

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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January 11, 2021
Start: 10:07 a.m.
Recess: 3:02 p.m.

HELD AT: Remote Hearing - Virtual Room 1

B E F O R E: Adrienne E. Adams
Chairperson

COUNCIL MEMBERS:
Justin L. Brannan
Fernando Cabrera
Chaim M. Deutsch
Robert F. Holden
Vanessa L. Gibson
Carlos Menchaca
I. Daneek Miller
Keith Powers
Kevin C. Riley
Ydanis A. Rodriguez

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

Iris Baez
Mother of Anthony Baez

Hawa Bah
Mother of Mohamed Bah

Sammy Feliz
Brother of Allan Feliz

Victoria Davis
Sister of Delrawn Small

Victor Dempsey
Brother of Delrawn Small

Chelsea Davis
Chief Strategy Officer at Office of First Deputy
Mayor

Thomas Giovanni
Deputy Executive Assistant of NYC Law Department

Marcos Soler
Chief of Staff at Mayor's Office of Criminal
Justice

Juanita Holmes
NYPD Chief of Patrol

Danielle Pemberton
Deputy Commissioner for Strategic Initiatives of
NYPD

Chauncey Parker
Deputy Commissioner of Community Partnerships for
NYPD

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

Elizabeth Daitz
Executive Director for Strategic Initiatives at
NYPD

Michael Clarke
Managing Attorney of Legislative Affairs Unit

Frederick Davie
CCRB Chair

Jonathan Darche
Deputy Executive Director of CCRB

Kadiata Kaba
Make the Road Youth Project

Michael Sisitzky
NYCLU

Melissa Moore
Drug Policy Alliance

Maryanne Kaishian
Brooklyn Defenders

Charlotte Pope
Girls for Gender Equity

Joo-Hyun Kang
Communities for Police Reform

Keith Fuller
Make the Road New York

Justine Olderman
Bronx Defenders

Corey Stoughton
Legal Aid Society

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

Marinda Van Dalen
New York Lawyers for Public Interest

Albert Fox Cahn
Executive Director of Surveillance Technology at
NYU

Mary Renaldi
GOSO

Yasmin Harris
Anti-Violence Project

Cal Hedigan
Common Access

Jasmine Boden
AVP-TGNC

Carla Rabinowitz
CCIT-NYC

Nabitu

Towaki Komatsu

Shaylee Severino

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2 UNIDENTIFIED: Okay, thank you. Sergeant
3 Bradley, would you please begin the computer
4 recording? Cloud recording done. Sergeant Martinez,
5 you may take it away with the opening.

6 SERGEANT AT ARMS: Good morning, and
7 welcome to today's New York City Council hearing of
8 the Committee on Public Safety. At this time, would
9 all panelists please turn on their video? To
10 minimize disruption, please silence your electronic
11 devices, and if you wish to submit testimony, you may
12 do so via email at the following address:
13 testimony@council.nyc.gov. Once again, that's
14 testimony@council.nyc.gov. Thank you for your
15 cooperation. We are ready to begin.

16 CHAIRPERSON ADAMS: [gavel] Good morning
17 and thank you for joining today's virtual hearing of
18 the Public Safety Committee of the City's Policy,
19 Policing Reform Process. I'm Council Member Adrienne
20 Adams, Chair of the Public Safety Committee. I'd
21 like to acknowledge that we're joined this morning by
22 my colleagues, Council Members Powers, Holden,
23 Menchaca, Riley, and Louis. We're here today to hold
24 an oversight hearing on the City's police reform and
25 reinvention collaborative. This summer, our city and

1
2 our country were rocked by yet another example of how
3 we under-value black lives. We watched the murder of
4 George Floyd by a police officers by a police officer
5 in Minnesota. Millions took to the streets to say
6 that black lives matter and that we won't tolerate
7 police brutality. As a result, in June, Governor
8 Andrew Cuomo issued an executive order directing
9 every city in the state to create a policing reform
10 plan by April 1st. The City got a very late start,
11 and it wasn't until October that the Administration
12 started the process. Now, when the City announced
13 that Jennifer Jones Austin [sp?], CEO and Executive
14 Director of the Federation of Protestant Welfare
15 Agencies, Arva Rice [sp?], President and CEO of the
16 New York Urban League, and Wes Moore, CEO of
17 Robinhood were key advisors who would work on the
18 collaborative, I was extremely hopeful. I couldn't
19 have asked for a more impressive group. Jennifer,
20 Arva, and Wes are some of the most outstanding,
21 dedicated New Yorkers that I know. And it's not just
22 Jennifer, Arva, and Wes that were willing to serve
23 and do the work. We've heard again and again from
24 advocates that they feel totally shut out of this
25 process. The City says they've been included, but if

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2 the Police Commissioner and the Mayor aren't willing
3 to give weight to their voices, if they don't allow
4 them to be part of a truly collaborative process,
5 then I'm afraid we're just wasting their time. Here
6 we are. Here we are. seven months after the
7 Governor's Executive Order, and I have nothing to
8 review this morning, nothing to give you feedback on
9 today, nothing concrete to speak of, to enlighten and
10 inform of any progress at all. It's a real missed
11 opportunity, and I question the value of the work you
12 have done. Listening sessions with no direction
13 aren't going to get us anywhere. I'm concerned about
14 the NYPD's role here. It's not hard to see that
15 they're leading this process, but I've yet to see a
16 true commitment to reform from the NYPD. I question
17 when they can partner-- whether, I question whether
18 they can partner with others to reform themselves.
19 Among other things, to envision a force that doesn't
20 handle responding to every mental health call or
21 offering services to the homeless, not to mention,
22 reducing police misconduct and the excessive use of
23 force, and mandating definitive consequences for bad
24 behavior. If the leadership of the NYPD didn't get
25 the message this summer on what's wrong with policing

1 in America and in New York City, I quite frankly
2 don't know if they ever will. But I do want to work
3 on this together. I want to get to a place where I
4 trust that the Administration is working in earnest
5 on this plan, but I need to see that you're serious.
6 New Yorkers need to see that you're serious and what
7 we don't need are empty promises or more "training"
8 that will fix this. We can have new training all day
9 and every day. We can have the best of the best come
10 in to run training sessions. We can update the
11 Patrol Guide. We can put in new roles to improve
12 transparency, but if leadership is not committed to
13 change, this plan won't be worth the paper it's
14 written on. Culture eats breakfast-- culture eats
15 policy for breakfast. So we need to see that the
16 Administration is serious about more than just
17 changes around the margin. Today is not just about
18 hearing from the Administration, though. We're going
19 to hear and listen to the people and the groups that
20 have been on the ground doing this work for years and
21 years. They didn't just come around to reform this
22 summer. They actually live it, so I hope-- no, I
23 expect that the Administration will have its people
24 watching and listening to this hearing until the very
25

1 end, and because this is so very important, I don't
2 want everyone to wait until after the Administration
3 testifies. We're going to do something different
4 today. We're going to start today with the families
5 of four New Yorkers who lost their lives because of
6 police brutality, Anthony Baez, Mohamed Bah, Allan
7 Feliz, and Delrawn Small. We need to start this
8 hearing off by hearing this morning what's really at
9 stake here. This is a matter of life and death, and
10 before I turn it over to our moderator, I want to
11 thank you all for being here today, especially the
12 families. I know how difficult this must be for you,
13 and I can't say enough how much I admire your courage
14 and your determination to see things changed, as we
15 all are, as I am, to see things finally change in
16 this city, and we won't let you down. I'd like to
17 acknowledge that we've also been joined by Council
18 Member Rosenthal. I'll now turn it over to our
19 moderator, Committee Counsel Danielle Addie [sp?] to
20 go over some procedural items.

22 COMMITTEE COUNSEL: Thank you, Chair
23 Adams. I'm Daniel Addis, Counsel of the Committee on
24 Public Safety at the New York City Council. Before
25 we begin testimony, I want to remind everyone that

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2 you will be on mute until you are called to testify,
3 at which point you will be unmuted by the host.
4 Members of the Administration who are testifying will
5 not be muted during the Q&A portion of the
6 Administration testimony. I will be calling on
7 panelists to testify. Please listen for your name to
8 be called. Members of the Administration, I will
9 call on you shortly for the oath and then again when
10 it is time to begin your testimony. During the
11 hearing, if Council Members would like to ask
12 question of the Administration or a specific
13 panelist, please use the Zoom "raise hand" function,
14 and I will call on you in order. We will be limiting
15 Council Member questions to three minutes which
16 includes the time it takes to answer questions. All
17 hearing participants should submit written testimony
18 to testimony@council.nyc.gov if you have not already
19 done so. The deadline for written testimony is 72
20 hours after the hearing. Chair Adams has also asked
21 me to note for the public that we have a number of
22 witnesses scheduled to testify today. We expect this
23 to be a long hearing, but we will be reviewing
24 written testimony which is also part of the record in
25 case you need to leave before you are called to

1 testify. Before we hear from representatives from
2 the Administration, there will be a panel of
3 witnesses from impacted families. I'll just read
4 those names quickly: Iris Baez, Hawa Bah, Sammy
5 Feliz, and Victoria Davis and Victor Dempsey. Each
6 panelist will be given three minutes to speak. For
7 panelists, once you're called to testify, a member of
8 our staff will unmute you and the Sergeant at Arms
9 will set the timer, then give you the go-ahead to
10 begin. Please wait for the Sergeant to announce that
11 you may begin before delivering your testimony. I'll
12 now turn to the first panel. Iris Baez?

14 SERGEANT AT ARMS: Time starts now. Ms.
15 Baez, you have to click the unmute when it gets
16 prompted on your screen.

17 CHAIRPERSON ADAMS: Ms. Baez, you're
18 still on mute.

19 IRIS BAEZ: You hear me now?

20 SERGEANT AT ARMS: Yeah, you're good now.

21 CHAIRPERSON ADAMS: Yes.

22 IRIS BAEZ: I am Iris Baez, the mother of
23 Anthony Baez. Anthony was murdered by NYPD
24 [inaudible]. 1994 Labodi [sp?] put him a chokehold
25 that was banned by the Police Department in 20 years

1 before Eric Garner was killed. I want to thank the
2 Council Members Adrea [sic] Adams and Chair of Public
3 Safety Community and the City Council for hearing the
4 families first today. Members of the NYPD murdered--
5 the family of the NYPD that murdered. The under
6 dangerous of little-- New York-- the killers of our
7 children are not being held accountable for the
8 murder of our children. I've been fighting nonstop
9 police brutality and racism and violence for 26
10 years. I helped pass the City Council Law Safety Act,
11 the Right to Know Act, the Repeal 50A, and Special
12 Prosecutor Law. I sat next to Wen Car [sic] every day
13 when Pantaleo discipline trial to make sure that
14 there wasn't any perjury done there, to make sure
15 that she was going to be okay, because they murdered
16 her loved one and nobody got fired. I probably-- I'm
17 proudly and only saying that I saw the police
18 officers that murdered my son go to Federal prison.
19 I'm the only one, but that doesn't-- and I didn't get
20 justice. None of the family has gotten justice.
21 We're tired, and promises from the government. Talk
22 is cheap, but law created change if you don't have
23 the courage to back it up. We have other families on
24 the panel with me who are still fighting police
25

1 killing of their loved ones, Victoria, Victor have
2 been fighting for five years for Dan Brielle [sp?]
3 and Juan Issac [sp?] to be fired. I've been hearing
4 that Governor Cuomo is asking for the city can tell
5 you how that way New York is handling is terrible.
6 The Governor-- the Mayor does not know how to put the
7 police in its place. The city officials say they do--
8 - they want reform from the police. They say what
9 they think, but in here, behind closed doors they do
10 what they want and say what they want. They don't
11 really mean changes for the community of black and
12 Latina.

14 COMMITTEE COUNSEL: I'm sorry, Ms. Baez?

15 IRIS BAEZ: Yes?

16 COMMITTEE COUNSEL: I'm sorry, we're just
17 going to have to pause for one second. We're having
18 some administrative issues, okay? Just give us oen
19 second. Okay? I'm sorry.

20 IRIS BAEZ: Just give back one second.

21 COMMITTEE COUNSEL: Will do.

22 UNIDENTIFIED: Let's stop the time and
23 just restart it. Just give us one second. Okay, Ms.
24 Baez, you can begin. Can we restart the clock, Pedro
25 [sic] to where she left off? Thank you.

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IRIS BAEZ: You hear me?

SERGEANT AT ARMS: Yes, we can hear you.

You can begin.

IRIS BAEZ: After Anthony was killed 26 years ago, I organized town hall meetings. Police came, elected officials came. They said everything that the community wanted to here, but today there's no charge. Twenty years later, Eric Garner was choked to death. His mother had to fight for five years to get Pantaleo fired. De Blasio still hasn't fired Pantaleo. After Anthony was killed they retrained the police, but did nothing. You can retrain the police, but the police don't-- are not being trained properly. So all that money, that tax payer's money go to waste. The Mayors [sic] process [sic] is fake. We make no change. The only way make changes is to have other people, not the NYPD, not--

SERGEANT AT ARMS: [interposing] Time expired.

IRIS BAEZ: [inaudible] have took control of the process. Family like mine need help that leads. We need the City Council to be the people's voice. We need you to help make sure that the officials that killed Rongelle Mohamed, Kawatsi

1 [sp?], Anthony Williams, Allan Feliz, all fired
2 immediately. We can't keep making families fight for
3 years and years just to try to get an officer fired.
4 We need to understand why the family support
5 defunding the police. We need the black- we and the
6 black and white Latino youth are the ones who
7 suffered the most because of police violence. We
8 need you to work with us so we can move some of the
9 money from that Police Department to the community so
10 our community can be safe from violence, including
11 violence from the police. We need you to work
12 directly with the families and people to pass
13 strangle laws, pass strong law panel [sic] so Cuomo
14 can perfect not shame and plan fake reform. We--
15 sorry. An activist and a leader murdered-- they put
16 me in this position to be an activist and a leader
17 after they murdered my son. I had no choice. Will
18 you work with me so we can-- don't have to keep
19 fighting the same fight years and years so we can
20 really end police violence. Please let me know.
21 Thank you and God bless you.

22
23 CHAIRPERSON ADAMS: Thank you, Ms. Baez.
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25

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Hawa Bah, mother of Mohamed Bah.

SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Hawa Bah?

HAWA BAH: Good morning. Can you hear me?

COMMITTEE COUNSEL: Yes.

HAWA BAH: Good morning everyone. My name is Hawa Bah. I'm the mother of Mohamed Bah who was killed on September 25th, 2012 in his own home. My son Mohamed Bah, I thank everybody today. I thank Chair Adams and everyone who in the audio today to listen to the family who lost a loved one in the police violence. My son, Mohamed Bah, was an honor student, taxi driver, hard worker. He was loved from the family and the neighbors. Mohamed was not feeling well. I sign [sic] like you are not happy. I flew all the way from Guinea to New York to help him. I call 911 to get him an ambulance. In sending the ambulance, the police came first. I told them I don't call police, go away. They told me this is how the system works, which is why we need to change the system. The police can fire [sic] Adrienne Matcho [sp?], Andrea Grace [sic], Michael Gray [sp?], shoot

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2 Mohamed eight times in his own home. Adrian Matt
3 [sic] fire their lost shots at close range when my
4 son was already on the ground. That happened-- the
5 official [inaudible] let that happen. I want for all
6 of you help me continue pushing all the officers who
7 involved killing my son, and the other people they
8 should be fired immediately. This is happening on
9 and on, and the NYPD who murder my son still
10 collecting the NYPD paycheck without having any
11 liability. First, we need accountability for our
12 uniform [sic]. The NYPD cannot help the black and
13 brown people. They should not [sic] respond for the
14 emotional distress when somebody is suffering. It's
15 not make no sense for someone with gun and come
16 unless to discriminatize [sic] the person who's
17 suffering and kill. Officer Matthew [sic], Andrew
18 Cray [sp?], Michael [inaudible] are still working and
19 collecting the paycheck from NYPD. They should be
20 fired immediately.

