Department. They were paid to be in our recreation centers. Now they are paid to be social distance ambassadors. They are going out into our parks, first, just to educate around social distancing. Again, I think, as Brady said, this is not an enforcement initiative. This is an education initiative. This is a light touch and we don't want them to get into the conflict. We want them to be safe. So, they are equipped with personal protective equipment and now they also are equipped with masks to get out to the public.

COUNCIL MEMBER LOUIS: So, Margaret, as my time expires, it would be great to have the information on where these parks employees will be deployed. We have tons of parks in New York City, so it would be great to know if it was Brooklyn Bridge Park or of small little park. Paisley Park. There is so many parks in New York City, so it would be great to know that. In my last question, which was still not answered, and I would love to hear it before this hearing ends in regards to the guidelines. Who created it? Is it the same as the NYPD guidelines? And will you take recommendations from the Chair of Public Safety, immigration, BLAC

co? Are you taking information from us in order to add to those guidelines? Even Care Violence organizations?

MARGARET NELSON: I think we--

COUNCIL MEMBER LOUIS: I would love to know that.

MARGARET NELSON: created our initial guidelines for our staff and I think, working now with Brady [inaudible 02:33:50]--

SERGEANT-AT-ARMS: Time is expired.

MARGARET NELSON: you know, those guidelines are now being read to on and re-created for all city employees who are doing this work. So, does Brady's said, I think there is lots of opportunity to kind of work with all the organizations you talked about to have input.

COUNCIL MEMBER LOUIS: Well, some of them are on this hearing now, so it would be great if you all could follow up with them and get some insight recommendations and suggestions to add into the guidelines that are still being drafted. Thank you.

COMMITTEE COUNSEL: Thank you, Council member. As a reminder, if there are any Council members that did not have an opportunity to ask

questions and would like to do so, please use the zoom raise hand function now. I'm going to turn it back to the Chair for additional questions. Chair?

CHAIRPERSON RICHARDS: All right. Thank you. So, just some last questions and, I guess this is to the chief or Oleg. So, what steps are being taken to the midday gap the actual racial disparities that we have seen with social distancing arrests and summonses? Have there been any efforts underway to make sure that we bring those numbers down?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I mean, you know, I think, Chair, it's-- You know, it's always unfortunate when there are any disparities in that is certainly not the goal. The goal is always to enforce in an evenhanded way. Or, frankly, the goal is not to enforce that all. Right? And, as you have seen with face masks, the facial covering enforcement after the executive order, the directive from the police Commissioner was not issues summonses or make arrests. I think that was one of the questions that may have gone unanswered during the hearing was was the directive focused on arrests or summonses? The directive was focused on both arrests and summonses. So, until

warn people, to give them masks, to educate the importance of wearing masks. But that that's the goal. You know, today and serve Council member Menchaca's question, I was able during the Q&A to get the answer. We have completed the implicit bias training. I think it was completed as of March 2020. Or maybe earlier, actually. I got the answer that it was in March, but the implicit bias training was completed, I think, almost 35,000 officers were trained, so that was the outstanding question for him.

CHAIRPERSON RICHARDS: Great. And let me ask you something. I just want to dig a little bit because we have this conversation too often. Is there a particular unit or someone in the NYPD who tracks numbers when you start to see these disparities exist? Is the NYPD being proactive in any way use and seeing disparities, and then addressing them? I mean, I hate to keep having the same conversation over and over again. Is there someone in charge of tracking this data? And on all subjects, on everything?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Sure.

CHAIRPERSON RICHARDS: Can anybody--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: We have data analytics--

CHAIRPERSON RICHARDS: Okay.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: you know, Office of Management Analysis and Planning. We track numbers through crime control strategies. I'm sure Chief Pichardo tracks numbers in his bureau, as he is the Chief of Department and so on. And, again, like I said, you know, having disparities is never a call. I mean, these are the end results, as there are disparities and, unfortunately, there are disparities in a host of situations and I think the Commissioner had mentioned, you know, mentioned this point had our earlier hearing. But the goal is certainly equitable policing. That is what we strive for. That is what our officers are taught. You know, we train the department on implicit bias training, as well, you know, stop, question, and frisk training and a variety of trainings.

CHAIRPERSON RICHARDS: So, you know, one of the things that I wanted to get at is the NYPD needs to be-- this is just coming up. It's been

coming up for decades. This is nothing new, but perhaps you need to think about-- or either we can think about an independent office that can identify when bias is being heightened in specific areas and then taking proactive measures to address five. So, I just wanted to put that on your mind that the NYPD should start being more proactive in this area around bias. Let me just move into what new instruction has been given to officers? So, obviously, new policy has been laid out. Is there some written policy anywhere that has been given out to officers now that the Mayor and the police Commissioner have shifted policy?

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Sure. I mean, you know, given the fluidity of the event, whether it is fortunate or unfortunate, we are forced to issue directives every time there is an executive order that is issued by the governor or the mayor. So, our officers are kept abreast. So--

CHAIRPERSON RICHARDS: No. I'm saying in terms of the social distancing policy.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Right. No.

CHAIRPERSON RICHARDS: The neutral ground.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: That's precisely what I'm talking about.

CHAIRPERSON RICHARDS: Okay.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: So, you know, if you have seen the evolution of these executive orders, you know, in the beginning, as you recall, at the very beginning of the pandemic, you were allowed to-- the first places that closed were venues with over 500 people. Then it was social gatherings were permitted as long as it was 50 or less. Then all social gatherings were prohibited. At some point later, face masks were required to when you can social distance and you don't have a medical condition. So, this evolution, what types of businesses are essential versus nonessential? Who can open and not? How many people could be in a place of business? So, these things, if they didn't pop out in one executive order, I think the Governor is on his 32nd executive order as of last night. And I am not sure how many of the Mayor has issued, but we issue directives to officers to keep them up to date. We certainly are not

taking-- we are taking barely any enforcement, but we certainly want to keep them up to date though they are not taking enforcement when the rules of the game change.

CHAIRPERSON RICHARDS: And I don't think I was clear. I men on the summonses and arrest. So, has every officer received direction on that? On the--

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: Yeah. No. That's what I was--

CHAIRPERSON RICHARDS: Okay. So, that's-- Okay. Got it. Okay. Got it. And my last question is just as we move into Memorial Day weekend, obviously, there's been a lot of conversation around beach openings, as well. Can you just speak a little bit about preparation for that and what does these new policies look like for the beach? And then, lastly, I saw this policy that says if you are a surfer, you'll be able to get into the waters of the beach. So, I may just show up with a surfboard. Is the NYPD-- Or Oleg may, right? For all I know.

ASSISTANT DEPUTY COMMISSIONER

CHERNYAVSKY: I don't surf.

CHAIRPERSON RICHARDS: And we all are surfers. So, my question is how is the NYPD predetermining being that they are-- you know, the policy at least one of you Chief's laid out yesterday says that surfers can get in the water? So who is predetermining who is a real surfer?

CHIEF PICHARDO: Sure, Chair Richards. I'll kick it off and then I'll turn it over to our great partner--

CHAIRPERSON RICHARDS: And then do you have to wear a mask if you surf? I don't know. I mean, I want to hear a little bit more. And I'm serious about it, you know, because we're talking about taking less enforcement. I think the rules are you can walk on the beach, but you can't congregate, but yet we're saying that, you know? I mean, there's a lot of mixed messaging going on and I'm just interested, in light of the beach season upon us, what this looks like.

CHIEF PICHARDO: Chair Richards, I think it's such a critical point in questioning to bring out. Certainly now for everyone who is watching and for every one so that we are all on the same page and the message is clear because, as you said it, and I

won't steal the thunder from Deputy Commissioner Nelson from Parks. She will speak to the differences with surfing and the parameters that Parks is tasked with in terms of the beaches, but we are working. We are working with our partner city agencies. We are there as a support, as you know, for many years, not just because of the pandemic that we are in. We've allocated police officers from the Rockaways to Orchard Beach to Coney Island. So, it's part of our summer detail plan that we have always implemented, that I will let Margaret Nelson speak on the particulars of the beaches.

MARGARET NELSON: You know, I think you for the question, Council member. As you know, we are in the middle of a pandemic, but we are trying to make sure that people have open space to enjoy this fresh air to be able to recreate, to be able to have their open space available to them. So, I think it took a lot of planning and coordination with the NYPD and the mayor's office to figure out what the right, safe plan was during this still closure of New York City. And so, we are not in normal times. We can't allow swimming. We can't allow barbecuing. We can't allow gatherings. We can't allow sports where people

are going to come into close contact with each other, but we wanted those 14 miles of beaches and all of that land area cannot be closed off to people who need to be outside and kind of force them into smaller spaces. We want that space to be open and we want people to use it responsibly. So, we appreciate the work with the NYPD that will be there with us, again, we will have parking enforcement agents and our part security service on the beach. We have hired up for specifically that purpose. We will have people on the water line encouraging and telling people they cannot be swimming. We will have people on the sand. We will have people on the boardwalk's and on the entry points to the sand at 10 be counting people that are going into those high-volume areas to make sure we are not seeing the overcrowding that would cause, you know, the virus to spread if people are too close together.

CHAIRPERSON RICHARDS: Let me ask you a question. So, can you dip your feet in the water is the question?

MARGARET NELSON: You can do. Feet in the water.

CHAIRPERSON RICHARDS: Okay.

MARGARET NELSON: You cannot wade. You cannot swim. But, surfing, again, is not considered swimming under the state health code. We allow surfers to serve all year round. We need to not put lifeguards in a normal season when we have swimming. Lifeguards are assigned to swimming beach is. They are not monitoring surfers. Surfers are kind of always separate category so surfing will continue just like it does, you know, 12 months of the year. But we will not allow swimming. We are training our lifeguards to be ready in the case that we can start to do more to under a strict things and allow swimming later in the summer. We want to be ready for that and lifeguards are training and we have worked with the lifeguards to come up with a new way. They had to come up with a new way to really certify and help their lifeguards get trained and certified and in shape to pass those tests. We have opened up more of our indoor pools so that they can spread out and do the end of socially distant way. So, it is a complicated exercise that we have been working on for the past couple months, but we feel good about the plan.