21 SERGEANT AT ARMS: Time expired.

22 HAWA BAH: There is so many things you
23 can learn from my son's story. First, we need
24 accountability. The officers who murder my son and
25 all the other, please they should be fired

1 immediately from the NYPD. I need you continue
2 pushing for everything defunding the NYPD. That
3 money should go in our community needs, like mental
4 health, education, housing, and other necessary what
5 our family need for safety. Finally, the Mayor and
6 the City Council should defund the NYPD so that the
7 money can go to do necessary need for our community.
8 The only way to stop police violence and killing is
9 to defund the police. That money should put in our
10 community needs, the services. Thank you for
11 everyone who listening me today, but just listening
12 is not enough. I want you to create a space which you
13 can act as you said.

14
15 CHAIRPERSON ADAMS: Thank you, Ms. Bah.

16 COMMITTEE COUNSEL: The next panelist
17 will be Sammy Feliz, brother of Allan Feliz.

18 SERGEANT AT ARMS: Time starts now.

19 SAMMY FELIZ: Thank you. Hello everyone.

20 I am Sammy Feliz, the brother of Allen Feliz. On
21 October 17th of 2019 my brother was unjustly stopped
22 in his car, beaten, tasered [sic], shot and killed by
23 NYPD Sergeant Johnathan Rivera, officers Michelle
24 Almunsar [sp?] an Edward Barrett [sp?] in the Bronx.
25 I remember oen day I fell into a wall while visiting

1 relatives in the Dominican Republic, and even though
2 Allen was very young, he jumped in to help me. He
3 could have run to get someone, but he risked his life
4 to help me. His personality was already mature and
5 caring. He stayed that way the rest of his life
6 until NYPD took it. The day that they took Allan,
7 Bravera [sp?] Almanzar and Barrett [sp?] falsely
8 alleged he wasn't wearing his seatbelt, but when they
9 got to the car door, they admitted he was. There is
10 video of this. The stop should have ended there, but
11 instead, NYPD escalated and moments later, my brother
12 who was unarmed was dead. After Sergeant Rivera shot
13 Allan, Officer Barrett aggressively yanked him limp
14 body from the car, exposing his genitals. After this,
15 none of the officers had the decency to cover Allan
16 up. Instead, they left him bleeding in the road cut
17 [sic] and exposed. In spite of this, Attorney
18 General James did not charge these officers. Mayor
19 de Blasio had nothing to say. The NYPD has taken no
20 disciplinary action, and Rivera, Almanzar, and
21 Barrett are still collecting NYPD paychecks. My
22 family and I are calling for the Fire Sergeant
23 Jonathan Rivera, Officers Edward Barrett and Michelle
24 Almanzar. Sadly, my family's story is not unusual.
25

1 So many other families are fighting for
2 accountability. As I stand with these other families
3 by calling for the firing of the officers who killed
4 Delrawn Small, Eric Garner, Antonio Williams,
5 Kawasaki Tradewick [sp?], Mohamed Bah, and others
6 lives who had been taken by the police. The NYPD,
7 violence is a very serious problem in the city and
8 the reform process following Governor Cuomo's
9 Executive Order, it is its own big problem. Mayor de
10 Blasio's response has been a sham from the start. He
11 waited until the last minute to announce public
12 meetings that has let the NYPD dictate the process.
13 Community engagement has been an illusion and the
14 meetings are just NYPD propaganda sessions. We need
15 to reframe this process. If you want to form the
16 police and make it a safer city, we have to take
17 money from the NYPD and invest in our communities. We
18 cannot afford for our communities to be starved for
19 resources during the pandemic while the NYPD's budget
20 is given special protection. We need resources for
21 education and for healthcare. I work in a nursing
22 home, and last year we didn't have enough money for
23 PPE. If some of the NYPD's bloated six billion
24 budget had gone to the nursing home I work for proper
25

1 protection, we could have saved at least 30 lives
2 where I work. The City Council and the Mayor must act
3 by substantially defunding the NYPD in the FY 22
4 budget, and this can be done by reducing the NYPD's
5 roles in our lives. Get the NYPD out of traffic
6 enforcement, mental health responses--

7
8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 SAMMY FELIZ: schools, and social
11 services, and cut their headcount. Violent abusive
12 officers like Rivera, Barrett, Almanzar, and other
13 officers I named earlier, defund the NYPD of their
14 salaries and benefits, defund the NYPD of the cost of
15 their misconduct, civil suits and judgments, and
16 settlements from the year before. The worst police
17 units in precincts which are sued much more should
18 get even bigger cuts. Finally, I close by saying,
19 you who are watching this hearing live or reading
20 about it later, put pressure on the Police
21 Commissioner, the Mayor and the City Council to make
22 real change. That means taking it to the streets by
23 marching for justice for Allan Feliz, Delrawn Small,
24 Eric Garner, Kawaski Tradewick, Mohamed Bah, Antonio
25 Williams, and others who have been unjustly killed by

1
2 the NYPD in our own city, just like so many marched
3 for George Floyd. Thank you all for your time and
4 God bless.

5 CHAIRPERSON ADAMS: Thank you very much,
6 Mr. Feliz.

7 COMMITTEE COUNSEL: Thank you. And the
8 last panelist of this panel will be Victoria Davis
9 and Victor Dempsey, siblings of Delrawn Small.

10 SERGEANT AT ARMS: Time starts now.

11 VICTORIA DAVIS: Okay, can you guys hear
12 me. Okay. So, my name is Victoria Davis and I am
13 the sister of Delrawn Small. I'm going to thank you,
14 Speaker Johnson, Council Member Adams, and the rest
15 of the Council Members present today for taking the
16 time to listen to my testimony and the testimonies of
17 other families whose loved ones were killed by NYPD.
18 I hope and expect that Mayor de Blasio and the NYPD
19 are listening to myself and all families. Two years
20 ago my brother and I testified before the City
21 Council on the failures of the NYPD to discipline
22 officers and the systems in which they discipline or
23 lack of. We told the story of our older brother
24 Delrawn Small who was on his way home from a Fourth
25 of July barbeque in 2016 when he was shot and killed

1 by Officer Wayne Isaacs who was off-duty at the time,
2 but still operating in the capacity of NYPD officer
3 when he killed Delrawn. Delrawn was killed in front
4 of his girlfriend, his step-daughter, and his four-
5 month-old baby. Delrawn was killed one day before
6 Baton Rouge killed Alton Sterling and two days before
7 Minnesota police killed Philando Castile. Officers
8 in those cases were fired, but almost five years
9 later we are still fighting to get Mayor de Blasio
10 and NYPD to serve discipline charges on Wayne Isaacs
11 for murdering our brother. The CCRB substantiated
12 charges against Isaacs in October and sent them to
13 the NYPD. It is now three months later, and as far
14 as I know, the NYPD still hasn't served those charges
15 on Isaacs. I believe the NYPD is trying to avoid
16 firing Isaacs by continuing their years of delay and
17 playing games with our family and with fellow New
18 Yorkers. I work for the City, and my job was more in
19 jeopardy than Isaacs, because I had to take a leave
20 to attend trial against Isaacs that the Attorney
21 General did, and I had to take time off to organize
22 and rally for justice for my brother. I can tell you
23 now that if I had killed someone in cold blood and
24 lied the way Wayne Isaacs did after murdering my
25

1 brother, I would have been fired from this city
2 immediately. Delrawn was my brother, but he was also
3 like my father. He was also like a father to myself
4 and my younger brother Victor after our mother died.
5 She died when we were small children. I gave birth
6 after the trial, and as a result of that unjust
7 verdict, I ended up naming my son Justice, because
8 that's what we continue to fight for, Justice, and
9 that's what I'm demanding and hoping to get. I am
10 here today for Delrawn, but I am also here for every
11 black New Yorkers and New Yorker of color who has
12 experienced violence by the NYPD. Officers like
13 Wayne Isaacs are dangerous. They're a danger to New
14 Yorkers and should be fired immediately. There is no
15 reason why families like the families of mine,
16 Mohamed Bach, Kawaksi Tradewick, Antonio Williams,
17 Allan Feliz should be here fighting for all of these
18 years after these murders and officers haven't been
19 fired. We need you to take our demands very
20 seriously, and defunding the NYPD and allocating
21 those funds to building communities and programs that
22 will keep communities safe. We are not campaigning
23 to defund the police out of vengeance. We're fighting
24 for a decrease to the NYPD's outsized power. I have
25

1 a background in health education, and I can tell you
2 now that part of the problem is that we let the NYPD
3 run the City instead of understanding many things
4 that are needed as a public health approach, and
5 those are things that will keep New Yorkers safe. I
6 believe that I'm running out of time, but lastly, I
7 would just say that I'm hoping that you all will
8 stand with us to make sure that we cut the power and
9 the budget of the NYPD. They should not have the
10 power that they have to be in spaces where they do
11 not belong, especially mental health and the
12 education system. Our community should have power
13 and we should have power over our communities to keep
14 our communities safe. I hope you all will stand with
15 us, and I hope you are hearing us, and you all will
16 continue this fight and journey with us. Fire Wayne
17 Isaacs.

19 VICTOR DEMPSEY: Morning everyone. My
20 name is Victor Dempsey. I'm also the brother of
21 Delrawn Small. As my sister just stated-- well,
22 first, I want to thank the Public Safety Committee
23 Chair Adrienne Adams and members of the Public Safety
24 for allowing us to give testimony today. As my
25 sister said, we've been at City Council numerous

1
2 time. We're here again, once again, to discuss the
3 urgent need for comprehensive change to public safety
4 and policing in our city. We along with other
5 families know too much about the NYPD and the lack of
6 accountability and the deadly violence they do in our
7 lives every single day. As my sister said, Delrawn
8 was killed in front of his girlfriend, step-daughter,
9 and four-month-old baby by Wayne Isaacs, more than
10 four and a half years ago. Isaacs rolled his window
11 down forcibly, shot my brother three times, and as
12 Delrawn was dying in the street, Isaacs called 911
13 for himself. There's video recordings for that. He
14 did not call 911 and say there's a man dying in the
15 street, he called for himself falsely claiming he was
16 attacked. He never even told 911 that someone who
17 needed aide, and he didn't try to provide any aide
18 himself. He literally let our brother die in the
19 street. In the years since Delrawn was killed, we
20 have gotten to know many other families, locally and
21 nationally, that have faced the same struggles as us.
22 The NYPD and the Mayor used deliberate tactics to
23 delay and block accountability to protect officers
24 from the consequences of their wrong-doing. It's
25 almost impossible to get an NYPD officer fired when

1 they kill or brutalize black, Latino, or other people
2 of color in the City, and that is wrong. But let's
3 get to this piece. Last year, when Governor Cuomo
4 called for Mayor de Blasio and other leaders in the
5 cities and towns throughout the state to reform
6 policing, I was skeptical because I know personally
7 the resistance of the Mayor standing up to NYPD, but
8 I know and the families that are here today know, the
9 NYPD's power must be checked. I've been following the
10 NYPD's process responding to the Governor's Executive
11 Order, and I can tell you that it's fake. The
12 community engagement have been the propaganda session
13 for the NYPD. There is no real engagement. They're
14 going to tell you that they've engaged with hundreds
15 of thousands of people, but honestly it's all fake. I
16 know this because I was literally present in the
17 audience in the Facebook [sic] at five of those
18 events. I too am a City worker. And even if it
19 wasn't fake, the NYPD shouldn't be the ones running
20 the process. The fact that the Mayor has left them
21 to do so is the reason, let alone, why they can act
22 with impunity. This executive order came down and
23 asked for this, for NYPD to work with community
24 groups, stakeholders, the voices of the people, and
25

1 that was not done. The process from the Mayor and
2 NYPD has been largely happening behind closed doors
3 with almost no transparency. We need to make a plan
4 that-- that is not-- that is being directed by NYPD,
5 the same people who already refuse to do the bare
6 minimum is a sham process. The mayor and the NYPD
7 won't even serve the discipline charges against
8 Wayne Isaacs that CCRB sent them months ago,
9 literally last year, and there is no excuse for that.
10 Our family hasn't even heard anything else about it.
11 As a City Council, we need you to be the people's
12 voice. We need you to work with us, the families and
13 the groups that we trust, to make sure that people
14 who killed our loved ones are fired. Families are
15 the experts in this field. We are the ones fighting
16 day in and day out, not sleeping, running out of
17 bereavement time, sacrificing everything in our
18 personal lives to seek justice, and not only justice,
19 but also seeking accountability for not only our
20 loved ones, but for the communities that we live in
21 so it doesn't happen to their families the way I's
22 happened to us. I, like the other families, want to
23 see Isaacs-- want to see the officers who killed,
24 brutalized and disrespect our communities fired. We
25

1
2 want to see the NYPD's power cut so they can't run
3 the city the way they've been doing. We need money
4 from the NYPD to the Crisis Management System and
5 Violent Interrupter groups and other needs so that we
6 can have real safety in our city. I know this,
7 because again, I'm a city worker and I work directly
8 with the Cure Violence sites, and I see the work
9 these men and woman do day-in and day-out on the
10 ground by making some change. We don't need more
11 police in our communities. I hope you will work for
12 us to make sure that Wayne Isaacs is fired, and that
13 as a city we do some real thinking and creative
14 public safety that isn't only about police. I know
15 that's my time, and I really, really appreciate it.
16 Thank you, again, Council Member Chair Adams for
17 giving us the time for this testimony.

18 COMMITTEE COUNSEL: Chair, do you have
19 any questions?

20 CHAIRPERSON ADAMS: I do. Before-- well,
21 I don't really have any questions, just a comment on
22 the significance of hearing these families. You
23 know, we did this this morning because things are
24 typically done the opposite. We usually hear from
25 the Admin and others, and then they have an

1
2 opportunity to leave, and quite frankly that has been
3 a sticking point for me as a Council Member for my
4 term here. I'm in my third year now, and that's
5 always been something that has bothered me about
6 Council hearings is that we don't have the folks that
7 need to hear from the families, from the public
8 sticking around and hanging around and paying them
9 the respect that they rightfully deserve. So, I just
10 thought that, you know, our first time out today in
11 this hearing, myself chairing this committee, that we
12 would just start off on a bit of a different footing,
13 especially given the subject matter. So, to the
14 families, my heart continues to go out for you.
15 Prior to becoming a Council Member, I was and still
16 consider myself out there fighting the good fight.
17 So, we're going to do our best to get this done, and
18 just know that I sincerely appreciate your time this
19 morning. I carry your loved ones in my heart and
20 sincerely feel, sincerely, sincerely feel for your
21 loss. We're going to continue to do this work
22 together. Thank you so much for your testimony
23 today.

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2 COMMITTEE COUNSEL: And Chair, I believe
3 we've been joined by a few Council Members. Would
4 you like to--

5 CHAIRPERSON ADAMS: [interposing] Yes.
6 Yes. We have been joined by Council Members Lander,
7 Rodriguez, Gibson, Cabrera, Majority Leader Cumbo,
8 Council Members Rose, Deutsch, Levin, Koo, and
9 Miller.

10 COMMITTEE COUNSEL: Thank you. Next, we
11 will hear from representatives of the Administration.
12 The panelists to give testimony will be the Chief
13 Strategy Officer of the Office of the First Deputy
14 Mayor, Chelsea Davis, Deputy Executive Assistance of
15 the New York City Law Department, Thomas Giovanni,
16 Chief of Staff of the Mayor's Office of Criminal
17 Justice, Marcos Soler, Chief of Patrol, the New York
18 City Police Department, Juanita Holmes, Deputy
19 Commissioner for Strategic Initiatives of the New
20 York City Police Department, Danielle Pemberton,
21 Deputy Commissioner of Community Partnerships for the
22 New York City Police Department, Chauncey Parker,
23 Executive Director for Strategic Initiatives at the
24 New York City Police Department Elizabeth Daitz, and
25 Managing Attorney of Legislative Affairs Unit, the

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COMMITTEE ON PUBLIC SAFETY

33

New York City Police Department Michael Clarke.

Before we begin testimony, I will administer the oath to all members of the Administration who will be offering testimony or will be available for questions, please raise your right hands. I will read the oath and then call on each of you individually for a response. Please raise your right hands. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this committee and respond honestly to Council Member questions?

Ms. Davis?

CHELSEA DAVIS: Yes, I do.

COMMITTEE COUNSEL: Mr. Giovanni? Thomas Giovanni?

THOMAS GIOVANNI: Yes.

COMMITTEE COUNSEL: Mr. Soler?

MARCOS SOLER: Yes, I do.

COMMITTEE COUNSEL: Chief Holmes?

CHIEF HOLMES: I do.

COMMITTEE COUNSEL: Deputy Commissioner Pemberton? Deputy Commissioner Pemberton?

DEPUTY COMMISSIONER PEMBERTON:

[inaudible] I do.

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COMMITTEE ON PUBLIC SAFETY

COMMITTEE COUNSEL: Thank you. Deputy
Commissioner Parker?

DEPUTY COMMISSIONER PARKER: Yes, I do.

COMMITTEE COUNSEL: Executive-- Ms.
Daitz?

EXECUTIVE DIRECTOR DAITZ: I do.

COMMITTEE COUNSEL: And Mr. Clarke?

MICHAEL CLARK: I do.

COMMITTEE COUNSEL: Thank you all. Now,
I invite Ms. Davis to begin the Administration
testimony.

CHELSEA DAVIS: Good morning, Chair
Adams, Council Members, members of the Public Safety
Committee. I want to start by thanking Ms. Baez, Ms.
Bah, Mr. Feliz, Ms. Davis, Mr. Dempsey for speaking
this morning. It's certainly an understatement to say
that I'm humbled and honored to speak after you. I
really want to thank you for sharing your experience
and for all the work that you've done. My name is
Chelsea Davis, Chief strategy in the Office of the
First Deputy Mayor. I'm joined by Thomas Giovanni,
Deputy Executive Assistant from the Law Department
who's helping support the collaborative, Marcos
Soler, Chief of Staff from the Mayor's Office of

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2 Criminal Justice. I'm also joined by colleagues from
3 the Police Department, Juanita Holmes, Chief of
4 Patrol, Danielle Pemberton, Deputy Chief for
5 strategic initiatives, Chauncey Parker, Deputy
6 Commissioner for Community Partnerships, Elizabeth
7 Daitz, Executive Director of Strategic Initiatives,
8 and Michael Clarke, Managing Attorney of the
9 Legislative Affairs Unit. Thank you for inviting us
10 to discuss the important topic, and we do certainly
11 look forward to staying today for the duration of the
12 hearing. The Mayor has seized the opportunity
13 presented by Executive Order 203 to fully engage all
14 communities in creating shared vision of public
15 safety and rebuilding mutual trust between police and
16 the people they serve. I'll provide a brief overview
17 of the Executive Order, describe the framework of the
18 reform and reinvention collaborative working group
19 under the leadership of the First Deputy Mayor,
20 explain the City's engagement strategy and discuss
21 themes that you're likely to see in the reform plan
22 that will be posted for public comment. All policy
23 changes still under careful consideration and we'll
24 be releasing the draft reform plan soon. I want to
25 begin by saying that while Executive Order 203

1 outlines a process and timeline for developing and
2 improving a reform plan for increasing community
3 police relationships and reducing disparities in
4 policing, we'll continue to work to ensure that
5 policing reflects the needs of the communities we
6 serve long past the April 1st deadline for this
7 reform plan. The EO is an opportunity to focus on the
8 most urgent and impactful policy changes in
9 collaboration with community members and leaders,
10 police reform experts and justice advocates. Our
11 mission must also be to set up permanent structures
12 for ongoing reform that will last far past April 1st
13 into future Administrations and departments. We aim
14 to continue finding ways to address long-standing
15 policing concerns, concerns raised by communities
16 that have historically borne the brunt of over-
17 policing. We know that cannot happen overnight. The
18 Administration is committed to police reform, more
19 than seven years ago. We'll continue to seek and
20 find ways to address concerns raised by communities
21 most impacted by over-policing. We're equally
22 committed to ensuring that NYPD recruits retain,
23 train, and promotes diverse and resilient
24 professionals who always reflect the values of the
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1 communities they serve. Finally, we recognize that
2 public safety and quality of life in New York City is
3 not the sole responsibility of the Police Department.
4 We'll continue to find ways to allocate city
5 resources appropriately across agencies to ensure
6 that not every condition or crisis triggers a law
7 enforcement response. Executive Order 203 requires
8 every local government in New York State to create a
9 police reform and reinvention collaborative. It was
10 signed during a period of national and local unrest
11 following a number of incidents with police that
12 resulted in the recent deaths of George Floyd,
13 Breonna Taylor, Ahmaud Arbery, among too many others.
14 The order which recognizes the longstanding and
15 painful history of discrimination and mistreatment of
16 communities of color in New York State. Also,
17 specifically list some of the New Yorkers, including
18 New York city residents who have been killed by
19 police officers, Anthony Baez, Delrawn Small, Amadou
20 Diallo, [inaudible] Zang [sic], Sean Bell, Ramarley
21 Graham, Patrick Dorismond, Mohamed Bah, Allan Feliz,
22 Akai Gurley, Eric Garner, an obviously incomplete
23 list, the order directs Police Department across the
24 state to perform a comprehensive review of work all
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1 current, procedures and practice, as well as to
2 consider creating new practice and structures
3 entirely. The Executive Order directs local
4 governments to adopt a policing reform plan by April
5 1st, 2021. The order directs the Chief Executive of
6 such local government to convene the head of the
7 local police agency and stakeholders in the community
8 to develop a plan to adopt and implement the
9 recommendations resulting from its review and
10 consultation, including any modifications,
11 modernizations and innovations to policing
12 deployments, strategies, policies, procedures, and
13 practices tailored to the specific needs of the
14 community and general promotion of improved police
15 agency and community relationships based on trust,
16 fairness, accountability and transparency which seek
17 to reduce racial disparities in policing. On August
18 17th, 2020, the state published resources and guide
19 for public officials and citizens, a workbook to aid
20 government and communities with the reform and
21 reinvention collaborative process and final product.
22 The plan must be offered for public comment to all
23 citizens and then after a consideration of such
24 comments presented to the local legislative body for
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1 adoption by April 1st, 2021. All of this work starts
2 with meaningful community and stakeholder engagement.

3 The City's Reform and Reinvention Collaborative was
4 convened by the First Deputy Mayor in partnership
5 with the Police Commissioner as required by the
6 Executive Order and includes leaders across City
7 Hall, at the Mayor's Office of Criminal Justice,
8 Community Affairs Unit, Legislative Affairs Unit and
9 the New York City Law Department along with three ex
10 traordinary community leaders, Jennifer Jones Austin
11 [sp?] from the Federation of Protestant Welfare
12 Agencies, Wes Moore from the Robin Hood Foundation,
13 and Arva Rice [sp?] from the New York Urban League.

14 Let me take this opportunity to thank them for their
15 time and hard work and service to the City of New
16 York. In the first phase of community engagement, the
17 NYPD hosted eight open meetings across all patrol
18 boroughs, plus one citywide multilingual meeting
19 simultaneously translated into 10 languages. These
20 meetings consisted of a brief presentation on
21 recent policing reforms and an open dialogue
22 facilitated by co-sponsors, community members, and
23 leaders including generous volunteers from the New
24 York Peace Institute, Cure Violence Community, Center
25

1 for Court Innovation, Youth [sic] Build Staten
2 Island, Queens Bridge Tenant Association, and others.
3 All these events and videos remain available on the
4 NYPD YouTube channel. The collaborative also hosted a
5 separate session to engage those in communities most
6 impacted by policing, led by the incident co-
7 sponsors. These impacted-- for multiple meetings.
8 Impacted communities were identified using New York
9 City Department of Health data on incarceration rates
10 overlaid with Community Board boundaries and an
11 aggregate of 311, 911, use of force, shooting
12 incidents, shooting victims at CCRB rates [sic]. Our
13 co-sponsors, Jennifer Jones Austin, Arva Rice and Wes
14 Moore hosted meetings that encouraged and supported
15 individuals who spoke candidly about their lived
16 experiences, often in economically disadvantaged
17 communities of color in New York. During the second
18 phase of the engagement strategy, the collaborative
19 hosted an additional 32 meetings with external
20 stakeholders including community-based organizations,
21 advocacy groups, clergy, racial justice advocates,
22 Cure Violence providers, ethnic and religious
23 organizations, nonprofits, LGBTQIA community leaders,
24 the deaf and hard-of-hearing community, tenants
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1 associations, shelter-based and affordable housing
2 communities and providers, people who are justice-
3 involved, crime victims, policy experts, prosecutors,
4 oversight bodies, elected officials, and many others.

5 In order to succeed, we understand that reform must
6 happen with police rather than to them. To that end,
7 the collaborative also hosted 13 meetings with
8 uniform and civilian members of the NYPD. These

9 meetings paralleled the impacted community meetings,
10 focused on members assigned to work in the same
11 neighborhoods. Uniform and civilian members of all

12 ranks, ages, races, genders, orientations, ethnic
13 background, and assignments participated along with
14 leaders from NYPD's police union, and 36 different

15 fraternal organizations. The City recognizes that
16 fulfilling the order's directive requires the
17 creation of a plan that seeks to achieve several

18 fundamentally important outcomes to eliminate
19 unnecessary and excessive force, eliminate racially-
20 biased policing, to create policies that respect and

21 reflect the perspectives of the most heavily-policed
22 communities, to apply principles of restorative
23 justice and reconciliation to increase community

24 trust, to address areas of police culture that acts
25

1 as impediments to the achievement of reform, and
2 perhaps most importantly, to create new and permanent
3 structures to achieve, monitor, and develop new and
4 ongoing policy reforms through genuine community
5 engagement and stakeholder engagement with NYPD.
6 Achieving reforms in these areas both as to outcomes
7 and process will result in a better, safer, more
8 lawful environment for all New Yorkers, most
9 especially those in heavily impact communities. The
10 city has identified key parts of the reform agenda
11 that can bring us closer to achieving our goal,
12 leading us to develop a shared vision for public
13 safety with all New Yorkers and address the needs
14 identified in the Executive Order. Taken together,
15 this framework offers a vision of policing in New
16 York City that delivers better results for
17 communities as well as members of the NYPD. One area
18 with mere universal support, including for members of
19 the NYPD, is improving the disciplinary process. The
20 plan will ensure greater transparency, accountability
21 and discipline within NYPD, and the City will take
22 long-term steps to ensure robust, consistent,
23 external oversight. We will also continue to work
24 closely with local communities to implement a shared
25

1 vision for service response and public safety that
2 includes law enforcement as a supportive partner, but
3 does not force officers into roles that other service
4 providers can satisfy more effectively. The plan
5 will also focus on improving interactions between
6 policing communities through culture change, policy
7 change, and tactical change, such as implementing
8 recommendations made by DOE and law after
9 investigating this summer's protests. The
10 collaborative is also exploring new robust programs
11 that combat racial bias and create strong and lasting
12 bonds between policing communities. Additionally, the
13 City will provide New Yorkers with opportunities to
14 give their feedback to the Department in the
15 development of both policy and training, a model that
16 was imperative in the development of the agency's new
17 disciplinary penalty guidelines which will be
18 published January 15th. All New Yorkers are critical
19 stakeholders in how they are policed, and the NYPD is
20 committed to including more voices in all manners of
21 processes that were previously internal to the
22 Department. Finally, the City is committed to greater
23 diversity, equity, and inclusion throughout NYPD, and
24 we'll support members of service with the tools they
25

1
2 need to promote mental health and safety as a means
3 towards resiliency and improving officer performance.

4 Before closing, I must note that at every public
5 event so far held, the single most common word used
6 by community members a swell was police is respect.

7 While not a policy itself, concepts of respect can
8 and will be infused into measurable policies and

9 practices. We must do this. We look forward to

10 coming back to Council after the draft plan is

11 published for feedback from members and from the

12 public. This process is iterative, collaborative, and

13 ongoing. We're confident that this framework reflects

14 what is being voiced by community members and

15 demanded by these times. But at the same time we

16 recognize that large-scale policing reform is a long-

17 term, multi-layered evolving commitment that requires

18 flexibility and requires continuous communication.

19 We're fully committed to this process. We look

20 forward to future conversations with the Council and

21 working with you to create a plan that will make our

22 city safer and more equitable for generati8ons to

23 come. Thank you, and my colleagues and I are now

24 happy to answer any questions you may have.

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COMMITTEE ON PUBLIC SAFETY

COMMITTEE COUNSEL: Thank you. I will now turn it over to Chair Adams for questions. Panelists from the Administration please stay unmuted if possible during this question and answer period. Reminder to Chair Adams, you'll be in control of muting and unmuting yourself during this period. Thank you, and Chair, you may begin.

CHAIRPERSON ADAMS: Thank you, Counsel. Before we go on, I just want to note that we're aware that there have been technical difficulties this morning with this live stream. So, we just want folks to know my office has received phone calls. We're trusting that everything is back in order. We were told that the screen went blank for a little while. So, just want to make sure that we're up and running and everything is streaming properly at this time.

UNIDENTIFIED: Yes, Chair Adams. We are in room one now, and we will make sure to have the video up as soon as the hearing is over.

CHAIRPERSON ADAMS: Terrific. Thank you very much.

UNIDENTIFIED: Not a problem.

CHAIRPERSON ADAMS: We've also been joined by Council Member Brannan. So, with that, Ms. Davis,

1 thank you very much for your testimony this morning.

2 I do have questions, and this really would be for
3 anyone testifying on the administrative side of the
4 house. Can any of you say whether or not you've read
5 the state's guidance on the collaborative?
6

7 CHELSEA DAVIS: Yes, thank you for that
8 question. We've absolutely read, obviously, the
9 Executive Order and the state's guidance on the
10 collaborative. We believe that the collaborative so
11 far, the plan we have in place for engagement, for
12 engaging as many stakeholders as possible, accepting
13 all recommendations and publishing a plan, you know,
14 in the coming weeks for public comment before
15 bringing it to council for ratification on or before
16 April 1st reflects what we've read in the Executive
17 Order and in the guidance.

18 CHAIRPERSON ADAMS: Okay, so that said, I
19 guess I'd like to know why the City's not following
20 the suggested timeline or the transparency guidelines
21 in the guidance then?

22 CHELSEA DAVIS: sure. So, in terms of the
23 timeline, we absolutely understand the urgency of
24 creating this plan. I believe we've reached out to
25 many members of Council to have meetings and hear as

1 much feedback as possible. However, we are not
2 looking at this effort as just something that's going
3 to be completed by April 1st. Our goal is to make
4 sure that what we're doing is creating permanent
5 structures for meaningful engagement, and that in and
6 of itself is a key reform. So, even if some of the
7 milestones which I'm happy to talk more specifically
8 about don't align exactly with the guidelines. We're
9 very committed to this process and to making sure
10 that there is enough time for a full engagement and
11 public comment before any plan is decided on.

12
13 CHAIRPERSON ADAMS: Okay, well
14 [inaudible] or agency is actually responsible for
15 drafting the plan? Has it even started yet?