CHAIRPERSON RICHARDS: So, if I show up to the beach with a surfboard, will I have to worry about the NYPD given me a summons or arrest?

MARGARET NELSON: You will not.

CHAIRPERSON RICHARDS: Okay. All righty. All righty. I'm going to, I think Carlos Menchaca has one last question, but let me just end on saying, you know, we don't enjoy these conversations, but they are necessary conversations. They are tough conversations and, you know, data says a lot. So, this is why, you know, we want the NYPD to be prepared when they come to our hearings with this information because data lets us know what steps we need to take to ensure we can alleviate disparities. And if we are going to hail. It's the NYPD's mission, as you have spoken about it, to truly build a more equitable and a police department that works with all communities the same, we can see these disparities. They are unacceptable. Anything, once again, we need to be more proactive in these spaces. The NYPD's needs to be more proactive in these bases because the-- it comes up too often on every single subject whether it's marijuana, whether-- and I know it is tough to hear. And I know we have made some

strides. I do want to come in the precincts like the 101, though 100, the 105 who were out there helping us kids about food. That is commendable, but what is not commendable and what is unacceptable is our communities being over policed and certainly being given summonses and arrests and a disparate way. So, I look forward to working with you. I look forward to getting that data, as the Speaker said, and I will go to Carlos to, certainly, close us out. And if you want to get some last remarks, that will be fine. And then we will go to the panels. Council member Menchaca?

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER MENCHACA: Thank you, Chair, and for giving this opportunity to do one follow-up on immigrant communities and the language access question. In your answer was that you would, essentially, using the phone to be able to translate information. How does that happen in the social distancing situation where you are six feet away and you are trying to translate using a phone? I think this is part of the conundrum that the immigrant community is facing often on the streets as they are over policed. And, as that is the answer, it is

shortsighted and, to Council member Louis's point, really including us in this conversation can help build a better branch for allowing the communities to build out and what you engage them. But, is that really the only way? You're going to use a phone to be able to translate messages six feet apart?

CHIEF PICHARDO: Council member, thank you for the follow up and, listen--

SERGEANT-AT-ARMS: Time expired.

CHIEF PICHARDO: By virtue of our profession, we often come in close contact with people. I mean, prior to this pandemic, we were greeting people and shaking hands as passed each other on the sidewalks. And when there is a car collision and folks call 911 and, if there is injuries and we respond or if someone is a crime victim, whether they are in immigrant community or whether this is someone that does not speak the English language, we engage that person in close contact. So, and five spoken alluded to the fact that the only result that we have is to act in our phones, excuse me for that. Because part of that answer was that we will use community members who may be are at the scene, but we will explore every single

method and we circle back to the point about NCO's and meetings and exploring all the different possibilities. And certainly, we're exploring everything in terms of the internal processes for even crime reporting with some of the things that we have. And earlier, during this pandemic, prior to that, we specifically, implemented a program citywide for vehicle collisions 55 police officers don't have to respond to. So, we are constantly looking internally at our processes and what we can do better. And that is one of the aspects that your question points to.

COUNCIL MEMBER MENCHACA: Thank you.
Looking forward to the conversation.

CHIEF PICHARDO: Thank you.

COUNCIL MEMBER MENCHACA: Continued
conversation. Thank you.

CHIEF PICHARDO: Thank you.

COMMITTEE COUNSEL: Thank you. We will now turn to the public testimony. I would like to remind everyone that, unlike our typical Council hearings, we will be calling on individuals on my one to testify. Each panelist will be given three minutes to speak. Please begin once the Sergeant has

started the timer. Council members who have questions for a particular panelist should raise their hand fun-- Should use the raise hand function in Zoom and I will call on you after the panelist have completed their testimony. For panelist, once your name is called, a member of our staff will unmute you and the Sergeant-at-arms will give you the go-ahead to begin upon setting the timer. Please wait for the Sergeant to announce that you may be again before delivering your testimony. I would like to now welcome our first public panel. I would like to welcome the Sanford Rubenstein to testify. After Mr. Rubenstein, I will be calling on Alan Bragg, then Brandon Holmes, then Reverend Kevin McCall to testify.

[Background comments]

SERGEANT-AT-ARMS: Time starts now.

COMMITTEE COUNSEL: Sanford Rubenstein.

SANFORD RUBENSTEIN: Yes. Am I unmuted?

Am I unmute?

COMMITTEE COUNSEL: Yes. Yes. You

are.

SANFORD RUBENSTEIN: Okay. Are you ready? Should I begin? My name is Sanford

Rubenstein. I am the civil rights lawyer. I represent both Donnie Wright, the victim in the recent interaction with Officer Garcia on the lower East side, as well as Colima Rosier. I represent [inaudible 02:51:29] in the recent interaction on the Lower East Side as well as Colima Rosier, the 22-year-old mother, the victim, in the Barclays subway incident. While the Mayor appears to have put an end to the NYPD enforcing social distancing requirements and the enforcement of wearing protective facemasks, the brutality of the NYPD officers, evidenced in videos of these two interactions must be addressed at this hearing, as well. There is no excuse for police to act like thugs when acting under the cover of law evidenced in these videos. What is demonstrated in these videos of these two incidents is that NYPD officers appear to act with impunity without concern for their being disciplined for their wrongful acts against these victims and demonstrates the present system with disappointing police results in a police force that the police commissioner does not have under control. When a video taken by a bystander shows in an innocent victim thrown to the ground and punched her repeatedly, then sat on by an officer and

all that happens to that officer is to be put on desk duty with his salary continuing, and when multiple officers throw a 22-year-old woman into the ground while her five-year-old son watches in horror remain on phone duty and that full salary, is not appropriate. And, if I might add, other numerous videos show multiple officers punching victims, pound saying on the, for which there is no discipline of any of the officers. I suggest, therefore, there is a structural defect in the system by which police are disciplined in our city. Simply put, the system of disciplining police officers and our city is broken. No longer should the NYPD be permitted to police itself. The NYPD has failed in that mission. What is needed is an elective inspector general, totally independent of the NYPD, to determine the appropriate discipline of officers who commit acts that are wrongful against the citizens of New York City. Thank you for the opportunity to address this committee.

COMMITTEE COUNSEL: Thank you for your testimony. Alvin Bragg, you may begin.

SERGEANT-AT-ARMS: Time starts now.

ALVIN BRAGG: Good afternoon. Thank you, chair for having some poor hearing and thank you to the Speaker and the other members. I am the code director of the Racial Justice Project at New York Law School, former state and federal prosecutor, and perhaps, most relevant to my testimony today, previously the chief of litigation at the New York City Council. I have deep concern about the Mayors recent statements that the NYPD will continue to be involved in social distancing enforcement. If there is, quote, serious danger, which the Chair talked about earlier, as I think most watching know, research shows that the skin color in this country affects the perception of danger and we have seen that with vague directives such as serious danger have been given in the past has with broken windows testimony or we have heard Council member Lancman asking about obstructing governmental administration, resisting arrest, disorderly conduct. Those types of sentences and ways in which you can really, you know, breathe life and see the conduct you will and the discretion given to officers have led to significant racial disparities. As a result, I fully agree with the public health led solutions community-based that

have been talked about. The ambassadors program. We do not need to give officers another reason to stop people. Particularly young people of color. I am based in Harlem, which is where I have lived in grown-up. I've been stopped by police officers for, you know, the way I looked at an officer, for the quote unquote, high crime neighborhood I was in when I was on my own block. So, we do not need to give officers another reason. I would like to draw the Council's attention to the current provision of the New York City administrative code which actually already, on the books-- I believe the mayor is bound to follow it. They calls for a public health led solution to this type of public health crisis. It is New York City administrative code 17 - 104. It is aptly named measures to prevent the spread of disease. It initially came onto the books as law in the 1930s and was amended and renewed in 1985. So, it is a decades-old law. It lays out Inc. is authority to the Department of Health to do things like clothes streets and to take other measures to prevent the spread of-- in the words of the statute-- the spread of contagion. It is my contention and my respectful suggestion to the

Counsel that, if the Mayor does not see your
judicious oversight and you are questioning to the
NYPD and does not need to your suggestions via the is
oversight hour, that you, in fact, have the authority
to legislate to pass a law, a local law, that would
complement this law which was enacted-- it is in the
code, but it was enacted by the state legislature.
And so, I would commend to you-- we will see what
the Mayor does in response to this hearing today, but
I wanted to draw the Council's attention to the and
command to you that you have the authority to act by
local law, if you see fit. Thank you.

SERGEANT-AT-ARMS: Time is expired.

COMMITTEE COUNSEL: Thank you for your
testimony. Brandon Holmes, you may begin.

SERGEANT-AT-ARMS: Time starts now.

BRANDON HOLMES: Thank you for the
opportunity to testify that day and your leadership
on this issue, Chair Richards. My heart goes out to
the family and the loved ones of the NYPD officers
who passed due to COVID-19. Despite early
assumptions, and from my family personally who has
lost two elders and several friends in the past
month, we are clear that this virus does not

discriminate, yet, historically, the NYPD has and this agency continues to fail this city. Today, you know, I want to mention them rejecting that request for data from Chair Richards during a scheduled hearing is really a display of the lack of accountability and respect that they have for anyone outside of their agency. It's appalling. It's been displayed in this hearing and recorded on countless videos from New Yorkers of colors over the past several months and years. I would call on you to remember Commissioner Shea's remarks during the Public Safety Committee's budget hearing. When asked if he believed NYPD should be in charge of social distancing, he said, shame on us if we allow this to go backwards. As if they are the first and last line of defense. We have heard those exact words in defending stop and frisk, despite the fact that over 12 years and 5 million stops, less than .02 percent of those stops produced guns. Today, what is the legacy of stop and frisk aside from continued racism, brutal policing practices, and no waning public trust? New York City is phased yet another legal settlement and another court-appointed monitor for a failed law enforcement agency. In their testimony, I

really want to acknowledge how they have cited all the resources that make their roles in social distancing enforcement obsolete. Take their word for it. Their most successful outreach models have included collaborations with faith leaders or hip hop artists, communications campaigns with mounted speakers. A badge and a gun should not be a prerequisite for receiving robust funding from the city of New York. Unlike the dozens of advocates and public health experts who have fought for protecting housing, education, and healthcare for all New Yorkers, this Police Department repeatedly fails to justify their fight to hoard a mass of 10 billion dollar budget during a global pandemic. We do not need the NYPD to continue infiltrating our faith communities or cosigning our local artists and influencers. We need more resources that will empower people to take pride in the health and safety of their communities. Some of those that I want to acknowledge our investing in our capacity for our communities to respond the conflict and prevent violence and harm as many folks have cited the Cure Violence and Violence Interruption groups. We can specifically support and develop community mediation,

trauma, and healing centers and all the neighborhoods most impacted by public health and public safety concerns with the particular attention to the needs of the youth. The youth of art-based therapy and engagement of peers in providing that programing, not the police or district attorneys. We can create paid opportunities for our community members to learn and apply the skills related to social and emotional support--

SERGEANT-AT-ARMS: Time is expired.