16 CHELSEA DAVIS: Sure. So this effort is
17 being led by the First Deputy Mayor in collaboration
18 with the Police Department, Mayor's Office of
19 Criminal Justice, and many other stakeholders in City
20 Hall. The Mayor's Office will be presenting the plan
21 in collaboration with the co-sponsors Jennifer Jones
22 Austin, Arva Rice, and Wes Moore for public comments.

23 UNIDENTIFIED: The First Deputy Mayors
24 Office is the one directed to be responsible for the
25 contents of the plan that is put before you.

1
2 CHAIRPERSON ADAMS: Okay, so it is the
3 First Deputy Mayor's Office.

4 CHELSEA DAVIS: That's right.

5 UNIDENTIFIED: The Executive Officer--
6 the Executive Order directs the Mayor to come up with
7 this plan, and then the Mayor has directed the First
8 Deputy Mayo to be responsible to come up with the
9 content of the plan that will be submitted to the
10 Council.

11 CHAIRPERSON ADAMS: Has any content
12 started yet? Has anything started on the ground
13 floor as far as content?

14 CHELSEA DAVIS: So we are working very
15 diligently to come up with a plan that can be shared
16 for public comment. We have absolutely started to
17 think through what policy and what kinds of
18 structures are appropriate for the framework that we
19 put forward. Fundamentally, our plan will center
20 around the need to create a public safety system that
21 fosters a safe and equitable environment for all New
22 Yorkers, and we'll focus on mechanisms for
23 transparency for accountability at the individual
24 level and at the systemic level as well as culture
25 change. I will also add that we are going to be

1 putting up a website that will be dedicated to this
2 process that will detail a lot of meetings that we
3 can talk through today as well as we'll be where you
4 can find the link to the public report. Currently
5 NYPD posts a very significant amount of data on their
6 website, and through their website and their YouTube
7 channel you can access many of the public meetings
8 that were had for this process.

10 CHAIRPERSON ADAMS: Okay. So, the
11 timeline says that you should have already identified
12 measurable goals by now. Have you done that?

13 CHELSEA DAVIS: Yes. As I said in my
14 testimony, we have identified major goals for reform.
15 I'm happy to reiterate those. Our--

16 CHAIRPERSON ADAMS: [interposing] Can you
17 give us some examples?

18 CHELSEA DAVIS: Sure. Our major goals
19 are the elimination of excessive an unnecessary
20 force, the elimination of racially-biased policing, a
21 policing culture that reflects and promotes the
22 values of New York City, policing that's transparent
23 and holds officers accountable in a matter that's
24 swift consistent and fair at the individual officer
25 level and the level of the Department, the systemic

1 level. We're committed to as part of this process
2 developing robust, independent oversight of policing,
3 of creating regular, respectful, and productive
4 engagements with communities, and permanent
5 structures for those engagements that will last far
6 past the April 1st deadline. Our goal is to create
7 policing responses that are calibrated to having the
8 lightest touch necessary to maintain safety, and a
9 department that supports officers with the training
10 tools and resources that they need. But also as I
11 said in the testimony, our main goal is to make sure
12 that all of our communication and engagement is
13 infused with trusting communities and in respecting
14 and privileging the experiences and the voices of
15 people who have been impacted by over-policing and
16 racially biased policing in New York City.

18 CHAIRPERSON ADAMS: So, you're talking a
19 lot about collaboration now. So, can you provide us
20 with a list of all of the stakeholders you've had
21 meetings with so far?

22 CHELSEA DAVIS: I absolutely can follow
23 up with a-- like a detailed list of all the
24 stakeholders that we have met with so far. The list
25 has included hundreds of organizations and

1 individuals. It includes policy experts, community
2 groups, impacted community members, members of
3 service, oversight agencies, clergy members. I'm
4 happy to follow up with a detailed list of who we've
5 spoken to individually and who's been representing
6 what organizations.
7

8 CHAIRPERSON ADAMS: You're also working
9 with the DA's offices. Have they given you any
10 recommendations?

11 CHELSEA DAVIS: We are. The
12 collaborative hosted a meeting with all of the
13 District Attorney's offices to get their
14 recommendations for this process. I'll also add that
15 the Mayor's Office of Criminal Justice obviously has
16 very regular communication and engagement with all
17 criminal justice stakeholders, including the District
18 Attorneys, and I'll allow Marcos Soler from the
19 Mayor's Office of Criminal Justice to speak to what
20 that engagement has been like as well.

21 MARCOS SOLER: Thank you, Chelsea. Our
22 office regularly has a stand [sic] with any other
23 reforms whether it's Close Rikers, other initiatives,
24 meets regularly with all institutions in the city,
25 obviously the DA's office is one of them. We have

1
2 also met in the past with members of the Defense Bar
3 and certainly with a lot of community organizations,
4 CMS groups, etcetera, [inaudible].

5 CHAIRPERSON ADAMS: Are you working with
6 any outside experts or consultants?

7 CHELSEA DAVIS: So, we are working very
8 closely with the three co-sponsors, Jennifer Jones
9 Austin, Arva Rice, and Wes Moore, and I will-- as a
10 leader and co-facilitator of many of the stakeholder
11 meetings, I will leave it to Deputy Commissioner
12 Parker to talk through some of our other partners and
13 some of our other engagement strategies and to talk a
14 little bit about the major content of what we've
15 heard so far from this meeting.

16 CHAIRPERSON ADAMS: What about the
17 federal monitor from the Stop and Frisk case?

18 CHELSEA DAVIS: The collaborative has had
19 a meeting with the federal monitor focused on
20 recommendations for this plan as well.

21 CHAIRPERSON ADAMS: Okay. I'm going to
22 shift gears just a little bit before I get my
23 colleagues into this. I just want to start talking
24 about leadership. If we don't have leaders that are
25 committed to reform, then none of this is really

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2 recommendations and part of this plan will be
3 creating implementation plans for those
4 recommendations. He's also clear that we're grateful
5 and accept all the findings of the report, and I
6 believe he also has said that there were certainly
7 things that he wished everyone had done differently.
8 I believe that report was thoughtful and well done
9 and well documented, and I think those many
10 significant recommendations we are really looking
11 forward to building plans to implement, including the
12 plan to consolidate independent external oversight
13 which we believe will have really positive
14 implications for accountability. I will leave it to
15 the Police Department to talk through their
16 leadership and their Department's commitment to
17 implementing these recommendations and to speak to
18 how seriously we take these findings as well.

19 CHAIRPERSON ADAMS: Do you think that
20 it's a problem that some officials are refusing to
21 acknowledge that anything went wrong at all?

22 CHELSEA DAVIS: I think that yes, the
23 Mayor and we are clear that we accept the findings of
24 that report and are absolutely committed to making
25 sure that improving accountability is part of this

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2 plan. We absolutely need that accountability to
3 create mutual trust between police in communities.
4 The core function of PD is to protect and serve the
5 public and to be able to do both effectively,
6 officers have to have the trust of the communities
7 where they work.

8 CHAIRPERSON ADAMS: So, Ms. Davis, can
9 leaders who refuse to acknowledge mistakes help to
10 implement real change?

11 CHELSEA DAVIS: Something that we have
12 heard over and over again through almost every
13 community meeting that we have done is that in order
14 to build trust, in order to move forward and have
15 real accountability, it's absolutely essential to
16 acknowledge harm that's been done. That's why one of
17 our explicit goals is to move forward and have-- you
18 know continue engagement based on the principles
19 of restorative justice and reconciliation which
20 absolutely requires that acknowledgment of past harm
21 is done and that's essential for the accountability
22 that we're talking about and for building trust. And
23 we'll--

24 CHAIRPERSON ADAMS: [interposing] Okay,
25 but you know, we're trying to really peel back, you

1 know, the layers of this onion and to be as
2 forthcoming and truthful as possible when it comes to
3 complying with this Executive Order. So, in all
4 actuality it looks like the Mayor is letting NYPD
5 take lead here. That's what it looks like. Do you
6 think that an agency should be charge of reforming
7 itself? You think that's possible?

9 CHELSEA DAVIS: I absolutely don't think
10 that's possible, but I want to reiterate that the
11 Reform and Reinvention Collaborative is led by First
12 Deputy Mayor Dean Fuleihan. We are partnering with
13 Mayor's Counsel with intergovernmental Affairs with
14 many other partners within City Hall, the Mayor's
15 Office of Criminal Justice, our Community Affairs
16 Unit and the NYPD, as dictated by the Executive
17 Order. We also see Jennifer Jones Austin, Arva Rice,
18 and Wes leaders and really thank them for their
19 leadership here as well. I think that Police
20 Department are key partners in reform, especially as
21 we have heard from so many members of service that
22 they have very similar feedback, as many community
23 members, especially in terms of the need for
24 reforming and improving the disciplinary process.
25 So, as I said in my testimony, we have to make sure

1
2 that police reform is something that we do with
3 officers and not to them, but I absolutely agree that
4 a reform process should not be led by the agency
5 we're reforming, and this reform process, the Reform
6 and Reinvention Collaborative is being led by the
7 Mayor and by First Deputy Mayor Dean Fuleihan.

8 THOMAS GIOVANNI: Also, I would like to
9 add that this process is not only iterative and
10 evolving process for the city, it's one for us as
11 well, and we understand the perspective that people
12 have about the beginnings of this process and why
13 they feel what they feel about the composition and
14 nature of the meetings early on. But I would suggest
15 that we continue to look at the process, look at the
16 more recent meetings [sic] and look at the inertia
17 and energy that have been developed as this process
18 has grown, and we learned even more about to engage.
19 I think you will see a difference between early
20 engagement and the recent engagement, and again,
21 you're hearing from the Administration about our
22 continued commitment to new engagement. There is
23 [inaudible] that I want to suggest is gas-lighting in
24 a sense that what people perceived wasn't real, what
25 they perceived is real and we reacted to it by

1
2 changing the way of our engagement. We will continue
3 to adjust our engagement based upon what we hear from
4 [inaudible].

5 CHAIRPERSON ADAMS: But respectfully, and
6 thank you for that. Respectfully, it was NYPD that
7 actually announced this, rolled this out, and
8 basically why did-- why has the NYPD hosted all
9 meetings so far, in perception?

10 THOMAS GIOVANNI: well, they haven't
11 actually. To be-- they have been the vehicle to
12 engage the community first, the structure, but they
13 have not actually controlled or led the meetings in
14 that sense. Part of this endeavor, especially in the
15 listening sessions, though, is to actually hear from
16 the communities that were harmed, and it would be
17 inappropriate I think to impose another person or
18 another entity in between police and those community
19 members. Deputy Commissioner Parker has actually had
20 to sit and actually engage with that negative
21 community voice that has been out there in a way that
22 would not have happened if police weren't central to
23 this activity. They do need to be in the room. They
24 do need to be hearing the information directly from
25 community members. You're very correct, as Chelsea's

1
2 already said, they do not need to be in total control
3 of this process, and they are not, but they should be
4 first and foremost to hear from the community about
5 what we've done and about what needs to be done. So,
6 in that sense, we do need to perhaps calibrate how
7 this is getting received, but they should be there
8 and they should be at the forefront of this, as they
9 were at the forefront of the events that have led us
10 to this. So I think there's a parallel here that has
11 to be respected for them. They do belong in the
12 process.

13 CHELSEA DAVIS: I'll also add that we are
14 extremely grateful for the feedback that we got from
15 the community after the first eight listening
16 sessions that we described. We really tried to make
17 as many--create as many different kinds of forums as
18 possible, and again, here as much as possible from
19 people who are from communities that have borne the
20 brunt of over-policing and racially biased policing
21 in the City. I do think it would be helpful to hear
22 from Deputy Commissioner Parker about the meetings
23 that he has co-facilitated and a lot of the feedback
24 that he's heard from the community.

25

1
2 CHAIRPERSON ADAMS: So, with-- I'm sorry?
3 I was going to say with that great introduction,
4 Deputy Parker, would you like to chime in, because
5 I've got some questions for NYPD, but before I go
6 there do you have any remarks thus far?

7 DEPUTY COMMISSIONER PARKER: Yes, Chair
8 Adams. I would say this, that after the murder of
9 George Floyd at the end of May, the Governor's
10 Executive Order in June, on June 12th, the guidance
11 came out August 17th. From our perspective, from the
12 Police Commissioner down to the Police Department and
13 the Mayor's Office is that we're doing everything we
14 can to seize this opportunity, to hear as many voices
15 as possible, to take [inaudible] to what we can do to
16 reimagine public safety. I can tell you what we've
17 done. We're just-- the NYPD and the effort that we
18 made. I'm sure you're aware the town hall is the
19 first step. [inaudible] started on October 14th.
20 Chief Holmes led together with our co-sponsors to try
21 to go far and wide within the city to at least start
22 the conversations [inaudible] feedback. We've heard
23 from our co-sponsors, we've heard from our leaders.
24 The most important thing for the Police Department to
25 [inaudible] is to be listening. And so we've gone to

1 lots of different-- I'll give you an example of how
2 it's organized [sic] has gone. The conversation I
3 had with Fred Davy [sic] and the CCRB and
4 then-- so thankfully, they're-- they said, you know,
5 I think it would be really important for the Police
6 Department to hear voices of young people, and so
7 at their-- what day would you be willing to do that.
8 And so that was one of the conversations that we've
9 had. Those are conversations with the CCRB Youth
10 Counselor. There was the Chief Manager [sic]. I
11 think it was a two hour conversation with about 20
12 young people who are borough affiliated with CCRB
13 Youth Council, and then that led-- that was a very
14 productive, very poignant, very focused where we
15 listened to what the young people had to say
16 [inaudible] criticisms of the Police Department and
17 their ideas for how we could do better. That then
18 led to a town hall that the CCRB Youth Council put
19 together that invited young voices from across the
20 City. I think there were 200 young people on the
21 call, but on all these calls, that call, and I'll
22 tell you about some of the others, it's always been
23 we want to bring the voice to the table to hear what
24 they have to say for how we can help, how we can do
25

1 better. We don't control who-- whoever they want to
2 bring to that group, whatever it may be, whether it's
3 CCRB or NAACP or anyone else. It's always been you
4 bring the people to the voice. We want to listen and
5 we want to hear specifically how we can be better
6 [inaudible] specifically in the Police Department,
7 but also the City to protect and serve New Yorkers.
8 our meetings have ranged from-- we met with New York
9 Reform NYPD Now, which is a group of 60 [sic] top
10 community-based organizations from across the city
11 that are dedicated [inaudible] in their effort is in
12 protecting and helping and serving New Yorkers across
13 the city. They came to us with very specific ideas
14 about how the Police Department could be better, and
15 we went-- in fact the Police Commissioner met with
16 them. They went through item by item of each one of
17 their suggestions. That was one of the conversations.
18 We met with the leadership with [inaudible] and the
19 leadership of the NAACP and her branch leaders, very
20 specific and that was with the Police Commissioner,
21 very specifically their ideas of what the police
22 Department and the City needs to do--

24 UNIDENTIFIED: [inaudible]

2 DEPUTY COMMISSIONER PARKER: [inaudible]
3 with follow up recommendations from their legislative
4 counsel [inaudible] that are followed up with very
5 specific suggestions for what we need to do on the
6 path forward. We've met with men who are working at
7 the Columbia Center for Justice who are people who
8 have come home from prison that are now
9 professor/teachers as part of that initiative. We
10 talked very specifically about their experience. A
11 lot of these are [inaudible] of bad experiences, very
12 bad experiences happen in their life with police
13 officers, but also [inaudible] I would say a theme
14 through every conversation, I've probably had 50 of
15 them with our partners from the Mayor's Office and
16 with our co-sponsors. Every conversation I've had
17 has been a constant theme has been how much New
18 Yorkers crave [sic] this conversation. It's going to
19 be real, and we're really going to talk about it.
20 They're coming to the table with very specific ideas
21 and leaning into this conversation. The three things
22 that's very much the message, the passionate message
23 of our first five speakers, and I'm so sorry for
24 their losses of their sons, their brother, but it's--
25 one it's accountability. It's not that-- they want

1
2 it comes to people suffering from mental illness,
3 people who are homeless, people who are suffering
4 from a substance abuse disorder [sic], schools,
5 safety in our schools, traffic, all those are
6 questions, but we've heard in lots of different
7 perspectives ranging from people who have had very
8 bad experiences. We've also had conversations, for
9 example, with the Greater Harlem Group Coalition.
10 They're very frustrated, I think as you may know and
11 others know, very frustrated with how the city-- all
12 city agencies are responding to challenges that they
13 face. We met with Harlem Mother Save [sic], and we
14 met with the parents of people who have lost their
15 children to gun violence. We-- what we've done is
16 the best we possibly can to hear as many voices as we
17 possibly can. Nobody that we haven't set a schedule
18 of all who wants to talk with us. We're working as
19 fast we can, but at the end, the [inaudible] whether
20 we're rogue [sic] or not, right? That will be what
21 we're doing, but I could tell you from our team, the
22 First Deputy Mayor's of the Police Department, we've
23 dropped everything that we're doing basically to take
24 advantage of this opportunity, because that's what
25 the Police Commissioner, and specifically to me and

1
2 our team, and their [inaudible] us this isn't a
3 burden. That's exactly what word it is, this is an
4 opportunity. We are in a historic moment in time,
5 right now, and we're either going to swing for the
6 fences or we're not, but we are going to take
7 advantage of it, and so that's what all of us have
8 done the very best we could do.

9 CHAIRPERSON ADAMS: Thank you very much.
10 Thank you very much, and that was-- and I'm asking
11 this because I know that, again, NYPD has taken the
12 lead, and I'm not questioning the work that you've
13 done thus far, but we-- this is a collaborative
14 effort for reform, and it sounds like you're doing
15 your due diligence as far as the NYPD is concerned,
16 and that's appreciated. We're trying to bring
17 together the entire collaborative to make this happen
18 for the people of the City of New York and to meet
19 this Executive Order. So we're six months into a
20 nine-month process, and really it sounds like the
21 only agency that's held a listening session is the
22 NYPD. Can we share some engagements, some more
23 engagement? What about the Department of homeless
24 services? The Department of Health and Mental
25 Hygiene, the Department of Education, some of those

1 very agencies that we've heard the families talk
2 about this morning when they're talking about
3 defunding and where the money and the budget dollars
4 in their estimation should be reallocated. So where
5 are those listening session's? Where have those
6 talks gone? How many meetings has the admin had with
7 other agencies that should be involved as a part of
8 this important collaborative to make this reform
9 happen and to meet this objective.

11 CHELSEA DAVIS: Thank you for that
12 question. I'm grateful to be able to clarify sort of
13 the meetings that we've had so far and what
14 leadership looks like. We're extremely grateful for
15 Deputy Commissioner Parker's extremely honest
16 facilitation of many of these meetings. All of the
17 meetings that we have described so far, well over 50
18 meetings with hundreds of organizations and
19 individuals have been hosted by the whole
20 collaborative, which again is led by Frist Deputy
21 Mayor Dean Fuleihan. Many of the meetings are
22 facilitated by Deputy Commissioner Parker and our co-
23 sponsors, but we are all leading those meetings. We
24 are all directly hearing the feedback and following
25 up. Additionally, the Mayor's Office of Criminal

1 Justice has very, very regular contact with all
2 criminal justice stakeholders, policy experts,
3 policing experts, policing advocates, and they can--
4 Marcos can speak more to their engagement as well. I
5 will also add to your point that re-thinking the role
6 of police, understanding that we need to right-size
7 the police force, right-size what functions they do
8 and what they don't is a key part of this plan and
9 will be a line of many of the recommendations and the
10 plans that we hope to implement and that we hope to
11 publish in the draft report. We are certainly
12 working with DHS, the Department of Homeless
13 Services, on implementing the commitment over the
14 summer to transfer all of homeless services and
15 outreach away from the Police Department. We also
16 work very closely with Thrive, particularly in making
17 sure that we can effectively implement and eventually
18 expand programs to ensure that mental health crises
19 get the response that they deserve from a health
20 perspective and not a law enforcement perspective.
21 So, I'm happy to talk through other meetings that
22 we're having. We're also meeting with the runaway
23 youth and homeless services providers to make sure
24 that we are addressing needs through non-law
25

1 enforcement mechanisms outside the criminal justice
2 system so we don't criminalize poverty, and so we
3 don't criminalize homeless, and that we respond to
4 health crises appropriately. Marcos, do you have
5 anything to add about the Mayor's Office of Criminal
6 Justice's leadership on engagement with criminal
7 justice stakeholders?
8

9 MARCOS SOLER: I would simply add two
10 things. One is, from the beginning of the
11 Administration in our role in providing policy advice
12 to the Mayor and to the First Deputy Mayor, we have
13 been a strong advocate for the position that we need
14 to reduce a footprint of the criminal justice system
15 in the City of New York. As a result of that, we
16 have engaged very widely with all groups. In order
17 to advocate from police [inaudible] vision of public
18 safety to community-centric vision of public safety.
19 That is something that we did from the beginning and
20 we have not changed on this process [inaudible]. So,
21 that has allowed us to connect [inaudible] stated
22 before. The DA's, the Defenders, and some instances
23 people have come to the table. Some instances after
24 coming to the table they have decided to take
25 different steps. We understand that, but we have

1
2 communicated with multiple city agencies. We have
3 certainly talked, as I said before, to a lot of our
4 partners in the community with every CMS [sic] group,
5 whether they're re-entry organizations, and our work
6 in this work of changing the criminal justice system
7 every day. The second is, to state a point, and
8 Chelsea has stated before very clearly, our role is
9 in this process is to support to the people who are
10 leading in these case, the First Deputy Mayor's
11 Office on behalf of the Mayor. Certainly, that's the
12 way we see it. We do not-- we-- this process is not
13 ran by the Police Department. This process is to
14 remain by the Mayor and the First Deputy Mayor, and I
15 can attest to that. I can assure you that is the
16 approach we certainly are taking in our office.

17 CHELSEA DAVIS: I'll also add a few other
18 agencies that we are meeting with regularly,
19 including MOPD and NGBD, the Office to End Domestic
20 and Gender-based Violence. Part of this plan will
21 also be implementing recommendations to take-- to
22 address family violence and gender-based violence
23 outside of the criminal justice system as well as to
24 create permanent structures for working with
25 community members and organizations with direct lived

1
2 experience. There was also a program implemented in
3 Brownsville recently that I think speaks to a lot of
4 what you're talking about, about the need to build a
5 shared vision of public safety through providing
6 services as opposed to criminalization. So, I would
7 love if the Police Department and the Mayor's Office
8 of Criminal Justice can talk a little bit more about
9 that program which the Mayor has said already that we
10 are certainly looking to expand citywide all programs
11 that can re-envision public safety, utilizing as much
12 service provision as possible. But before that, I
13 will also just quickly reiterate that this process is
14 absolutely not over and will not be over when we
15 publish this plan and start to implement it on April
16 1st. We would love for any Council Members to
17 provide more recommendations or to give us more ideas
18 of people who should be meeting with your
19 constituent's organizations. We are continually
20 looking to set up new avenues of real engagement and
21 to create neighborhood-based systems for increasing
22 trust.

23 CHAIRPERSON ADAMS: Ms. Davis, were you
24 talking about the pilot program in Brownsville?
25

1
2 CHELSEA DAVIS: Yes, I was. I think that
3 it's a good example of the kinds of strategies that
4 you're alluding to that utilize community-based
5 organizations and other city agencies to provide
6 services in order to create public safety that's
7 dictated by the community as opposed to dictated by
8 the police.

9 CHAIRPERSON ADAMS: I would like to hear
10 the NYPD talk about that pilot program, expound on
11 that a little bit. In an article, the Mayor said
12 that it had his full support. I'd like to know if
13 the NYPD fully supports it, and if so, when can we
14 expect the next one. So, Chief Holmes, did you want
15 to speak to that?

16 CHIEF HOLMES: Yes, good morning. How
17 are you?

18 CHAIRPERSON ADAMS: Good morning.

19 CHIEF HOLMES: So, good morning, and
20 thank you for the opportunity to address what took
21 place in Brownsville community. Since [inaudible]
22 office in October, the position of Chief of Patrol, I
23 distributed a memo to all PSP commands, pretty much
24 an operational strategy consisting of five pillars,
25 one of which challenges each commander to reimagining

1 neighborhood policing by developing creative ways to
2 engage the community with that. I have the pleasure
3 of saying that Deputy Inspector Terrell Anderson
4 who's the Commanding Officer of the 73 precinct did
5 just that. How did he do that? We try to think of
6 this as a community solution, working with the
7 community together. he pretty much had-- one of the
8 TA Presidents assigned to Van Dyke Houses challenged
9 him as what, you know, what could be done about a
10 two-block radius that believe it or not was not
11 really on our radar. There weren't many 311 calls
12 there. There weren't many 911 calls there. So, but
13 still, the area still send to the community to be
14 very seedy looking and required some services. It is
15 surrounded by some of our developments there that
16 have some violence. So, with that, there were some
17 police deployment, but strictly to address the
18 violence. What he did was go to the table with one
19 community-based organizations or bigger, Brownsville
20 in, violence out, as well as New York City Sanitation
21 because there were a lot of garbage or sanitary
22 issues that needed to be addressed as well. And they
23 sat down to the table and Bivo [sic] agreed to being
24 deployed in that particular two-block radius for 10
25

1 hours a day, from 12 noon to 10:00 p.m. In addition
2 to that it was probably about a total of 32 other
3 service providers, not at the same time, but
4 throughout the five-day span that they were deployed
5 there. So, if they ran into someone in the community
6 that required particular services, stark [sic]
7 homelessness or job opportunities, they were there to
8 kind of guide them and lead them over into the
9 direction of these other community-based
10 organizations that were assisting with this. So, the
11 looked at it for a five days, and based on some of
12 the surveys that were given out in the community
13 including the business owners that were pulled into
14 this. People like it. The area was clean several
15 times throughout the week by Sanitation. So,
16 therefore, just cleanliness itself gives this
17 different appearance. But with that, that's exactly
18 what I was asking the commanders to do, and we will
19 continue that but on a bigger level, and naturally,
20 because of the diversity of New York City, it will
21 look different in different communities. But with
22 focus on our black and brown communities, and
23 definitely strengthening the relationship, trying to
24 re-establish the faith and trust in their Police
25

1 Department, we're definitely focused more in those
2 communities with this community solution philosophy.
3 And that's just identifying matters of the community
4 with the community. What is- like, I heard
5 Commissioner Parker speak about, I think it's the
6 Greater Harlem Initiative. We had a phone call with
7 them, and they spoke about the appearance in the area
8 with the methadone clinic and the homeless, certain
9 issues encompassing the 25 and 28 precinct that we
10 spoke with Councilwoman Ana-- Ayal-- Anayla, I think
11 it is.
12

13 CHAIRPERSON ADAMS: Ayala.

14 CHIEF HOLMES: Ayala, thank you. That we
15 spoke with her about that we've been addressing. So
16 those are some of our focuses just taking the--
17 trying to prioritize and taking the primary issues in
18 each community and having this command roster re-
19 enhanced, because we always had it where we had
20 numbers and contacts, key stakeholders in the
21 community to address whatever issues need to be
22 addressed. And now, bringing everybody to the table,
23 Cure Violence, Sanitation, homeless, everyone plays a
24 role and then determining who should take the lead on
25 whatever particular issue that's being met. So,

1 that's something that was pushed out. I came-- I
2 started in October, like I said, the end of October.
3 I pushed that out within a two week span, and now
4 we're going to capitalize off of that. I know we
5 had-- we had one meeting with Brooklyn North [sic],
6 because naturally Brooklyn North and the Bronx has
7 true-- a lot of violence in the city as far as gun
8 violence is concerned. So we're definitely focused
9 there, but also keeping our foot to the pedal and
10 communities such as Harlem.

12 CHAIRPERSON ADAMS: So, that sounds very
13 positive. So, when can we expect the next one?

14 CHIEF HOLMES: So, the next one has begun
15 in Brooklyn North already, and you know, we-- we had
16 a meeting last Thursday I think with the commanders
17 and the borough commander Judith Harrison [sp?]. so
18 they are currently now identifying their key areas of
19 each of the Brooklyn North commands and developing
20 that type of relationship or partnership with key
21 stakeholders, and hopefully to be implemented by the
22 beginning of next week. We have-- and we will be
23 monitoring that as well, you know, managing it,
24 ensuring that it's working, and if it's not, going
25 back to the drawing board. What can we be doing

1
2 differently? I like it. I love it. I think it
3 brings everyone into play because everyone has an
4 onus to keeping this city safe.

5 CHAIRPERSON ADAMS: I agree.

6 CHELSEA DAVIS: Expanding these kinds of
7 partnerships and programs citywide will absolutely be
8 a key part of our reform plan. I think the City's
9 crisis management system and Cure Violence providers
10 are such an essential partner for doing that work at
11 the local neighborhood community level and figuring
12 out what public safety means and what's required of
13 that specific community. So, Marcos, can you speak
14 more to the kind of neighborhood level work being
15 done with Cure Violence providers?

16 MARCOS SOLER: Absolutely. As you know,
17 Madam Chair, the Be Yourself [sic] is criminal
18 justice houses, the Office of Neighborhood Safety
19 that includes both the Office [inaudible] Violence
20 and the Mayor's Action Plan for Neighborhood Safety,
21 both of them are community-centric approaches to
22 problems of gun violence and crime. [inaudible] the
23 Mayor from the beginning of the Administration has
24 supported very strongly the expansion of the program.
25 The Program only started with two or three sides

1 right now. It's included in about 20 different
2 precincts in the city and continues to expand with
3 additional support from the Mayor for FY21 and FY22
4 even in the very difficult circumstances [inaudible].
5 And is our commitment as has been from the beginning
6 of the Administration to continue the expansion of
7 the model, a model that has achieve highlighted
8 [inaudible] highlighted demands or requires the level
9 of internal cooperation and trust between the Police
10 Department and obviously members of the community.
11 It's a model in which we know works better. Not when
12 one works separate from the other, but when one and
13 the other are supporting each other, that's also what
14 our numbers suggest in terms of outcomes, in terms of
15 evaluations. We see that it's both generating
16 greater reduction in crime, but also in addition to
17 that generating [sic] greater levels of community
18 trust, and part of that, again, is that there is no
19 exclusion here. There is no one person leads, but
20 rather it's a very community-centric approach to make
21 sure that we are both working together, community and
22 the Police Department, and the criminal justice
23 system, and the City as a whole in order to change
24 the way infrastructure of our neighbors, the human
25

1 capital, the social infrastructure, and obviously
2 address some of the underlying problems that we have
3 seen and experienced for too long. We will continue
4 to do this work and it will be central to our reform
5 work. You will see that in the plan that we will
6 submit.
7

8 CHAIRPERSON ADAMS: Okay, thank you. I
9 agree. I think it's very important to continue to
10 strengthen the relationships between NYPD and Crisis
11 Management system much tighter than it is. We've got
12 work to do in that arena, because I think a lot of us
13 will agree that the violence interrupters hold a
14 very, very key role in our communities and they are
15 the glue really between the police and the community.
16 So, that said Chief Holmes mentioned diversity. So
17 I'm going to ask this and then I'm going to turn it
18 over to my colleagues. You know, there is definitely
19 a diversity issue that has to be addressed when we
20 look at police reform. We see that leadership is
21 predominantly white, while we see that the ranks are
22 people of color. So, how much outreach are we doing
23 to officers of color with regard to this reform
24 process, especially those that are not in leadership,
25 and what have their responses been? Because I can

1
2 tell you, feedback that I have received from the rank
3 and file is a total disconnect from leadership. Some
4 officers feel--officers of color, black and brown
5 officers feel that they're not heard, they're not
6 respected, and they feel that their own union does
7 not represent them. So how are we really, really,
8 really addressing the issue of race in the NYPD?