BRANDON HOLMES: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Reverend Kevin McCall, you may begin.

SERGEANT-AT-ARMS: Time starts now.

REVEREND MCCALL: Good afternoon to Public Safety Chair Richards, to the Police Department that left the hearing, and to all of those members on this Public Safety committee. First, I want to thank you, the police department for their service and I also want to thank the Council for dealing with this issue as we deal with the virus, as well. My name is Rev. Kevin McCall. I am the president and founder of the social justice organization called the Crisis Action Center here in New York City located in Brownsville

and Brooklyn. We deal with issues that affect the average New Yorker, from civil rights to education to food injustices. As I was sitting in my home with my family and quarantine, I couldn't help but see on social media multiple viral videos of NYPD officers using excessive force a while enforcing social distancing. My office started to receive several calls from family use on what they can do to stop this. To do something. I was so upset and hurt that, even in a pandemic, that black and brown people still get the wrong end of the stick. I was really went into deep prayer and asked God to show me how to respond to a horrific crime that was happening right before our eyes while we deal with this pandemic. I organize a 100 car caravan with motorcade with a number of organizations going to the 73rd, the 75th, the 77th, and ending at the PSA for precincts. These were the precincts that Donnie right and others were injured. We stopped at each precinct along with the victims to make sure that the victim's voices were heard. We were out there all day. We started at 3 o'clock and we ended at seven. As we finished doing that, the next day there was a report that showed 120 arrests across the city for the same violation and 68

percent were black and 24 percent was Hispanic and seven percent were white. To me, this echoes the new stop and frisk. We urge the mayor to come up with a plan to stop the enforcement by the New York police because of this report. But, do you hear the Commissioner Shea say that the NYPD isn't practicing racist tactics is absurd. The numbers say differently. This is a problem in New York City that has to be dealt with. The NYPD says that they will not be enforcing social distancing on one-on-one contact. And that is good, however, it doesn't solve the problem. Will people still get harassed for not wearing a mask in large groups? I am the advisor for Donnie right and others, but we have to be able to deal with this problem in New York City. The governor said today that everyone has to be able to wear a mask. The police must wear masks and this has to be dealt with and subpoenas don't--

SERGEANT-AT-ARMS: Time is expired.

REVEREND MCCALL: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. We will now turn the questions from Council members. As a reminder, if you would like to ask a question of a particular panelist, please use

the raised hand function in Zoom at this time. Saying no hands raised, I will call on the next panel. I would like to now will come Monifa Bandel to testify. After Ms. Bandel, I will be calling on Victoria Davis to John Dembo, Michael Sisitzky, and then Cleopatra Acquaye-Reynolds to testify. Monifa Bandel, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

MONIFA BANDEL: Thank you. I want to give special thanks to the Public Safety Committee, especially the Chair, Donovan Richards and all of the city Council members who tuned in and today to hear us and to unite with us around this call. Right now, social distancing policing is hazardous to the health of black and brown New Yorkers. The Mayor's use of policing for social distancing and COVID-related enforcement is both dangerous and makes us less safe. And I underscore less healthy. We have all seen the violent viral videos, but we were not surprised because it harkens to what we have already been experiencing for decades in New York City, which is racial profiling. The facts that came out of the Floyd versus New York City case still remain today and they are greatly exposed by what we see in the

social distancing enforcement. There are a couple of things that we feel, as a coalition, must be enacted. That there has to be mass public education that is consistent and clear, mass free treatment, testing, contact notification that does not require surveillance by the police, options or people to use safely self-isolating, free quality healthcare and ongoing community education, again, that is not connected to the NYPD. We also feel that there must be a budget adjustment, hiring freeze, remove NYPD from social distancing and homelessness outreach. The cost of retraining already retrained officers harms New Yorkers, drains our resources, and must end. [inaudible 03:06:01] communities of color to have a chance at an equitable recovery from this devastation of this pandemic, we need the fiscal year 21 budget to put major financial resources into public health, infrastructure, social safety nets, and programs that will enable our communities to not only survive, but to thrive after the pandemic and not cut things like Summer Youth Employment Program and public education. We really area also disappointed that the NYPD has left this hearing. We will submit our full testimony in writing to the city

Council and we also welcome any evidence, first hand witness accounts of social distance to please reach out to our coalition CPR as we are currently documenting this blatant racial profiling and violation of the laws that came out of the Floyd decision. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Victoria Davis, you may begin.

SERGEANT-AT-ARMS: Time starts now.

VICTORIA DAVIS: Okay. Hi. My name is Victoria [inaudible 03:07:19] murder by NYPD officer which was not imminent danger on July 4, 2016. I am also the mother of two young black boys and a member of the Justice Committee, a grassroots organization that supports and organizes with families who have lost their loved ones to the police. I am here today to tell you that the NYPD should not be responsible for social distancing enforcement. No one knows better than I do how deadly these interactions can become. As a mother, I was horrified and extremely triggered to watch the video that emerged last week of a mother being tackled to the ground and arrested in front of her child for simply not properly wearing her mask. It is re-traumatizing to myself and New

Yorkers every time we watch clips of the NYPD's abuse of social distancing enforcement against black and brown New Yorkers. I felt it was completely disturbing to learn of the NYPD abstracting possible evidence and threats to witnesses who film violent social justice-- violent social distancing enforcement. As a Justice Committee member, I learned of the peppers spraying of a young woman with no warning. The violence is unacceptable by the NYPD. In these interactions, multiple times, these officers often times were not wearing PPE themselves. They have common into the close contact with and put their hands all over New Yorkers while raising the risk of transmitting the virus for everyone. Discriminatory abuse of policing is nothing new for the NYPD, but the moment Mayor de Blasio and Governor Cuomo engaged to the NYPD and social distancing, what did they think was going to happen when they threw the NYPD into a public health crisis instead of public health workers? I want to be clear. It is not enough for de Blasio to make a vague statement about the NYPD no longer enforcing masks when there is no serious danger. Families who have lost loved ones to the police, unfortunately, understand that

the NYPD perceives serious danger wherever and whenever it serves their purpose, especially when it comes to brutality against black and brown New Yorkers such as when the NYPD officers made the decision to kill my brother. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Tijon Dembo, you may begin.

SERGEANT-AT-ARMS: Time starts now.

TIJON DEMBO: Good evening. My name is Tijon Dembo and I am a freshman at Townsend Harris High School. I am the Youth Leader with the Rockaway Youth Task Force and a member of Communities United for Police Reform. It is no secret that black and brown folks experience violence at the hands of the NYPD. The city prioritizes the NYPD over the needs of black and brown neighborhoods. The enforcement of social distancing procedures is not only a pretext, but an excuse to heighten the harassment of black and brown communities. Yet, Mayor Bill de Blasio believes that over policing our neighborhoods is essential when it is black and brown people who suffer at disproportionate rates. Therefore, Mayor de Blasio must cut the NYPD's bloated budget and invest in programs that will provide the necessary

resource to hardest hit communities, such as the Rockaways, which is facing the highest COVID-19 death rates in the city. Funds divested from the NYPD should go towards public health resources, youth programs such as SYEP, community organizations, education, and mental health programs. We demand that Mayor de Blasio conduct a hiring freeze, cancel cadet classes, and find another way to safely enforce social distancing protocols. Our city government may think that over policing communities of color will help us out of this pandemic, but it will not. Invest in our safety and divest from the NYPD. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Michael Sisitzky.

MICHAEL SISITZKY: Thank you. My name is Michael Sisitzky, lead policy counsel with the New York Civil Liberties Union. The NYPD's response to the pandemic has been marred by a stark racial disparities, excessive force, and a lack of transparency. The Council can and should pass more transparency legislation, but it must also guarantee a city budget that reduces and reverses the harms currently being done by aggressive policing tactics,

masquerading as public health. Criminalization in the name of public health enforcement is still criminalization. While the NYPD recently said that they are taking a new and reduced approach to the social distancing enforcement, the Department has so far refused to disavow its commitment to broken windows enforcement priorities, including continued arrests for low level marijuana offenses, the continued participation and sweeps targeting homeless New Yorkers in public spaces, and announced reset on social distancing enforcement is meaningless if the NYPD will continue to engage in broken windows tactics during the pandemic. We need a complete re-examination of the existing priority is across any government and changes to policing must be part of that conversation. Our written testimony discusses a number of pending legislative proposals, like resolution 750 calling for the repeal of 50 A, and the Post Act, both of which are now more essential than ever. But I want to focus on with the Council can do to address the harmful effects of both policing and the coronavirus by adopting a budget that is rooted in racial and economic justice. The city's reliance on police officers to enforce social

distancing is the consequence of budgeting priority use that have allowed the Department to expand so dramatically compared to other agencies. The police officers are not the public officials best suited to respond to COVID-19 for two key reasons. First, the NYPD is not, nor should it be, a public health agency. Second, the NYPD does not have the trust of the communities most impacted by the coronavirus who have historically also been most impacted by discriminatory and abusive policing. The implementation of public health measures should be the responsibility of public health agencies working with community organizations and leaders, but that requires actual investment in these agencies and disinvestment from the NYPD. For years, the NYPD has been allowed to take on more traditional health and social service roles because of deliberate and misguided decisions to invest financial resources into the NYPD at the expense of other agencies. The NYCLU urges the Counsel to prioritize investments in the city's public health infrastructure and social safety net and to eliminate the NYPD footprint in areas like physical and mental health response, homeless outreach, youth services, and other areas

where police are needed, but health and social service workers are. As New York prepares for the fall economic impact from the coronavirus, the paltry comments so far proposed by the NYPD are insulting to New Yorkers, who will be more dependent than ever on many of the agencies facing the far deeper cuts. New Yorkers will not need more policing to help them recover from the impacts of the coronavirus and if budgets are moral documents, then a budget that continues to overinvest in policing and criminalization at the expense of communities currently being devastated by COVID-19 would send a dismal message about New York's moral priorities. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Cleopatra Acquaye-Reynolds, you may begin.