9 CHELSEA DAVIS: Improving diversity,
10 equity and inclusion in recruitment, in retention,
11 and promotion will absolutely be a major goal of this
12 reform effort. I will leave it the Police Department
13 to talk through not only the engagement with officers
14 that they've done as part of this plan, but the ways
15 in which we're dedicated to making that a much more
16 permanent mechanism for continuing to get this
17 feedback and meet the goals that I think diversity,
18 equity and inclusion in this context are for, which
19 is representing communities, respecting communities
20 that we serve, and certainly improving the way that
21 police interact with all members of the public.

22 CHAIRPERSON ADAMS: NYPD, do you have
23 anything to add to that?

24 ELIZABETH DAITZ: Yes, good morning
25 Chairperson Adams and members of the City Council and

1 members of the public that have joined us today. My
2 name is Liz Daitz. I'm the Executive Director for
3 Strategic Initiatives for the NYPD. The
4 collaborative led by [inaudible] and the Deputy
5 Commissioner of Equity and Inclusion here at NYPD
6 hosted 13 meetings with uniformed and civilian
7 members of the NYPD covering a whole rank, ages,
8 races, genders, orientations, ethnic backgrounds, and
9 assignments. More than 266 members participated in
10 those opening listening sessions where matters of
11 equity, inclusion, diversity, transparency, as well
12 as disciplinary and promotion process, as well as
13 resiliency were thoroughly discussed. I can also say
14 that you're correct, ma'am, that union leadership is
15 not the only leadership in the NYPD. We did engage
16 with all 36 fraternal organizations which represents
17 a myriad ethnicities and religious groups here in
18 NYPD to get their take on what better leveraging the
19 diversity of the ranks and holes [sic] in this
20 organization to build bridges with the communities
21 that we serve. I can also say that we distributed a
22 survey to our employees, uniformed and civilian.
23 We've received over 4,000 responses to-date, and
24 everyone I think who has spoken thus far has
25

1
2 reiterated, we intend to use this process to build a
3 framework for continuing engagement with all of our
4 members rather than through the traditional chain of
5 command channels [inaudible]. Our members are
6 critical stakeholders in this process, and we
7 continue to engage with them on all matters of
8 concern for the Department.

9 CHAIRPERSON ADAMS: Okay, thank you.

10 Before I turn it over to my colleagues, one note, and
11 I'll probably come back for a second round. Last
12 month, the former Council Member Ritchie Torres and I
13 held a joint hearing on racial bias. The subject
14 matter was the investigation of James Kobel, aka
15 Clouseau. I want to know whether or not he's been
16 fired.

17 MICHAEL CLARKE: Inspector Kobel has not
18 been fired yet, but he was suspended without pay last
19 week, and the disciplinary process is ongoing, but
20 that was next step is he's been suspended without
21 pay.

22 CHELSEA DAVIS: I also really want to
23 thank you for that question and to thank you and your
24 colleagues for holding that hearing. An explicit
25 goal of this reform plan is, of course, eliminating

1
2 racially-biased policing, and to accomplish this we
3 are committed to improving preventative efforts,
4 early intervention, and of course, true
5 accountability, and that's going to be a major part
6 of this plan, and we look forward to talking more
7 about that.

8 CHAIRPERSON ADAMS: I think we really
9 ought to take a look at-- well, obviously a lot of
10 things in reform, but one of the things that
11 especially gets me is that it appears very little
12 consequences for bad behavior. Again, as heard by
13 these families this morning. Again, as heard by
14 these families that still have no justice for dead
15 relatives. There has got to be accountability for
16 bad behavior, not suspension, not pay, firing and/or
17 prosecution. That said I'm going to turn it over to
18 my colleagues for questions at this time.

19 COMMITTEE COUNSEL: Thank you, Chair. I
20 will now call on Council Members in the order that
21 they have used the Zoom raise hand function. If you
22 would like to ask a question and you have not yet
23 used the Zoom raise hand function, please do so now.
24 Council Members you have a total of three minutes to
25 ask your questions and receive an answer from the

1 panelist. The Sergeant at Arms will keep a time,
2 will let you know when your time is up. When I call
3 on you, please wait 'til the Sergeant has announced
4 "You may begin" before asking your questions. First
5 three Council Members will be Menchaca, followed by
6 Lander, and Riley.
7

8 SERGEANT AT ARMS: Time starts now.

9 COMMITTEE COUNSEL: Council Member
10 Menchaca?

11 COUNCIL MEMBER MENCHACA: Yes, thank you
12 so much. Thank you to the Chair and the
13 Administration. I'm just curious that the-- kind of
14 the main folks that have been presenting today have
15 been the Administration on the Deputy Mayor's side
16 and not the NYPD, including Commissioner Shea
17 himself. And so is there a quick response to why
18 he's not here representing since the NYPD has been
19 the focus of this whole operation and conversation
20 that we're having today?

21 CHELSEA DAVIS: We'll ask PD to answer
22 the question about the Police Commissioner, but I'll
23 just add that I'm here today as a representative of
24 First Deputy Mayor Dean Fuleihan who's leading this
25 collaborative as with my colleagues Thomas Giovanni

1
2 as well as Marcos Soler from the Mayor's Office of
3 Criminal Justice, but I'll ask my colleagues at PD to
4 respond to your questions about the Police
5 Commissioner.

6 UNIDENTIFIED: Hi, good morning everyone.
7 So, as you probably heard, the Commissioner tested
8 positive for COVID-19, so he's at home. He's
9 resting, and he's looking forward to getting back to
10 the office now, but he's entrusted us, Deputy
11 Commissioner and others in this room to go feed this
12 process from day to day [inaudible].

13 COUNCIL MEMBER MENCHACA: Okay, so just
14 so I can-- cause I only have like another minute.
15 You're saying that he's not a work right now and he's
16 entrusting you to take this on.

17 UNIDENTIFIED: Correct.

18 COUNCIL MEMBER MENCHACA: Okay, alright.
19 I wish him a speedy recovery. So we've heard from
20 the organization and advocates that the
21 Administration has run a failed process and has
22 allowed for the NYPD to run it all, which is why I
23 want Commissioner Shea to be here. But I've heard
24 from advocates that the Administration pulled
25 together a lead committee that was supposed to have a

1
2 role independent from the NYPD-run process, but MOCJ
3 and the First Deputy at the Mayor's Office held one
4 meeting and then completely dropped the communication
5 with a dozen or so advocates that pulled together
6 after they responded. Given the complete failures of
7 this process-- and I think it's already come out
8 already in this hearing-- what specific organizations
9 that have had long-standing expertise on police
10 reform and who have regularly criticized NYPD given
11 power to help develop the city's plan? We're hoping
12 that you can really engage those organizations.

13 CHELSEA DAVIS: I really want to thank
14 you for asking that question. We are certainly
15 hoping that we hear from organizations who want to
16 have really difficult discussion with us. You know,
17 we are not looking to only talk to--

18 COUNCIL MEMBER MENCHACA: [interposing]
19 Let me just pause you there. That's an aggressive
20 move. It's one thing to just wait for organizations
21 to come. I'm asking for a pro-active move that the
22 Administration is engaging in, and that is active.
23 We know the organizations that are wanting to be in
24 the room. That's what I'm trying to find out.

25 SERGEANT AT ARMS: Time expired.

1
2 CHELSEA DAVIS: Sure. So, as I mentioned
3 in my testimony, the order requires the Mayor to
4 convene the Police Chief and community stakeholders
5 and to allow all stakeholders to submit
6 recommendations for our reform plan. We've gone far
7 beyond that and have been doing a great amount of
8 outreach to many, many organizations in partnership
9 with the three co-sponsors here. That certainly
10 includes policy experts. We can speak to the more
11 specific advocates, experts and community groups that
12 we've spoken to, but I also just want to reiterate
13 that this process is not over. If any members are
14 hearing from constituents or groups that we haven't
15 met with yet, that we haven't reached out to, we
16 absolutely want to do so. I will ask Marcos to speak
17 to some of the regular experts in this area that
18 we've been working with.

19 COUNCIL MEMBER MENCHACA: Thank you,
20 Chair. I'd like to come back on second round.

21 COMMITTEE COUNSEL: Next-- thank you,
22 Council Member Menchaca. Next up will be Council
23 Member Riley followed by Council Member Lander.

24 SERGEANT AT ARMS: Time starts now.
25

1
2 COUNCIL MEMBER RILEY: Thank you, Chair
3 Adams and Administration. I really do appreciate
4 most importantly the families that came out today to
5 give their testimony. The basis of today's
6 conversation has been accountability and
7 transparency, and seeing what we just saw and realize
8 my first day actually started last Wednesday, and
9 what we seen at the Capitol and seeing also what we
10 seen during the summer when we protested for George
11 Floyd and Breonna Taylor, have there been any
12 accountability that came from the leadership of NYPD
13 to condemn the actions of those who participated in
14 the riot at the capitol this past Wednesday? My next
15 question also is, I heard a lot about stakeholders
16 having a say-so for the police reform process, but we
17 do have families on this call who are also
18 stakeholders who are immediately impacted by police
19 shooting. Have they been given the opportunity to be
20 a part of this process also? And last, but not
21 least, there was a report that came out this weekend
22 with the de-escalation program in Newark that seemed
23 to work out for them that had, I believe, one
24 shooting which happened at the end of last year. Has
25

1
2 NYPD looked into that de-escalation program and
3 thought about incorporating it into this? Thank you.

4 CHELSEA DAVIS: Thank you so much and
5 congratulations, Councilman. We're glad you could be
6 here with us today. Thank you for your time. To
7 speak to your first question, we think it's essential
8 for the Department to have real accountability. That
9 means discipline for individual officers for
10 individual complaints and accountability for the
11 Department as a whole when systemic issues are
12 identified. I'm happy to have the opportunity to
13 speak to how horrible the events were last week at
14 the capitol. But could the Police Department please
15 speak to-- I think the question was changes that have
16 been made that came from PD leadership since the
17 protests this summer. And so I would love for the
18 Police Department to speak to that, and we'll just
19 reiterate that we're grateful for the reports of the
20 Department of Investigation and the Law Department,
21 and the Mayor's already committed to implementing all
22 of the recommendations that came out of those,
23 including one that we think is particularly
24 meaningful, and that's consolidating the independent
25 external oversight agencies which will lead us to

1
2 take a really big step toward increasing both that
3 individual systemic accountability. But PD, could
4 you speak to any changes that have been from the
5 summer.

6 CHIEF HOLMES: Yes, hi. It's Chief
7 Holmes, and congratulations, Councilman. So, I'll
8 speak to changes that have been made since the
9 demonstration-- since the demonstrations last summer.
10 So there have been several changes made as a result
11 of that. One, I think, key position that was
12 replaced, we used to have an Assistant Chief-- I'm
13 sorry, Deputy Chief who was the Chief of Operations,
14 and operations oversees the deployment for our
15 Disorder Control. They oversee the mock drills that
16 are put in place so people are very familiar with
17 what it is that's the conduct that's supposed to be
18 conducted during demonstrations. As a result of
19 that, what we identified was there was a lack of
20 training as far as disorder control. Back then-- we
21 still have certain taskforces that are identified to
22 actually take on these responsibilities during
23 demonstrations, but we were met with challenges last
24 summer that were never seen, and I've been here a
25 little over 30 years within the Department, and

1 especially the numbers of people that we were met
2 with, and not to mention, some of the bad actors that
3 attempted to blend in with that. But with that being
4 said there was training given to ten-- probably about
5 12,000 members were retrained in disorder control. I
6 told you about the Chief that's in place. The
7 leadership, the executives were also given essential
8 training regarding disorder control, and maybe that
9 addresses-- maybe, maybe not. It addresses, I know,
10 our public safety chair addressed earlier today with
11 some of the questioning that went on with executives
12 and DOI. But I can honestly say there were a lot of
13 them that were out there that really, really weren't
14 as well-versed as they should have been when dealing
15 with disorder control. So, there have been a lot of
16 changes since then as I said, and this is before the
17 DOI report, because what we always do at NYPD is take
18 a look back, what could we have done differently,
19 what could we have done better? And we identified a
20 lot of those key areas that were identified in the
21 DOI report. And with that, that's how the training
22 was implemented. And also, I know we spoke about
23 taking into consideration the recommendations made by
24 the-- that were forthcoming in the DOI report.
25

1
2 CHELSEA DAVIS: Sorry, to speak to your
3 question about the de-escalation training in Newark.
4 We have spoken-- members of the Administration and
5 the Police Department have certainly been in
6 communication with Newark and improving de-escalation
7 is certainly a part of this reform plan and will be
8 always an ongoing goal of improving policing.

9 UNIDENTIFIED: [inaudible] but I think
10 the members of the NYPD, like most people, were
11 horrified by what was [inaudible] D.C. It was
12 outrageous, and you know, to attack the most
13 fundamental moment of democracy, the peaceful
14 transfer of power, was shocking to all of us.

15 COMMITTEE COUNSEL: Okay, I believe we're
16 ready Council Member Levin, you're going to be up
17 next.

18 SERGEANT AT ARMS: Time starts now.

19 COUNCIL MEMBER LEVIN: Thank you very
20 much, Chair. I appreciate the time. I want to ask
21 about discipline. A recent New York Times report
22 identified that the Commissioner takes the
23 recommendations from CCRB approximately 29 percent of
24 the time. So CCRB does its investigation. Sometimes
25 it'll conduct its own, you know, administrative trial

1 of sorts. Other times it's in NYPD trial, but 29
2 percent of the time the Commissioner takes that
3 recommendation because-- and the reason he can, he
4 has the discretion to take the recommendation is that
5 the Commissioner has full authority under the add
6 code section 14.115. First off, I mean, first
7 question is can you explain why 29 percent of the
8 time the recommendations are taken from the CCRB?
9 That includes, by the way, instances where the CCRB
10 and the officer, the offending officer, have actually
11 made a plea deal, and there are incidences where the
12 Commissioner doesn't take that recommendation. So,
13 first can you explain why that percentage is so low?
14 Secondly, at a recent CCRB meeting, Chair Fred Davey
15 [sp?], was-- said, and this was in a Republica
16 article from a couple of weeks ago, that it is time
17 to look at final authority, meaning time to explore
18 changing that final authority discretion to the
19 Commissioner under 14.115? so, my first question is
20 why is it so low that concurrence rate, and why-- and
21 does the Administration agree, and is it going to be
22 part of this plan to reform 14.115 taking full final
23 discretionary authority away from the Police
24 Commissioner on discipline?
25

1
2 CHELSEA DAVIS: Thank you very much for
3 this question. We absolutely agree that CCRB is a
4 fundamental component of police oversight, and I know
5 working with Council we've seen them strengthened and
6 enhanced significantly over the past several years.
7 We have met with CCRB a number of times for this
8 initiative. They have also led on public engagement
9 with use and with other civilian oversight agencies,
10 and we're very grateful to them for that. They've
11 made their recommendations to the Administration as
12 part of this plan extremely clear, and I think you'll
13 be hearing from them later today. They hosted a
14 youth town hall with their Youth Advisory Council. If
15 you haven't seen it, I believe it's on their website.
16 I highly recommend watching it.

17 COUNCIL MEMBER LEVIN: I'll check it out.

18 CHELSEA DAVIS: It's absolutely critical
19 that CCRB be fully empowered to perform their
20 oversight role, and that includes making sure they
21 have access to the investigative material [sic].

22 SERGEANT AT ARMS: Time expired.

23 CHELSEA DAVIS: We want to ensure that
24 all of the oversight agencies are working seamlessly
25 together in performing their roles as effectively as

1 possible, and that really speaks to the DOI
2 recommendations to consolidate oversight agencies,
3 and we are working to implement that this year as the
4 Mayor said. So, I will ask Marcos Soler from the
5 Mayor's Office of Criminal Justice to speak to why
6 that recommendation is so important and how it will
7 improve oversight,--

9 COUNCIL MEMBER LEVIN: [interposing] Okay.

10 CHELSEA DAVIS: and I'll also ask the
11 Police Department to speak to the disciplinary matrix
12 that's going to be coming out--

13 COUNCIL MEMBER LEVIN: [interposing] I
14 know about the disciplinary matrix. I want to know
15 why it's so low, 29 percent, the concurrence rate or
16 that when the Commissioner actually implements the
17 recommendations of CCRB. And very specifically, does
18 this Administration agree with Chair Fred Davey that
19 it is time to reform 14.115 and remove full
20 discretion, final discretion from the Police
21 Commissioner so that New Yorkers can have some
22 confidence that there's a fair system in place for
23 discipline. Because right now, as you heard from the
24 first panel, and as I'm sure you've heard in these
25 public listening sessions. It is-- New Yorkers do

1 not have confidence. When they see that it takes
2 five or six years to fire Daniel Pantaleo, they don't
3 see any other officers held accountable that were
4 involved in Eric Garner's death. And there was even--
5 - and then when the city court counsel says in court,
6 "Well, we don't have to discipline those officers,
7 because the Police Commissioner has full authority."
8 That was in a Politico article earlier this summer
9 regarding the Garner case. So, does the
10 Administration agree with Fred Davie, the Chair of
11 the CCRB, that it is time now to give New Yorkers
12 some confidence that there's a fair and impartial
13 adjudication of disciplinary complaints, especially
14 when it comes to use of force? So, sorry, I just--
15 this is something I feel very strongly about. I'm
16 being told I have to move on.

18 CHELSEA DAVIS: I'll start by saying that
19 no idea is off the table for what will be in our
20 reform plan at this point. I absolutely agree that
21 with that low concurrence rate between CCRB
22 recommendations and discipline it's extremely
23 difficult to build trust with the community. It's
24 extremely difficult to show that there are real
25 accountability mechanisms. So, we are looking at the

1
2 matrix that I would like PD to talk about which is
3 one of the major goals it to make sure to increase
4 that concurrence to make sure that everyone sticks to
5 the matrix and that there is transparency around the
6 discipline process and around the Police Department's
7 decisions. There is really no accountability without
8 that consistency, without that transparency, and
9 without the timeliness that you talked about as well.
10 That is a major goal of the matrix, but it's also a
11 major goal of the other much larger policy decisions
12 that we have to make. So I'll ask the Police
13 Department--

14 COUNCIL MEMBER LEVIN: [interposing] No,
15 I agree and applaud you all for the efforts that
16 you've made and our former Chair and now Queens
17 Borough President Donovan Richards for implementing
18 the matrix, because I do think that that's an
19 important tool.

20 CHELSEA DAVIS: Absolutely.

21 COMMITTEE COUNSEL: Council Member Levin,
22 we will now turn to Council Member Miller followed by
23 Council Member Lander and Council Member Rosenthal.
24 Those are the remaining Council Members that I have,
25 that I see have used the Zoom hand raise function.

1
2 If there are any other Council Members who'd like to
3 ask questions, please raise your hands. Council
4 Member Miller?

5 SERGEANT AT ARMS: Time starts now.

6 COUNCIL MEMBER MILLER: Thank you so
7 much. Good morning. Good afternoon now to Chair and
8 all those involved, particularly the families. I
9 hope that you are still with us and so that you see
10 that we are attempting to give this hearing and your
11 causes the gravity and depth that they deserve, but I
12 would like to raise a public objection to this
13 hearing being held simultaneously at the same time
14 that we are hearing-- having a hearing on racial
15 impact of rezonings in the Land Use. [inaudible]
16 should read the report and I'm listening as much as I
17 can here this morning, and I see a lot about the
18 proposed what has done and some of the forums that
19 have been held in talking about some of the upcoming
20 objections-- objectives based on the reforms and
21 oversight goals. And I would submit that over the
22 past year or two, three, that if you-- depending upon
23 your geography, one might believe that this has been
24 impactful, and then you step outside your zone and
25 you kind of see that it is business as usual,

1 particularly in these marginalized communities. And
2 so, what we see is that in these historically
3 disenfranchised communities that it's business as
4 usual and that we would like to see a difference in
5 the impact on the-- as Steve just mentioned, as
6 others, in terms of discipline, number one, but in
7 terms of policy and procedure, actually making a
8 difference. So, with that being said, could you once
9 again elaborate on discipline and then could you let
10 me-- let us know if bail reform, the Executive Budget
11 or legislative reform such as chokehold and 50A has
12 any impact-- has had any impact on the implementation
13 of such reforms? And obviously, I'm a little
14 discombobulated jumping back and forth, but if we can
15 talk about discipline and then--

17 COMMITTEE COUNSEL: Ms. Davis, did you
18 get the question?

19 CHELSEA DAVIS: Yes, I did. Sorry, it
20 [inaudible]

21 COUNCIL MEMBER MILLER: Okay.

22 CHELSEA DAVIS: Thank you very much. We
23 absolutely agree that discipline is core to this
24 plan. With the lifting of 50A, we really look
25 forward to being able to have a lot more transparency

1 about the discipline process. I'll reiterate how
2 essential we think improving the discipline process
3 is for this overall plan. There is no true
4 accountability without discipline for individual
5 officers as well as accountability for the Department
6 as a whole for systemic issues. What officers are
7 disciplined for should reflect the values of the
8 Department, should reflect stronger [sic] public
9 safety that communities have, should reflect what we
10 think makes a good police officer. Accomplishing
11 this is a core goal of reform. I would ask the
12 Police Department to talk through the discipline
13 matrix that will be coming out at the end of the week
14 and how it fits into our larger goals for improving
15 discipline.
16

17 DANIELLE PEMBERTON: Sure. So, I think
18 that's the most important thing about the Matrix is
19 that it is a living document. It [inaudible]
20 continuously looking at with feedback from public and
21 input from our community. So, as you may know, we
22 [inaudible] matrix in August, late August for review.
23 It was open for public comments for a little bit over
24 30 days, and in that timeframe we got about 506 [sic]
25 comments. We also got kind [sic] letters that were

1 much more thorough in detail from a number of
2 partners, some of which are [inaudible] the Federal
3 Monitor, AG, [inaudible] and others, again, that are
4 on the call. These letters and our other comments
5 highlighted some very important feedback. We made
6 some significant revisions to the matrix after
7 reviewing that, and it'll be posted by the end of
8 this week.

10 ELIZABETH DAITZ: So, I also want to add
11 that this process we realize is very good one to get
12 public feedback. We want to try to implement this a
13 little bit more formally going forward bringing
14 public feedback [inaudible] in developing of future
15 policies around the Department.

16 COUNCIL MEMBER MILLER: And has these
17 events of legislative policies introduced have had an
18 impact on implementation of these stated goals?
19 Because what we've seen on the street and in our
20 districts that police are performing differently
21 because and they are saying literally because the
22 bail reform, because of other policies that they can
23 no longer do their job, call your Council Member.
24 Literally, businesses and constituents are being told
25 what impact does this have on moving further with

1
2 these type of reforms, and how do we address this in
3 terms of oversight and reform within the Department.
4 Is it within the responsibilities or purview of NCO
5 officers, executive officers? Who has the authority
6 to, on behalf of the Department, make such
7 statements?

8 CHELSEA DAVIS: So, I can speak to bail
9 reform. Bail reform has certainly helped the city
10 work towards achieving our goals of creating a
11 smaller, safer, and fairer justice system can safely
12 reducing the jail population so that we can work
13 towards closing the jails on Rikers Island. Marcos
14 from the Mayor's Office of Criminal Justice can speak
15 more to how bail reform has--

16 COUNCIL MEMBER MILLER: [interposing]
17 [inaudible]

18 CHELSEA DAVIS: We don't have any data to
19 [inaudible]

20 COUNCIL MEMBER MILLER: [interposing] Good
21 afternoon. I am actually at a-- you know what, I
22 want to thank you so much to the Chairs for having
23 this important hearing along with the Public
24 Advocate, but I do want to wage an objection to this
25

1
2 thank you for setting the tone you did by having
3 families first and making clear how far we have to go
4 and how unfortunately little this process seems to be
5 moving us in that direction. We heard from those
6 families this morning, and I want to build on the
7 questions that Council Member Levin and Council
8 Member Miller asked. We heard from families whose
9 loved ones were killed by NYPD officers, and many of
10 the relevant officers still have not been disciplined
11 or fired. In particular, Wayne Isaacs who killed
12 Delrawn Small almost five years ago is still on the
13 force, and we heard Delrawn's siblings say this
14 morning that the NYPD still hasn't served CCRB
15 charges on Wayne Isaacs, even though the CCRB sent
16 them months ago. So, I guess my first question is,
17 what's the hold up on serving the CCRB charges on
18 Wayne Isaacs?

19 CHELSEA DAVIS: I'll ask the Police
20 Department to respond to your specific question, but
21 I want to thank you for the question and reiterate
22 how important we think for this process the goals are
23 of improving constituency, timeliness, transparency
24 of discipline, and we do believe that that's
25

1
2 absolutely necessary for accountability and building
3 trust.

4 COUNCIL MEMBER LANDER: We all-- and Ms.
5 Davis, you know I really appreciate and respect you.
6 We all believe that's necessary, but we're not doing
7 it. Anyway, let me ask the question. What's the hold
8 up on serving the CCRB charges on Officer Isaacs?

9 MICHAEL CLARKE: Council Member, I
10 apologize, sitting here, we don't have the
11 information on that particular case. We can look
12 into it and get back to you, but I can't--

13 COUNCIL MEMBER LANDER: [interposing] I'm
14 sorry, can you say that again, please?

15 MICHAEL CLARKE: Sitting here--

16 COUNCIL MEMBER LANDER: [interposing]
17 Actually, could you address it to Delrawn Small's
18 family who I believe are still on rather than to me.

19 MICHAEL CLARKE: Yes. Mr. Dempsey, I
20 apologize. I don't currently have the information,
21 and Ms. Davis, I don't have the information with me
22 right now. I can look into it, but sitting here
23 right now, I don't know what's going on with that
24 particular case. I apologize.

1
2 COUNCIL MEMBER LANDER: So, I mean, if
3 it were otherwise, Madam Chair, and had this had
4 happened earlier [inaudible], I'd say let's adjourn
5 this hearing [inaudible] There's no way to build
6 confidence or trust in systemic reinvention or
7 reimagining a reform when the most basic forms of
8 accountability are not being attended to. It's five
9 years ago, and we've got a CCRB process, and they
10 sent charges over, and not only haven't they been
11 processed, we don't even get information at a hearing
12 that's supposed to be on accountability, and we hear
13 sort of about a matrix, but not one concrete proposal
14 for strengthening CCRB authority, for making their
15 decisions binding. So, I don't have any more
16 questions, but unfortunately, this hearing is not
17 helping move us forward. This process is not helping
18 move us forward. Let's start with accountability,
19 and then we can move forward past that. Thank you.

20 CHELSEA DAVIS: I really do appreciate
21 those comments. I don't think that anyone
22 [inaudible] with you today will argue with you about
23 that being an absolutely essential place to start and
24 recognizing harm that's been done by lack of
25 accountability in the past, and building--

1
2 COUNCIL MEMBER LANDER: [interposing] But
3 not in the past. In the present right at this
4 moment. It's no good to say we recognize that's a
5 past history and we're going to do better, when
6 you've got families on the call asking for
7 information that of course you have. The NYPD has
8 those charges. They've had them for months. So,
9 this is not about a past problem. This is about an
10 exact, right in the moment problem, and you-- as much
11 as you want to, you can't move us forward in this
12 process while you're sitting at a moment of inability
13 to provide basic accountability to the folks who
14 started the hearing. So, I mean, I appreciate your
15 saying it's important, and I know you personally
16 believe it, but this hearing can't move us forward
17 when-- as it is.

18 CHAIRPERSON ADAMS: And Council Member
19 Lander, thank you very much for your remarks, and I
20 would be remiss if I didn't say that I agreed with
21 you to an extent, but this hearing is to exactly what
22 you just did. Okay? So--

23 COUNCIL MEMBER LANDER: [interposing]
24 Thank you, and Madam Chair, I agree. You know,
25 you've done a great job setting this up this way so

1 that we heard that family at the top, and I
2 appreciate your leadership here entirely. Thank you.

3 CHAIRPERSON ADAMS: Absolutely. Thank
4 you. Counsel?

5 COMMITTEE COUNSEL: Next up will be
6 Council Member Rosenthal followed by Council Member
7 Menchaca [inaudible].

8 SERGEANT AT ARMS: Time starts now.

9 COUNCIL MEMBER ROSENTHAL: Thank you so
10 much, and Chair, thank you for this amazing hearing
11 and giving all of us the opportunity to hold the
12 NYPD's feet to the fire. Most importantly, having
13 them hear directly from the families at the start of
14 the hearing in addition to your really terrific
15 opening statement. I appreciate that. My question
16 has to do with the-- how exac-- it has to do with
17 changing the culture of the NYPD. Everyone knows
18 that culture change, fundamental culture change, is--
19 it must be required in order to achieve our goals in
20 addition to accountability, which I thought Council
21 Member Levin's line of questioning was spot-on. How
22 do you change culture? And I am looking for
23 specifics. I'm not looking for your plan to talk to
24 people, retrain, or hear more stakeholders. What I
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1 mean is, you know, in Finland, for example,
2 Department of Correction officers need to get a
3 Social Work degree before they're allowed to become a
4 Correction Officer. That's a fundamental change in
5 culture, right? Because they are trained as social
6 workers, and then brought in to Department of
7 Corrections. So what I'm asking you is what is the
8 meaningful change that you planned for or that you're
9 doing now because as long as I've been on the Council
10 we've passed retraining bill after retraining bill
11 after retraining bill, and you've always said, oh
12 yes, we're retraining, which sort of gets to Chair
13 Adams' point about changing the entire patrol guide,
14 but how are you going to change the culture,
15 underlying culture of the NYPD?
16

17 CHELSEA DAVIS: Thank you for this
18 question. Culture change in the Police Department is
19 certainly one of the most essential things to be able
20 to accomplish in order to have the successful
21 implementation of any other kind of reform.
22 Specifically, we have heard a lot about the need to
23 create a culture of accountability, to create a
24 culture--
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COUNCIL MEMBER ROSENTHAL: [interposing]

No, I know what we need. I'm asking you what you're going to do.

CHELSEA DAVIS: Sure. So I think you're right that training is, though, an important part of creating things like a culture of active bystandership [sic] or duty to intervene are important. It's absolutely not the entirety of what has to be done to change culture. There is certainly a need a to augment implicit bias trainings to--

COUNCIL MEMBER ROSENTHAL: [interposing]

We already passed legislation. You've already done that. Hypothetically, you already did that before the peaceful demonstrations this summer. Laurie Cumbo passed that bill a couple of years ago, so that's been done. What I'm asking you is what fundamental change are you going to make to change culture in the NYPD? You haven't answered it yet, and my guess is your report won't answer it either.

CHELSEA DAVIS: Well, I'll start by saying we're certainly looking for as many recommendations as ideas from experts and from yourself and all Council Members.

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COUNCIL MEMBER ROSENTHAL: Have you considered requiring NYPD officers becoming social workers before going to the police academy?