SERGEANT-AT-ARMS: Time starts now.

CLEOPATRA ACQUAYE-REYNOLDS: Greetings to the Council and good morning to the members of the Public Safety Committee. My name is Cleopatra Acquaye-Reynolds, a born and bred New Yorker from the Bronx. I am the code director of the Audre Lorde Project, a queer and trans community organizing

center. ALP is a member of Communities United for Police Reform, which is an unprecedented campaign that is working to end discriminatory policing in New York. I am going to go assume that the NYPD does not support discriminatory policing and so my words should not be perceived as a proposal, but as a planned my community moves forward with that allows the NYPD to choose whether or not they would like to be a part of. During the COVID-19 outbreak, the work of our coalition has shifted to operate virtually, as well as address the conflict in the NYPD serving as essential workers to enforce physical distancing. Our position is that, not only must we divest from the NYPD and physical distancing work, but we must double down on our investment in community-based solutions. We need to meet people's basic needs in the current pandemic and beyond. Our coalition acknowledges that the world as we knew it was not in a state to pull policing out of New York City's day-to-day operations. But in our president, vulnerable communities are left to be punished by policing practices from a world that no longer exists. We are seeing and hearing accounts of violent policing of black and brown New Yorkers that will be referred to

as so-called social distancing enforcement, but is often simply abuse of broken windows policing being rebranded during this COVID-19 pandemic. We are asking for the Councils support by investing in public health officials and community-based organizations to create new intergenerational norms. We will be able to reach more people with education resources and an opportunity to build stronger bonds because we know that violence is a product of poverty in fear and ignorance. We urge the city Council to fund the people, not the police. By removing police from social distancing enforcement, the Council could divert funds to programs that create social distancing opportunities for people like a summer youth employment program, a program that has deferred inconsistent budget cuts on a yearly basis and one of the first programs to be removed from the city's budget due to the pandemic. SYPE budget runs out less than three percent of the NYPD budget with around 75,000 new participants. As a former SYEP kid, I know that this cut will leave at least 75,000 families who depend on SYEP for groceries, transportation, and financial independence for youths abandoned with no replacement options. When I think

of ambassadors of social distancing, I immediately think of the youth of the city and the potential for intentional support for the elders of the city. By applying the smallest amount of radical imagination, I have designed a program that progresses the city for word and relationship building, as well as flattening the curve. Chief of patrol Pichardo testified in saying that they want to be on every corner and every neighborhood. This is an example of multiple truths because, just based on my lived experience, caretaking for my family in the Bronx forces me to pass police cars at almost every step as soon as I leave my apartment, but I also experience the lack of police presence in the surrounding gentrified neighborhoods my organization works with. The NYPD wants social distancing task force to build relationships in the neighborhoods that have been regulated to, but what you say is building trust, I experience as surveillance centered and menaced presence.

SERGEANT-AT-ARMS: Time is expired.

CLEOPATRA ACQUAYE-REYNOLDS: Lastly, I reflect on NYPD testimony I heard this morning. I find it was very based on examples of intention and

impact, but not the lived experience of New Yorkers. I am glad to hear that the deputy commissioner said that the NYPD should not be the priority force on social distancing. I wholeheartedly agree, so here is our chance to de-prioritize this institution. My thanks to the public safety committee for your time.

COMMITTEE COUNSEL: Thank you for this testimony. At this time, we are going to move to the Council member questions. As a reminder, please use the Zoom to raise hand function if you have any questions for these panelists. Seeing no hands, I will call on the next panel. I would now like to walk on Janine Wong to testify. After Ms. Wong, I will be calling on Melissa Moore, Lupe Aguirre, Pilar de Jesus, Dani Green, and then Quadira Coles to testify. Janine Wong, you may begin.

SERGEANT-AT-ARMS: Time starts now.

JENNVINE WONG: Thank you. Good afternoon. Thank you, Chair Richards and this committee for the opportunity to provide testimony on the New York Police Department's enforcement of public health measures. I am Jennvine Wong, a staff attorney with the Special Litigation Unit of the Legal Aid Society. We are gravely concerned with the

NYPD steadfast resistance to common sense changes to the policing in the midst of a public health crisis. NYPD should be removed entirely from the enforcement of these public health measures and as the Council considers the current budget bill of resources allocated to the NYPD budget, must be reevaluated as social services and youth programs are subject to budgetary cuts and, as the need for more robust public health solutions becomes clear. During the time, New Yorkers need transparency and accountability from policing. Social distancing is vital to mitigating the spread of the virus, but punitive measures are plainly misguided. Policing is part of a larger public health crisis that the city as a whole, but especially black and Latino communities are feeling so acutely right now. The data confirmed what we saw in photos and videos and it does not seem possible to explain the stark racial disparity by reference to any objective measure of who actually commits social distancing violations. For example, in Bed Stuy, Brooklyn, one of our clients was arrested for failing to social distance nearby to a group being dispersed by officers. These officers, without facemasks, approached her. The

interaction escalated and pepper spray was used. Our client and subsequently spent over 24 hours and a crowded, unsanitary holding cell awaiting her arraignment. And when she tried to return to work, her employer did not allow her to out of fear that she was exposed to the virus while in detention. Another client was approached by an officer outside and, within his public housing complex for allegedly failing to socially distance and where face mask. Despite being arrested with his face mask in his hand. He was charged with misdemeanor offenses and subsequently spent nearly 2 weeks incarcerated at Rikers Island before his case was dismissed. We have clients in the Bronx who were arrested and charged with petty misdemeanors after being accused of failing to socially distance or wear a face mask and these arrests are prime examples of the unnecessary interaction that risk potential transmission of the virus to our clients, officers involved, and to their families. But the pattern of racially disparate policing reflects a long-standing pattern within the NYPD. Policing low level offenses persists and exacerbates the crisis in communities of color. Since mid-March, a third of all [inaudible 03:21:26]

arrest or arraignments are for petty misdemeanors and nonviolent felonies. The root causes of these racially disparate patterns are the same. The NYPD does not take racial discrimination seriously and does not have an adequate system of police accountability and New Yorkers deserve transparency and accountability, and not a dismissive attitude from NYPD leadership that allows misconduct to go unchecked. While we contemplate a path towards an equitable recovery for New York City, it is imperative that the needs of all New Yorkers, especially the most impacted by COVID-19, are met. We can't arrest our way out of a pandemic. If history is any indication, the same patterns of racial disparity in law enforcement will persist social distancing enforcement and we must address how we implement public health policies most effectively and without racial bias. I invite the Council to take a closer look at our full testimony that has been submitted to the--

SERGEANT-AT-ARMS: [interposing] Time is expired.

JENNVINE WONG: Thank you for your time.

COMMITTEE COUNSEL: Thank you for your testimony. Melissa Moore, you may begin.

SERGEANT-AT-ARMS: Time starts now.

MELISSA MOORE: Thank you very much for the opportunity to speak at today's much-needed hearing and thank you to the community Chair and all of the members in attendance today. The Drug Policy I and advances evidence-based drug policy that is grounded in science, compassion, health, and human rights and is aimed at reducing both the harms from drug prohibition and drug use. We are very concerned about our community members who are most vulnerable during the COVID-19 crisis, including people of color, and people in jails, prisons, and immigrant detention centers. People otherwise enmeshed in the criminal legal system, people without housing, and those who use drugs who are accessing treatment or are in recovery. Communities such as these face unique challenges that put them at increased risk of various public health harms such as racism, stigma, discrimination, and an inadequate social safety net, including barriers to health care. And we also know that people who use drugs while phase save and more challenges to accessing life-saving harm reduction

services and medications for treatment than before, especially as we see racialized punishment. People who use drugs have not stopped and this all policing, surveillance criminalization is already on the slide. At this time we social distancing, you say that drugs and other kinds of poverty like turnstile jumping or being without a mask are being used as and further excuse for the use of the necessary force, violence, and arrest. The NYPD has been enforcing social distancing, we saw photos of officers handing out masks and a crowded central park to groups of yarn, predominantly white residence in the New Yorkers watched on social media as an officer in a vastly different neighborhood, grabbed a young man and proceeded to throw him on the ground and repeatedly punch his head. Unfortunately, you know, as has been raised multiple times in this hearing already, it is very much the enforcement of marijuana criminalization in New York for decades where we have seen that, despite it is by decriminalization at the state level and repeated the prioritization by the NYPD, marijuana continues to be used by officers to justify their interactions and, of course, this is echoed yet again. We know that marijuana use is not

a matter of public safety. At this moment, public safety means that we should be taking action to not increase community interaction with police, - only when they can prove to be fatal. And we have to take possession off the table as justification and that law enforcement has relied on for too long. We absolutely cannot last this tool continue to be to bring violence against communities of color in New York. We saw that, in the first quarters of 2020, the NYPD continued to arrest New Yorkers of color at extreme rates with black and Latin X people accounting for 90 percent and 88 percent of those arrested for marijuana, compared to white people comprising less than five percent of arrests. That is used to despite data showing that people use at similar rates. And we also have seen the just arrests for drug possession broadly have been continuing despite COVID-19 black and Latin X New Yorkers accounted for 82 percent of drug possession arrests, even though, again, people use at similar rates. We absolutely have to remove police from the role of enforcing social distancing and other public health measures--

SERGEANT-AT-ARMS: Time is expired.

MELISSA MOORE: From decades of skewed marijuana enforcement, we know when there is discretion, there will be extreme disparity. Every day that we don't make these public health centered changes, we risk events of police brutality. Thank you very much for your time and consideration.

COMMITTEE COUNSEL: Thank you very much for your testimony. Lupe Aguirre, you may begin.

SERGEANT-AT-ARMS: Time starts now.

LUPE AGUIRRE: Good afternoon, and thank you to the Chairman Richards for this opportunity to testify and for holding this critically important hearing. My name is Lupe Aguirre and I'm an attorney at the Center for Constitutional Rights. In 2013, the Center for Constitutional Rights Juan a landmark case against the NYPD for is unconstitutional policing and racial profiling of black and Latin X New Yorkers in Floyd versus the city of New York. As a result of Floyd, the NYPD has been under a federal monitor ship for the last six years to oversee wide ranging reforms of the department and of which we are a part. Unfortunately, despite these efforts, the COVID-19 pandemic reveals that the NYPD's problems with

unconstitutional policing indoor. What we have seen through compelling data, no more is media reports, as well as stories from community members themselves, harkens back to the same patterns and practices found unlawful by the Floyd court. This pandemic is testing the NYPD's assertion that it is a different department. Unfortunately, by all indicators, it is not in any meaningful or sufficient way. We are deeply concerned that the NYPD is using social distancing enforcement as a new tool to selectively enforce these orders against black and Latin X NEW Yorkers, as well as using them as a pretext to stop, question, and frisk them. Defensive and dismissive statements put forth by the department in response to these findings and showings are also reminiscent of the same attitudes from the height of stop and frisk. This is an alarming indicator of the department's continued resistance to [inaudible 03:27:39] grapple with its obligations to care and its unlawful policing practices and, more importantly, to remediate the harm it has caused to black and Latin X communities. These communities are the ones at increased risk, not only from the spread of the pandemic, but from the NYPD's enforcement of social

distancing orders that are meant to protect us. As part of those tasked with ensuring that the NYPD meets its obligations under the law and our core order to the black and Latin X it has long harmed, we believe the NYPD should not be interested to enforce social distancing. To use a better framing that was offered earlier, social distancing support services, not enforcement, along with a robust, culturally competent public education campaign should be left to the community educators, community leaders, and public health experts. That, too, requires a redistribution of resources and investment to fully support and develop these efforts, public health efforts, not policing. Thank you again for your time and consideration.

COMMITTEE COUNSEL: Thank you for your testimony. Pilar de Jesus, you may begin.

SERGEANT-AT-ARMS: Time starts now.

PILAR DE JESUS: Hi. Good afternoon.

And before I start my testimony, I would just like to make a couple of points. On one of them, I think that, maybe, the Council, especially leader, thank you for having this meeting, but I think one thing we should probably start doing-- stop allowing the NYPD

to go first. I don't know why we give them so much power and so much more time than the actual people who are in the communities and being affected or working with people who are affected because we are limited and, look. They don't respect anybody, not including the Council and not the public. So, we should think about maybe having them go last and having the public speak first and more than three minutes. And, it's possible I may go over one minute. Also, I don't want to offend anybody. I am very passionate. I've been directly affected in so many ways when it comes to policing. When it comes to harassment by language. All of the aspects of Blacks and Latinos. Third, I want us to remember there is a God and I know sometimes government and elected officials and police officers seem to play this role of God and think that, oh, a mask. If we have to force these things. I am a true believer in God. I am a person who doesn't wear a mask and I have been getting harassed by the NYPD because of this. Now, to begin, you know, it's very frustrating they hear this because this has been decades of policing. This brutality, this abuse of police. The disrespect. I had to turn off a couple of times

because they don't even seem to respect to the Console, the Mayor. Nobody. So, if they don't show respect to you guys, imagine what we are going through in our communities as regular folks. And regular folks because you, too, are regular, but, you know, you have a bit more power than us. And, you know, here they are. They still get to go first. They still have all this money. They still get to hide all the killings because we still don't know who killed Sayyid Vessel [sp?]. We're still waiting for that information. All these issues existed way before COVID, but for this administration, the administration both for that, the administration before that, and administrations before I was born. I'm 39 years old and I am still waiting for the day that I don't get harassed and my people don't get harassed or we don't get screwed by this system that, excuse me again. You leaders here are always using your words and playing parlor tricks with our lives. If it is not rezoning, we, out. We tell you what we want and no one listens. I've said this over and over. I don't even bother writing testimonies anymore because it makes me feel like I am wasting time. I could be working with my tenants because--

oh. I didn't say my name, but I will say that. I could be working with the tenants that I am working with or trying to get people making sure they're not evicted or harassed by their landlords or than now the police. It sends saying what we go through and the audacity of the NYPD to say, oh, no. People are not doing this. I see this all the time.

Plainclothes officers--

SERGEANT-AT-ARMS: Time is expired.

PILAR DE JESUS: harassing my people and talking like people who don't even speaking this just to see if they have warrants so then they can take them down to the court or smoking weed. It's really ridiculous and when do we end this? Like my last note, you know, we have elected you leaders. Leaders to do a job and so many of you leaders talk so much about Trump. Trump says, tromp that. I am waiting for many of you to actually show some real action, not words on how you are actually different than tromp because this NYPD is like trumps ICE. Cut their budget. Save the school. Save our organization. My name is Pilar de Jesus. I'm an advocate. A very passionate advocate from East Harlem. I work with take roots justice as an

advocacy coordinator. Eyes set on a couple of boards. I have been on Rikers for three days. I've been harassed both sexually and just regular harassment by cops. When does it end? When? When? Why are we even having this discussion? Just cut their budget. Don't be scared because it seems like they have the power over you. So, I don't understand, then, why do you want us to vote? Days seem to run the city just as much as the real estate industry does. Look, of the governor hasn't even canceled the rent no weighing the pandemic, so now we are going to make people homeless. We haven't house to the homeless. We want to harass more black people. We are adding more trauma to our lives. More trauma. Psychological trauma. It is traumatic. I don't know. I guess I'm not only angry, or if I hear a loud siren, the cops scare me and the is-- I don't need the police to educate me. They need education and training on how to be a human being. Like I said, they don't even respect you. I had to turn it off because, look. They're not here. They don't care. Their unions seem to run this city. Their money is seems to run this. When? Really. Really. I really want to know when does it and? I

can't keep-- this is exhausting. This is mentally exhausting. On top of every of their damn issue we've got going on. They audacity that this could even be a discussion is so disheartening. New want some people who use these words disheartening and it is so hard to say, and send live a net every day. It's traumatic, not disheartening. Sorry. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Dani Green, you may begin.

SERGEANT-AT-ARMS: Time starts now.

DANI GREEN: Hi, everyone. I just want to thank you all for your passionate testimony and thank you to the Chairman Richards, Speaker Johnson, and Public Advocate Williams for your time. My name is Dani Green and I am an attorney from the Criminal Defense Practice at the Bronx Defenders. A month ago, at the apex of the pandemic, time and Mr. Dalby, not his real name, and arraignment, a war veteran, student, and also a black man. He had been arrested for the first time in his life and had spent 15 hours in a padded jail cell. Why? Because the previous night he was stopped by the police while walking home with a facial covering that he was wearing. They

told him that he looked suspicious and he was arrested to abandon allegedly giving the police of false name. We have seen too many cases like this, where our clients are approached by the NYPD in relation to the social distancing or face covering mandates, but end up arrested and prosecuted for criminal charges. We see clients charged with resisting arrest and obstructing governmental administration after the police aggressively approach them for failing to wear a mask or gathering in small groups. We have all seen the deeply troubling videos of social distancing arrests on social media. As public defenders, we have seen many more encounters that never end up on twitter, but they are just as disturbing and distractive. Since May 15, we have arraigned 39 cases and wage resisting and obstructing governmental administration were charged. Every arrest is a violation of social distancing mandates and subjects the person to an increased risk of COVID-19. But it is not just the arrest. Our clients are manhandled and placed in dirty, crowded cells without access to PPE for hours before seeing the judge. Often, the police officers themselves are not wearing masks. Case Mr. de Jesus, again, not his

real name. 66-year-old man who was placed in a holding cell at the precinct with 15 other men for 10 hours before being transferred to central booking. Mr. de Jesus and other men were never offered masks and none of the men he interacted with were wearing them. I'm sorry. None of the officers that he interacted with were wearing masks either. The NYPD's enforcement of social distancing only exacerbates the public health crisis. The city showed room of the police department from social distancing enforcement entirely and, instead, and power community leaders and health professionals to educate and respond to the violations of social distancing guidelines. In the meantime, the NYPD must develop public written policy for the protection and safety of people who are in their custody including cleaning and disinfecting all patrol cars and police precincts. Anything last will further erode community trust and the police and unnecessarily jeopardize the health of both law enforcement and the communities they are supposed to protect. Thank you for your time.

COMMITTEE COUNSEL: Thank you for your testimony. Quadira Coles, you may begin.

SERGEANT-AT-ARMS: Time starts now.

QUADIRA COLES: Good afternoon, Chair Richards, members, and staff of the Committee on Public Safety. My name is Quadira Coles and I am the policy manager at Girls for Gender Equity. At this point in the pandemic, we are all aware of the blatant double standard in social distancing enforcement among New Yorkers who are away, compared to people of color. In addition to the young black and brown men who are aggressively targeted for social distance enforcement, young women and girls of color are also impacted with little to no recognition. What we are seeing is a direct manifestation of racially biased culture within the NYPD and, given the current stresses of this pandemic, New Yorkers don't need this. Right now or ever again. The Mayor and New York's NYPD shallow acknowledgment of the disparities and enforcement and constant announcement of everything we have been seeing right in front of us poses and an unsettling threat to our communities. Just last week, Mayor de Blasio stated that he and Commissioner Shea talked about a neighborhood policing approach and, quote, how to apply it during the middle of a pandemic. It

became clear that everyone deserved more clarity.
End quote. Whether this was addressed to the NYPD or community members, this came after nearly 2 months of aggressive stop and frisk tactics that have left numerous folks hurt, including a young mother thrown to the ground in front of her four-year-old child. Meanwhile, in other neighborhoods, policing social distancing looks like officers distributing facemasks and leaving crowds of people alone. At what point and how long will it take for leadership to recognize policing is incompatible with public health? As the summer months approach and the new school year follows, we know that life as we know it will forever be changed. It is extremely important and that the current aggressive measures being taken to maintain health and safety do not continue to harm young people's lives. Now is the time to end racialized policing. In the NYPD, equipped with the legal authority of deadly force cannot safely encourage or educate young people on the importance of social distancing during the pandemic. Numerous community organizations, like Girls for Gender Equity, have been doing this work since the pandemic started. We are asking you all to continue to support us in

continuing that work. Law enforcement is being fueled to engage in a public health crisis because their budget allows them to. If the city plans to prioritize services that are needed to ease the impact of COVID-19 over the next fiscal year, then money needs to go to agencies that are a true safety net for children. The NYPD have proven itself to be obsolete and enforcing social distancing in a way that promotes safety for all. Girls for Gender Equity is an intergenerational organization based in Brooklyn, New York committed to the all-around development of girls and young women of color. Thank you for the opportunity to testify.

COMMITTEE COUNSEL: Thank you for your testimony. At this time, I will ask if there any questions from Council members. Seeing no hands, I will call on the next panel. I would now like to welcome Andrea Ritchie to testify. After Ms. Ritchie, I will be calling on Dr. Victoria A. Phillips, and Jennifer Grossman. Andrea Ritchie, you may begin.

SERGEANT-AT-ARMS: Time starts now.

ANDREA RITCHIE: Good afternoon. My name is Andrea Ritchie. I have a researcher with the

Interrupting Criminalization Initiative at the Barnard Center for Research on Women and co-founder of the COVID-19 Policing Project at COVID-19 policing.com, a national effort led by over a dozen organizations, including the Community Resource Hub, Communities United for Police Reform, the ACLU, Legal Aid, National Lawyers Guild, Color for Change, and Take Root Justice to document and respond to the police enforcement of public health orders and advance alternatives rooted in public health and community safety. What we are seeing in New York City and around the country is what you have heard today. It's really quite simple. You don't need to be a researcher at Barnard to figure it out. Charging police with enforcement of public health orders is not only ineffective, and increases the risk of infection for all involved, and contributes to discriminatory abusive, and violent policing of campground and on house to New Yorkers. It also makes no sense to continue to allow officers to use social distancing as a pretext for continuing and expanded broken windows policing. Whether it is arresting a group of 20 black children and youth in East Harlem for loitering in a park and, adding

insult to injury, denying them masks when they sit in a holding cell where an officer told them, we already gave you coronavirus. It makes no sense to arrest a 67-year-old black grandmother for writing in chalk on a building, or ticketing my neighbors in Crowne Heights across the park from Council member Lander where, as he pointed out, we are experiencing the highest number of summonses for social distancing and are among the hardest hit by the pandemic and are many of those cities essential workers for open container violations after approaching folks about wearing masks. It also makes no sense to put people in central booking or Rikers when we should be emptying jails and holding facilities and, ultimately, as we have talked about today, police are not credible messengers when it comes to public health. In fact, according to the American Public Health Association, they are a threat to public health in communities of color. People who live in neighborhoods like mine are stone targeted first stop and frisk. Men, women, queer, and gender nonconforming people and other forms of discriminatory and abusive policing on all fronts. We are not likely to trust anything and officers

says, whether it is a police officer, a corrections officer, a school safety officer, or a parks officer, is something that is aimed at our well-being. Social distancing ambassadors will only produce the same result if they ambassadors are Department of correction officers and school safety officers who have records of racially disparate enforcement violence and abuse. The people you heard from today, we are the people our community listens to. We are the credible messengers. Youth and violence interrupters talking to youth, community organizers, outreach workers, and faithful leaders talking to the people they have been in relationships with four years. Instead of cutting the Summer Youth Employment Program, how about funding youth to do outreach with other youth? Work together to find ways to be together and be safe and a pandemic. How about--

SERGEANT-AT-ARMS: Time is expired.

ANDREA RITCHIE: instead of cutting programs surveying trends youth, we resource and support queer and trends youth, many of whom are on most, to survive and share survival strategies with their peers. What if we supported young mothers like

Colima Rosier to support each other? What if we redirected resources from policing, social distancing to the community and faith-based organizations like Girls for Gender Equity, like the members of Communities United for Police Reform who are most effective? We need a budget that reflects these priorities. I'm urging city Council and the Mayor's office, with all of my heart, to take the path of common sense, to stop police enforcement of public health orders and quality of life policing and to deploy resources where they're most needed to the real credible messengers, community-based organizations, and public health workers. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Dr. Victoria A. Phillips, you may begin.

SERGEANT-AT-ARMS: Time starts now.

DR. VICTORIA A. PHILLIPS: Good afternoon, everyone. Peace and blessings, Chair and to everyone. I wrote something, but I'm scratching all that. My comrades have touched on almost every day that I wanted to talk about today, so we are good. I just want to talk to the Council today about accountability. The same way we were talking to the NYPD earlier this morning about accountability. You

see, I'm part of the jails action coalition. I am part of the Justice for Women COVID-19 task force. I sit on many coalitions and many boards. I've sat on the Department of Corrections Adolescents and Young Adults Advisory Board for the last six years and I say all that to say this. I've sat in many meetings. I am with Pilar. I have sat in many meetings and have not seen justice actually occur. Have not seen real change actually occur. Many years ago, I came before this Council. And, actually, the Public Advocate at that time was a Council member and I remember begging him to not add an additional 1000 comps to our neighborhood. To our communities. But the Council did not listen to us. And, in fact, we have been barbaric we policed. We have been beaten down and the streets. The police-- we talk about social distancing and vulnerable populations. The police can't even hold themselves accountable when they are dealing with people who have mental health concerns and our communities, yet, we want them to continue to come out and teach people how to wear masks, how to properly pay during a pandemic when we have been properly trained to them how to deal in real crisis situations with mental health

populations? Unacceptable. And for this Council, I just want you to know that now is the time. The same way the Speaker gave the NYPD a date to give back that data next week, by next Friday. I don't know, Chair, if it was you or it was the Speaker. I apologize. But the same way this Council told NYPD they want a certain amount of data due next week, is the same way I'm expecting this Council to respond accordingly and give yourselves a timeline. Remove the money from the NYPD and reinvest it back into the communities that are hit the hardest five is barbaric policing. Black and brown people are not revenue for the city. I've been saying this for years and years and years. And let me tell you something. In 2015, I had brain surgery. A week after my brain surgery I could not even speak and I had my eyes see you nurse getting back on the phone-- I'm calling into the advisory board to let them know, to let DOC know that I was alive and my fight was not over. So, now I'm holding you all accountable. Get on your job. To what you are supposed to do. Do not allow no pandemic or anything else to silence yours slow you down from fighting for the people. Your constituent lives are in your hand. Your constituent lives are

on the line and you know that white supremacy exists. I was on the city Council Tuesday. The DA, some of the most biased, racist remarks about the mental health population that I could even-- I have ever heard. No one held them accountable in that meeting. I'm telling you right now, as your constituent. I'm telling you now as your peer. I am telling you right now as a human being. My mother and father did not serve this nation to have the illusion of justice. I expect to see them--

SERGEANT-AT-ARMS: Time is expired.

DR. VICTORIA A. PHILLIPS: on this Council. Peace and blessings. Have a nice day. You can mute me.

COMMITTEE COUNSEL: Thank you for your testimony. Jennifer Grossman, you may begin.

SERGEANT-AT-ARMS: Time starts now. Jennifer Grossman, hold on. You are still muted.

JENNIFER GROSSMAN: Is that better?

SERGEANT-AT-ARMS: Now you're on.

JENNIFER GROSSMAN: Thank you. My name is Jennifer Grossman. I'm a registered professional nurse and the executive director of Nurses for Social Justice. Thanks for letting me speak to today. We

are a nonprofit focused on keeping impoverished people out of prison. We work with public defenders in New York City and across the country and we believe that anyone who is accused should have access to medical experts. I am licensed in New York State as a registered professional nurse. I have worked in New York City for over 10 years in neurology primary care with subacute and chronic patients. And, in the management of primary care doctors, nurses, and the staff. While this virus has been raging through the city, we have been closely following infection rates, the effects of the virus on people with chronic health issues, and the ever evolving data of the virus. Diagnosis, treatments, the precautions that have been set out for the general public, and for incarcerated people by the CDC, the WHO, and other health organizations. One of the first things that we learned about the novel coronavirus that causes COVID-19 was that the best way to prevent its contraction was to avoid being exposed to the virus in the first place. The CDC reported early on that the virus spreads between people who are in close contact via respiratory droplets. Right? This is produced by an infective person, symptomatic or not,

coughs, sneezes, or talks. For those of us who are aware of prisons and jails and nursing homes and other congregant settings, places that we live in New York City, these apartment buildings that we live in, our ears really perked up. We realized this was going to be a problem and all of these areas. And in the beginning, we thought that the people that were most vulnerable to the virus were going to be the elderly and the infirm. Right? But later, we discovered that it's been people with chronic illnesses. Chronic illnesses that every day we take medications and tree and think we are fine with. Right? Things like high blood pressure, coronary artery disease, and people who even have just the slightest high blood pressure have been told to take extra care against being infected with this virus because it will kill them. It's killing healthy people, let alone people that have these chronic illnesses that they're living with, diagnosed or not. So, as this has progressed and we've learned more about it, we have seen patients having heart attacks and strokes. We have understood that patients are experiencing a myriad of symptoms, inflammation of heart muscle, clotting of the blood, that patients

and heart damage, dangerous arrhythmias, and that their deaths are caused by a stunning variety of things such as pulmonary embolism, cardiac arrest respiratory arrest, and organ failure. Medical providers started to warn a families, friends, and our neighbors that the virus was moving rapidly and renders the most common chronic illnesses life-threatening, in a new and--

SERGEANT-AT-ARMS: Time is expired.

JENNIFER GROSSMAN: different ways.

So, before I go, I just want to say that we know that the most vulnerable who are the people of color that live in New York City. They are the most vulnerable. And the NYPD should not be putting their hands on them. They should not be the ones policing them. There are nurses and doctors and healthcare providers all over the city that could be helping with this and they are not being reached out to. I hope that someone will get in contact with my specifically about this. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. At this time, I would like to see if there are any Council member questions. Seeing no hands, I will be moving and in the next panel. I

would like to now welcome Rachel Zimny to testify.
After Ms. Zimny, I will be calling on Tammy David,
Jaron Benjamin, and then Vincent Riggings to testify.
Rachel Zimny, you may begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

RACHEL ZIMNY: Hi. Good afternoon. My name is Rachel and I am here as a member of the Campaign for an Elected Civilian Review Board. There are currently two different NYPD methods in enforcing social distancing guidelines. There is the NYPD of rich Manhattan providing water and masks for people sitting in overcrowded parks and then there is the NYPD of the Bronx, East New York, and their pride dominantly Black campground neighborhood. Instead of free masks, people are abused. People minding their own business on the subway are accosted by police with nothing better to do and given tickets. There are very different faces to the NYPD that depend on where you live, how much money you make, and the color of your skin. That is why I am here to demand police accountability with the Campaign for an ECRB. Police officers cannot be the enforcement agency responsible for protecting the public's health. They have proven that they are biased and brutal when

dealing with communities of color and working class people. This was also shown today by their unwillingness to give a clear answer during the meeting. This crisis is no different and the most disturbing part of that reality is that there are no real consequences for police officers who abuse their power in this time of year, financial uncertainty, and citywide mourning. With an ECRB, officers will be held accountable for their crimes by answering two elected community officials. There will be consequences to their biased and often unhinged actions with an empowered board capable of punishing officers who break their own code of conduct. And with an independent prosecutor with no ties to the city's DA system, we can eliminate the quiet dealings that allow police officers to walk away unscathed. No more brutalizing New Yorkers because they don't have access to PPE. No more officers who aren't wearing masks getting into physical altercations with citizens, and no more show trials where officers go unpunished. As the NYPD grows stronger, with the lack of accountability from the sea ECRB, so does the damage done to the community is of color. Remove the NYPD as the enforcers of social distancing guidelines

during coronavirus and please consider supporting the ECRB legislation. Thank you know yield the rest of my time.

COMMITTEE COUNSEL: Thank you for your testimony. Tammy David, you may begin.

SERGEANT-AT-ARMS: Time starts now.

TAMMY DAVID: Good afternoon, everyone. My name is Tammy David and I am here as a newly elected member of the steering committee of the Campaign for an Elected Civilian Review Board. First, I want to think and give a big shout out to our primary sponsor, Council member Barron, for her riveting testimony today. As always, her continued dedication to the public safety and criminal justice reform really speaks to me. I agree with Speaker Johnson in the sense that this is a community issue that needs a community response. The reason I support the legislation for an ECRB is that it takes the issue of police accountability and put sent back in the hands of the community through an elected board with real empowerment through decisive action. Right now, the most frustrating thing to me about what is happening is that officer Garcia and others who act on this news stop and frisk will see no consequences.

Officer Garcia has cost tax payers over 200,000 dollars-- a lot of these issues to have ask questions heard and answered. I respect Johnson's call out about the NYPD's transparency issues, but, with all due respect to both Chair Richards and Speaker Johnson, the NYPD will never be transparent about issues within their force and neither will the CCRB. We must force them to by law. I attended the Staten Island hearing recently specifically to ask about the incident in community board three with Garcia and I got the same nothing answers that you guys did about the protection of the law and their nondisclosure. Where is the accountability? Where is it for the officers who aren't social distancing and using PPE themselves? They still didn't answer the question on this call as to whether they are requiring officers to wear masks. Garcia beat Mr. Wright down without a mask. I urge this committee to, first and foremost, works swiftly to remove the NYPD as they enforcers of social distancing guidelines. There are viable community alternatives that I encourage this committee and other city officials to research and roll out ASAP. Secondly, I urge you all to strongly consider the ECRB

legislation when it is presented to this committee because we cannot continue this citywide fight between the NYPD and those that it is, you know, serviced to serve. Which includes both New Yorkers who are being brutalized, as well as the elected officials on this call. Thank you very much. I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Jaron Benjamin, you may begin.

SERGEANT-AT-ARMS: Time starts now. Mr. Benjamin, please hold. You are on mute still.

JARON BENJAMIN: I'm sorry about that.

SERGEANT-AT-ARMS: You are good now.

JARON BENJAMIN: Chair Richards, staff, and members of the committee on public safety for this opportunity to present testimony on the urgent need for a New York City COVID-19 response that respects the rights of every New Yorker and stops the over policing criminalization of black and Latin X members of our community, including some of our most vulnerable neighbors, individual New Yorkers experiencing homelessness who have no home where they can keep themselves safe and well. I'm here representing Housing Works, the largest community-

based HIV service organization in the United States and we provide a range of lifesaving services to vulnerable New Yorkers. We're grateful to have the opportunity to operate the DHS isolation shelter that provides a safe, appropriate room in which to recover from COVID-19, but like many other New Yorkers who are dismayed that the New York City Department of Health and Mental Hygiene COVID-19 data shows that low income Hispanic, Latino, and black African-American community members are phase saying a disproportionate burden of the disease. Racialized police enforcement of social distancing compounds the injury is already inflicted on low income black and Latin X New York City residents. This misguided violence mirrors much of the police tactics towards homeless people on the subways and tearing down encampments. We have witnessed the worsening racial disparities produced by the city's administration's overreliance on policing rather than sound public health practice and urge the city to turn away from a policing approach to a COVID crisis approach towards-- I'm sorry. The turn away from policing the COVID crisis towards the public health response that protects the right to maximize the safety of

every New York resident. We thank the city Council for the efforts to address the current COVID-19 crisis and offer you the continued partnership of Housing Works as we work together to continue to mitigate the impact of the epidemic for every New Yorker. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Then sent rigging, you may begin.

SERGEANT-AT-ARMS: Time starts now. Vincent, hold on one second. You can start now.

VINCENT RIGGING: Yeah. Good afternoon, everyone. Good afternoon, Chair Richards. Can you hear me? If you guys can hear me, please acknowledge.

SERGEANT-AT-ARMS: Yes. We can hear you. Mr. Rigging, go ahead.

VINCENT RIGGING: All right, Chair Richards, first of all, I want to acknowledge you for your unyielding, courageous advocacy for justice for all people in this city, but especially for those of us that have been victimized for 400 years in this country. So, I want to applaud you for that and know your position as Chair of public safety. I am not going to spend a lot of time about the statistics on

the numbers because we know that. I'm going to try to encourage us to move forward with some action steps. And I know you [inaudible 04:01:29], but you are very influential not only this Council, but in the city. And I was looking for an opportunity to meet you at scheduled-- meeting you at the Queens Democratic Club not too long ago being because you are now right raised to the level of one of my idols, so I'll well be calling you later after this call, if that is permissible. I am also a member of the ECRB. Right? Right now I am the co-coordinator and what I'm going to ask you to do, Chair Richards, sometime between now and a few days from now, is to actually meet and let us employ the vision of how we can improve the foundation of criminal justice through an elected civilian review board. That is not the only mechanism, but a little history about myself, I am also the person from any East New York community that is impacted that submitted a resolution in 2015 against stop, search, and frisk. They only community board in New York City. So, I have some foundational knowledge that's untraditional that some people haven't heard already. So, in East New York, it is about justice. We had to live through it. Number

one in stop, search, and frisk. Number one in distancing brutality by police, and also-- one more thing and then I'll get off the phone. Safety beyond policing is a strategy that a 15 member organization back in 2015 put together as an alternative to heavy handed policing. A lot of them are on this call. Some of them are now members of the ECRB, as well. Stop police violence. A lot of them more doing that work in 2015 when Eric Garner got murdered. Safety beyond policing is a strategy that I would definitely like to share with you. I may include it in my submitted remarks, but, most of all, I just wanted to applaud you in public, Chairman Richards, for what you are doing and not yielding to heavy handed policing tactics that is directed at the Chair of the city Council Public Safety Committee. Already. I'm looking forward to getting [inaudible 04:03:48]--

SERGEANT-AT-ARMS: Time is expired.

VINCENT RIGGING: over this pandemic.

Thank you. Thank you.

CHAIRPERSON RICHARDS: Thank you. Sorry.

I mute it myself. I just want to say thank you and I look forward to hearing from all of you in the near

future. Of course, I always take my constituents calls. So, thank you.

COMMITTEE COUNSEL: Thank you for your testimony. I will now ask if there any Council member questions. As a reminder, if you have a question, please use the Zoom raise hand function. As I see no hands, I will call on the next panel. I would now like to welcome Theo Chino to testify. After Mr. Chino, I will be calling on Paperboy Love Prince to testify. Theo Chino, you may begin.

SERGEANT-AT-ARMS: Time starts now.

THEO CHINO: Hi, Chair Richards. Thank you for having the meeting. I have submitted my testimony in written form and it is the same testimony that I have sent to community board three after the incident with Officer Garcia. In a nutshell, basically, I was asking for the community board to call Patrick Lynch and Ed Mullins for what they are. Racist people. In the PBA and the SBPBA membership should not vote for them as leaders of their unions. They are toxic individuals who have called anyone of color disparaging and racist-- use racist names to talk about them. So, that's basically it in a nutshell. The second part is when

the only officer of color gets indicted and their union was nowhere to be there. And so it became a Chinese versus a black community over and insensitive killing. And the PBA was not there to prove that they are completely racist. Now, I wanted to talk about something pretty simple. As a no, I'm on twitter, Chairman Richard, and my handle is Theo Chino. Recently, this is going to become like a job interview. I am trying to get the hashtag hire Theo Chino NYPD to trend because there is an opening happening right now for a manager of IT. Having worked for the Time Warner cable company for 15 years, I know how to run computers and because the NYPD is forcing the hand of the Council not to pass the post act, this position would allow me to understand exactly the tools that the NYPD has the condos that would be managing those tools. I would be sort of a mall inside the NYPD and the reason I am doing the hashtag is so the whole city of New York gets my back and working inside the NYPD controlling the heart of the computer system. That data you want, I well see it before anyone and, because I am politically minded, I will be able to treat it before, look at it, but also be constrained by

Commissioner silence. But at Lee's I will be able to push those numbers to you via different commission. Thank you for your time. If you need more information, you know where to find me. Respond to my twitter. Thank you very much.

COMMITTEE COUNSEL: Thank you for your testimony. I would like to now call on Paperboy Love Prince. Please begin when you are ready.

SERGEANT-AT-ARMS: Time starts now.

PAPERBOY LOVE PRINCE: Hi. My name is Paperboy Price. I am writing for Congress in New York seventh District. Currently, as you can see, they've cut off my video. They have cut my video multiple times and I'd like to call out Deputy Director Brian Crow, as well as Chair Richards of Public Safety choosing to silence black and brown voices when wanting to speak about this the way that they are. You showing Mac, if you must calm to the city Council to speak, you have to be white. You have to perform the way you want them to. You cannot be queer. You cannot be different. You cannot step out of line. Otherwise, Deputy Director Brian crow, Chair Returns will use authoritarian measures to cut off your video. They are currently using-- See, I

am a young, black person in the community actually being affected by what is going on right now, so much so that I decided to run for Congress and Deputy Director Brian Crow is used authoritarian measures to cut off my video. Others have been able to do that to show solidarity, to clap, to show fists, what have you when things are going on, but you continue to do this. And this is how you how to make people feel like they are not heard in the political process. This is why young people don't want to get involved. This is why people don't trust people like you because you continue to do this. And we are actually trying to speak out on-- this is a life or death issue. You think this is a game. To me, this isn't a game. This is my life. This is my friend's life. This is my neighbors. My neighbor's life right now. And I hate that a minute and a half of my time has to be used by talking about how you cut my video and not allowed me to show solidarity with others that are speaking. Okay? Coronavirus has shown how much our city Council, how much our state legislature, how much the Mayor, how much the governor have decided to use coronavirus and authoritarian measures to stop us from speaking out. They have canceled protesting.

They have canceled every type of way that you want to speak out. They've done it. I let out multiple tweets saying, hey, my video has been cut off. I've let out multiple emails saying the same thing and all I have gotten lies, truth, and no response. This is completely unacceptable. I'm still trying to start my video. They won't let me do it. Brian Crow, this is deplorable. This is corrupt. Director Richards, as well. This is corrupt. This is deplorable. This is your job. We pay you. You work for me. It's not the other way around. And I hate to have to use this tone of voice, but, again, there's many people who want to be here and they don't have the opportunity to use this tone of voice. They don't have the opportunity to use their time to speak out. You are purposefully silencing a young black African-American male. You don't want them to see my video. You don't want them to see how serious that we are taking this. How much we have researched. We are trying to come together right now and you are using this to silent people. Okay? I wanted to actually use my three minutes to talk about the issues we have going on with the NYPD. I wanted to talk about how, instead of just holding individual officers

accountable, every time that an individual officer does something, holding them accountable, I'm talking about holding the leaders--

SERGEANT-AT-ARMS: Time is expired.

PAPERBOY LOVE PRINCE: accountable. I'm talking about calling for their jobs. I'm talking about calling for the pensions of the leaders of the NYPD. Okay? Several people with different campaigns to not get a link. You guys did not even give me a link original leaders speak. I had the follow-up multiple times to get the link to be here. Now, when Paperboy actually wants to speak up, as a young black person, Deputy Director Brian Crow, as well as Public Safety Chair Richards, you have done nothing but to show [inaudible04:11:31]. Look, now I don't know what going on with the audio trying to silence me, but you have done nothing to show that you are here to stand in solidarity with black people, with brown people, with white people. With people who are actually the citizens of the city who pay for this. Okay? I am on this Zoom call so I can actually have a chance to speak about the issues at hand that, as one person's mentioned, we shared and even have to have these calls when we are spending billions of

dollars on a police force. We shouldn't have to talk about, hey, don't punch people in this phase when you are asking them to do something. The three minutes that I wanted to use, that of talking about how you guys silence many people, and did not get out the link, and did not allow me to speak-- did not allow me to show my video and then lied about why you didn't do that, Mr. Brian Crow. What I wanted to speak about is about holding the leadership and the authority accountable. Okay? That's the police commissioner. That's the leader of detectives. That's the Mayor. Holding them accountable. They should be losing their jobs. They should be losing their pensions every time a situation-- the promise things would start to change very fast if every time there was a police involved incident that a Sergeant lost their job. That a police Commissioner lost their job. That they lost their pension. That they lost their benefits. I promise you there is a very strategic reason why they are all safe when this happens. When it happens under their watch. If the basketball team is losing, you don't blame the individual players as much as you go after the coach. The first thing in a system like that, the coaches

fired. Why is that the same way? Why aren't we using the same type of practices, holding the people accountable better in office? And I just want to say, as you can see, still, after multiple calls, they have not turned on my video. They have not given me a reason why. My background, I had a visual. I am a visual artist. I had a visual of that says spread love. They did not give me a reason why it was shut down. Other people been able to have their video on. This is so corrupt. This is so wrong. This is 2020. I'm a young black person who just wanted to speak out about NYPD police brutality and I am so ashamed of you. I'm so ashamed to call you my city Council. When you can't even do this over a Zoom meeting. I wanted to have a completely and, you know, the most open discourse I could, but I am so ashamed. Just because you all don't understand how to use the Internet, don't understand how to connect with people online does not mean that you should discourage those of us who do from doing it. I also, because of this, I had to go to your twitter when I was tweeting you asking you to open my video. I had to go to your twitter and I saw that there was no tweets about this meeting. You guys have twitter.

80,000 followers. You could even tweet out at a time when everyone is in. There is no tweets about this meeting. As far as today in the last few days. I saw nothing. What are you doing?

CHAIRPERSON RICHARDS: Okay. Well, I want to--

PAPERBOY LOVE PRINCE: What are you doing?

CHAIRPERSON RICHARDS: Well, your time is up. I want to thank you--

PAPERBOY LOVE PRINCE: I don't care if my time is up. I would like you to turn--

CHAIRPERSON RICHARDS: Well, we're going to mute him.

PAPERBOY LOVE PRINCE: on my video before you address--

CHAIRPERSON RICHARDS: Well, we're going to-- You know, I just want to add back, one, I have not-- I'm not looking through my screen to know what your background looks like. We certainly have what security, obviously, monitoring. I don't know what is in your background, personally. Secondly, we had about eight panels are nine panels today, so we certainly have promoted this, obviously, as an elected official, I am very transparent. We

certainly put this out by email. It is certainly all over my page now, so I'm unaware. I don't follow everybody's twitter because we are doing real work. So I don't know what is in your background and I'm a young black man from Southeast Queens. I don't need to be talk to about being black and young. I come from Southeast Queens and Rockaway and my community is, obviously, the hardest hit. One of the hardest hit with death to COVID. So I don't need to be lectured. So, whatever was in your background, I urge you next time you come on, you come on in a respectful manner so that we can make sure that we show your video. You know, so I will leave it there and we will move on to the next person. Thank you.

COMMITTEE COUNSEL: At this time, my task if there are any Council member questions. I do not see any hands. If we have inadvertently missed anyone that is registered to testify today and has not yet been called, please use the Zoom raise hand function now and you will be called on in the order that your hand has been raised. Seeing no hands, I will now turn it over to Chair Richards for closing remarks. Chair Richards?

CHAIRPERSON RICHARDS: I'm being I muted myself now. But thank you so much to each and every person who showed up today. You know, the Council obviously pull this together really fast based on the disparities we've seen around social distancing arrests and summonses. I can assure you that we are going to continue to use the weight of the Committee to ensure that we get that data. And, as the Speaker alluded to, ensuring we get the data and he is given a deadline and we expect to the NYPD to adhere to those specific dates that the Speaker is given. The police department needs to be out of the social distancing business period. They should not be in it at all. I think, as many of the panelists alluded to the day, this has to be community-based. The communities need to be on the front lines of this conversation. And most solutions lie in the very community use that are certainly have seen disproportionate impacts by the NYPD and their enforcement efforts. So, there is a lot more work to be done. We are going to continue to monitor and watch these numbers. I am very happy with the progress that will see DC 37 workers on the front lines because those are people who come from our

communities who understand and know our communities. So we look forward to hearing and working much more closely with them. Also look forward to hearing a lot more about the interagency coordination amongst all of the specific and relative agencies that are going to be a part of the specific initiative. So, there is a lot more work to be done. I pray everybody stays safe. We have, as I said, a lot more work to be done as we move forward. Social distance, of course and we're going to continue to monitor this situation very closely. And before I close out, I would like to thank Speaker Johnson for showing up because I think that that certainly spoke to how critical and how important this specific subject is. I too agree with several of the panelists that the police commissioners should have showed up, as well. I think he had an opportunity that is certainly show his commitment here. Not to say is not committed, but it certainly would show New Yorkers how seriously he takes this situation. I want to thank Daniel Addis. I want to thank Tiffany Easton. I want to thank Harbani Arbuja who stood in there and did an excellent job today at ensuring that we got through this, as we move to this virtual world that we find

ourselves in, to John Kingsley, to Matt Thompson. I think I said Tiffany Easton, to Brian Crow, as well. And I want to clear Brian's name. I don't know why Brian's name was thrown into this, but wanted to make sure I said clear. Clear Brian's name. And thank you for all the Sergeant-at-arms who got us through this endeavor. And we look forward to continuing no work with you all. With that being said, it is hearing is now closed at 3:20 p.m.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 8, 2020