CHELSEA DAVIS: Does PD want to respond? I think that, you know, we are thinking--

COUNCIL MEMBER ROSENTHAL: [interposing] I mean, you're from the First Deputy Mayor's Office. It's your response that I'm looking for, not PD's. What kind of leadership is the First Deputy Mayor taking in this process?

CHELSEA DAVIS: So, I'm certainly telling you that we agree that culture change is one of the most essential things for having any reform be successful. That does involve enhancing training and improving training, but it's a lot more than that as well. We are looking for ways to kind of infuse community members into trainings in a way that I think will be a really, really important part--

COUNCIL MEMBER ROSENTHAL: [interposing] [interposing] I mean, let's just be clear--

CHELSEA DAVIS: [interposing] [inaudible] kind of are immersed in the communities that they're serving before they start serving there. Sorry?

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2 COUNCIL MEMBER ROSENTHAL: I mean, I just
3 want you to know that your responses in this hearing
4 are not good enough. So, expect that as a response
5 from this committee as my guess, upon release of your
6 report, number one. And number two, it shows me
7 ongoing lack of commitment from the Mayor's Office to
8 make serious change in the NYPD. We saw the exact
9 same thing with the Special Victims Division and the
10 DOI report on the Special Victims Division. The fact
11 that the Mayor did not insist those changes be made,
12 the fact that the Mayor did not insist they go ahead
13 and redo that investigation after the supposed
14 changes, and the fact that the Mayor allowed DOI to
15 drop its investigation of the Child Victim Division.
16 So, I think part of this hearing, of course, is you
17 know, what's the PD doing, but we're looking for
18 leadership here, and that comes from what you're
19 saying is the First Deputy Mayor's Office. So, I
20 yield back to the Chair. Thank you.

21 CHELSEA DAVIS: I appreciate that. I want
22 to reiterate that we are dedicated to what you're
23 talking about, especially through culture change,
24 which is something that absolutely does not happen
25 overnight. I also think it is important to hear from

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2 my colleagues, from Thomas Giovanni and from Marcos,
3 the Chief of Staff of the Mayor's Office of Criminal
4 Justice who have very regular contact with many
5 experts around the country about culture change.

6 MARCOS SOLER: So, [inaudible] I will
7 address your question directly, Council Member. There
8 are many changes that are we are thinking about in
9 terms of requirements for the police officers that we
10 are considering, but it starts with what we
11 understand to be [inaudible] the police officer. I
12 am not completely sure that when you say for
13 instances let's follow the example of Finland where
14 we-- all police officers, sorry, correctional
15 officers are trained as social workers, which is
16 actually what we want to the force. I think we're
17 approaching this differently, which is what the role
18 that we want for the Police Department. We want a
19 role for the Police Department which is much more
20 limited. It has a much more reduced footprint in the
21 City of New York. In the primary role of the police
22 officer, ultimately [sic], well-defined, should be to
23 protect both our-- to protect us from crime,
24 obviously to protect our rights and liberties, and
25 also do that in a matter in which instills trust. It

1 his hard-- I am not disputing that that is one
2 option. A lot of people talk about changes directly
3 the educational requirement. I think in order to
4 address that question, we have to address the
5 question what is the role that we want to see in the
6 Police Department. So what Chelsea wants to try to
7 suggest here is we will appreciate your input and the
8 input of the Council. What is ultimately the role
9 that they see the Police Department to have in New
10 York City, not just in this right now, but in the
11 years to come? What we have seen is for years the
12 Mayor has said we are trying to reduce the footprint.
13 We are trying to change the role of the Police
14 Department in the ways they have interactions. We
15 have to address dynamics of enforcement and under
16 enforcement, etcetera. And I think that certainly I
17 can assure you that we are addressing issues of
18 cultural change, but cultural change with a
19 Department is not just a matter of one specific
20 action, whether it is changing the requirement of the
21 officer, whether it is implemented residency
22 requirements, whether it's a multitude of those
23 things, what I can assure you is we are looking into
24 all of those things. We are not approaching this--
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2 COUNCIL MEMBER ROSENTHAL: [interposing]
3 With all due respect--

4 MARCOS SOLER: [interposing] Yeah.

5 COUNCIL MEMBER ROSENTHAL: Can you give
6 me one example of something you're looking into that
7 would result in some serious culture change, one
8 example?

9 MARCOS SOLER: One-- without prejudicing
10 the process in which we are [inaudible] internally,
11 you want me to give you an example, then we'll say
12 this is something that I think might change the
13 police Department. Well, I can tell you one example
14 in my mind, certainly very important. The Police
15 Department has said that officers are both a crime-
16 fighters and problem-solvers. We think there a whole
17 set of skills, and the Police Department doesn't have
18 about how to solve problems. In order to solve
19 problems, you have to truly address issues of what
20 does it mean in the community. We think that there
21 are major problems about the fact [inaudible]
22 strategic vision [sic] that allows the Department to
23 be problem-solvers. There are models right now
24 nationally, if any other jurisdiction that said this
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1
2 is a place [inaudible] police officers be problem-
3 solvers, right? For instance, they're very--

4 COUNCIL MEMBER ROSENTHAL: [interposing]
5 Where?

6 MARCOS SOLER: In many jurisdictions in
7 the United States have adopted a much more--

8 COUNCIL MEMBER ROSENTHAL: [interposing]
9 Name one.

10 MARCOS SOLER: [interposing] Pardon me?

11 COUNCIL MEMBER ROSENTHAL: Name one.

12 MARCOS SOLER: One jurisdiction for
13 instance, jurisdiction of Puerto Rico, then is going
14 under Consent Decree the New Orleans, and Seattle,
15 etcetera. They have implemented model called SARA
16 [inaudible] it's a form of response to problems that
17 allows the Police Department-- what I am trying to
18 say, in order to incorporate a SARA model, for
19 instance which is in many consent decrees in the
20 United States,--

21 COUNCIL MEMBER ROSENTHAL: [interposing]
22 With all due respect, SARA is not new.

23 MARCOS SOLER: [interposing] I know it's
24 not new. I'm just--

1
2 COUNCIL MEMBER ROSENTHAL: [interposing]
3 I've been told that the--

4 MARCOS SOLER: [interposing] You asked me
5 for an example.

6 COUNCIL MEMBER ROSENTHAL: Special
7 Victim's Division has implemented Sara to no effect.
8 So, again, I'm asking for one change that you think
9 will fundamentally change the culture in the NYPD.
10 And you know, I'm not looking for gobbledygook, and
11 I'm not-- I don't think the public is either, and
12 your one example you gave right now is something that
13 supposedly the NYPD already does and has been doing
14 for a bunch of years.

15 MARCOS SOLER: I--

16 COUNCIL MEMBER ROSENTHAL: Really, I'm
17 looking forward to your report and seeing something
18 that is meaningful, and I see that someone else from
19 the-- is it the PD who wants to respond? No? Okay.

20 CHELSEA DAVIS: I think we've spoken to
21 many things that will change culture. I think it's
22 important to recognize that, you know, one thing
23 alone can't do that, and that this is an iterative
24 process and we want to make a comprehensive plan. I
25 think a lot of Mayor's Office of Criminal Justice and

1
2 the Police Department's efforts to expand these
3 community-based relationships with Cure Violence
4 providers can go a very long way toward changing
5 culture. The Police Department is also soon going to
6 be implementing a training called "able" to increase
7 kind of the culture of active bystandership and duty
8 to intervene, which--

9 COUNCIL MEMBER ROSENTHAL: [interposing]

10 And just so you know Holeback [sic] has been training
11 every police precinct office in bystander training
12 for the last five years, by the way, unpaid. So,
13 been there, done that. I'm looking for real change.

14 THOMAS GIOVANNI: Just give me one
15 second. I just want to go back to directly address
16 one of the-- the first point you made up about the
17 social worker aspect. There is genuine community
18 push for what you expressed in having that kind of a
19 training. There is also impacted community push
20 against the idea of having police officers think
21 they're social workers. That's what Mr. Soler was
22 getting at when we talk about what we really think
23 the role is. There are a lot of people who think, I
24 don't want my police-- and have expressed to us-- I
25 don't want them thinking they're social workers. I

1 don't want them performing those roles in our
2 community. So, what it means that we're doing--

3 COUNCIL MEMBER ROSENTHAL: [interposing]

4 But they're not social workers. They'll get a--

5 THOMAS GIOVANNI: [interposing] One of

6 the things I'm saying to you--

7 COUNCIL MEMBER ROSENTHAL: [interposing]

8 social workers' training and then go to the academy,
9 and then--

10 THOMAS GIOVANNI: [interposing] What I'm

11 trying to say about that is, when we listen to both
12 sides of these arguments, that's what we're trying to
13 get together and figure out the balance that we have
14 to strike.

15 MARCOS SOLER: If I made one more thing--

16 COUNCIL MEMBER ROSENTHAL: [interposing]

17 Thank you. I appreciate that, Mr. Giovanni. Sorry,
18 I didn't mean to--

19 MARCOS SOLER: No, no, no problem. One

20 of the things that I was trying to highlight that one
21 of the many reforms have been done in an individual
22 basis. What we have not done, for instance, is to
23 [inaudible] so, it's true that in certain
24 jurisdictions have implemented [inaudible] like Sara
25

1 and others. What has changed and what we don't have
2 in New York City, for instance, is a staffing [sic]
3 plan that tells you exactly what are the needs of the
4 Police Department and how that-- and what is the
5 model that is going to drive that staffing [sic]
6 plan. There was the difference. The difference is
7 right now what you have is some people within the
8 Department doing certain things, but not necessarily
9 a comprehensive plan. That is what we are trying to
10 develop here, and I understand your need to know, and
11 certainly I think what we have been doing is trying
12 to talk to many Council Members to understand,
13 members of the community to understand priorities.
14 What I am saying is you have to give us opportunities
15 to produce the [inaudible] to have a conversation
16 with your office and to other folks around the city
17 in order to push forward a plan, but not to say you
18 have not done anything. This is-- I don't think is a
19 productive way to go about this, and so far as, as I
20 said, we assure you that we are working on that. We
21 just want to do it in a framework which has not been
22 just one specific policy here disconnected from all
23 the other elements of the Police Department needs to
24 change. There are a lot of reforms the Department
25

1 needs, not just one, and now the difference is we
2 were addressing one issue. CCRB, we were addressing
3 one issue, issues of diversity. Now, we have an
4 opportunity to finally have a comprehensive plan of
5 reform, and you have to think how reforming one area
6 effects reforming another area.
7

8 COUNCIL MEMBER ROSENTHAL: You know, I'm
9 not asking for any more time. Chair Adams, thank you
10 for giving the extra time for this. I won't do a
11 second round, but I just have to say, you can't give
12 that kind of-- Mr. Soler, that kind of answer and not
13 be able to answer Council Member Levin's questions
14 about simply changing the Police Commissioner having
15 the final say, and turning that over to an
16 independent group. You can't--

17 MARCOS SOLER: [interposing] I was cut
18 off, I couldn't provide the answer.

19 COUNCIL MEMBER ROSENTHAL: Council Member
20 Levin's question--

21 MARCOS SOLER: [interposing] I'm happy to
22 address that answer. I was cut off. They didn't let
23 me address that answer. Chelsea asked me to address
24 that answer, but I didn't have a chance [inaudible].
25

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2 COUNCIL MEMBER ROSENTHAL: I defer to the
3 Chair about whether or not to give time on that. I
4 mean, if it can't be articulated at this juncture, I
5 don't know. Anyway, thank you, Chair, I appreciate
6 you.

7 CHAIRPERSON ADAMS: I'm just going to
8 jump in, and thank you very much, Council Member
9 Rosenthal for your questions. Thank you very much.
10 Mr. Soler, just to kind of piggy back on what my
11 colleague was just asking about, specific roles of
12 the NYPD, what they should be handling and what they
13 should not potentially be handling, particularly with
14 regard to reform. Does the NYPD or you, do you
15 believe that any function should be transferred away
16 from the NYPD? Has that topic come up in your
17 discussion? And I will let you elaborate on that
18 answer.

19 MARCOS SOLER: Yes, that topic has come
20 in our discussions. It's my view, at least the view
21 of the Mayor's Office of Criminal Justice, has been
22 the view for a long time, that part of addressing the
23 dynamics of enforcement [inaudible] for many years
24 requires certainly [sic] a transfer or to think about
25 an effective way to transfer certain functions away

1 from the Police Department. And certainly try to
2 figure out how the role of the Police Department can
3 be [inaudible] to the task of reducing the main
4 drivers of gun violence in the city and a lot of
5 other major problems [inaudible] prevention, yes.
6 It's my view that is necessary.
7

8 CHAIRPERSON ADAMS: Can you elaborate a
9 little bit more on what those-- what responsibilities
10 you feel should be moved out of NYPD?

11 MARCOS SOLER: I don't want to-- just
12 again, there's internal deliberations that we are
13 having in my office, the First Deputy Mayor's
14 ultimately, because my office is providing advice,
15 but it's not the ultimate decision-maker as the Mayor
16 and the First Deputy are. Certainly--

17 CHELSEA DAVIS: [interposing] Sure. I'm
18 happy to provide a little bit of information
19 specifically on what we have heard over and over
20 again from the community during this process, during
21 the Crisis Response Taskforce as well as, you know,
22 for many years about making sure that we have the
23 correct citywide health to mental health crises. So,
24 we are working closely with Thrive on the
25 implementation of the pilot to have a health-only EMT

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2 and social worker response to mental health crisis
3 calls that come into 911 and certainly want to talk
4 about implementation of that kind of a model on a
5 much larger scale through this process. We've also
6 been talking to the Office to End Domestic and
7 Gender-based Violence about working more closely with
8 community-based organizations to respond to family
9 violence. We're also completely committed to
10 implementing all of the transfers that were announced
11 over the summer, and that includes homeless outreach
12 vending. I'm happy to answer- we work with the
13 Police Department to answer any questions about the
14 status of those transfers. Apologies, Thomas, I
15 think you--

16 THOMAS GIOVANNI: [interposing] That's
17 okay. Well, actually, it gives me a good opportunity
18 to piggyback on what Chelsea just said. All of those
19 activities are ongoing, under consideration,
20 certainly the mental health status of police
21 engagement is on the able, actively engaged previous
22 to this process and will continue to go on through
23 this process. We've seen school safety have its
24 changes that are going to continue. One of the new
25 things that you asked about in this process that we

1
2 hope to come out of this plan will be the vigorous
3 and robust and regular community and collaborative
4 oversight in auditing and public reporting about
5 these things. One of the issues that keeps bringing
6 us back to these tables in some of these same ways is
7 we don't know what happens while it's happening,
8 until it happens to break. I work in the Law
9 Department and I settle a lot of-- I've settled a lot
10 of cases with us. That's not the place to learn, if
11 you don't have to. So, one of the things that we
12 would like to see throughout the plan that we will
13 put forward to the greatest extent possible is
14 interjecting those moments of community feedback,
15 public reporting, and actual auditing that comes out
16 and is available to the public before we implement or
17 as we implement procedures and as we review them,
18 either renew them, augment them or change them. What
19 we haven't had tradition-- historically here is a
20 great deal of community input as we build. Right?
21 We take things, we come back down from the mountain.
22 We give things. We go back up to the mountain and do
23 things. Well, people need to be on the ground. But
24 that's-- you want to talk about community change.
25 That's not a policy. That's a perspective, right?

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2 And we can't prove that to you here. We can only say
3 we're going to do it and like everybody else who at
4 here, you either do it or not. That's all we have
5 here. We know where community trust is on many of
6 these issues, and we know how it got here. Anybody
7 who could look out a window knows what happens, but
8 we have to go ahead now, and we just have to work on
9 it in a way that we're trying to talk about it. I
10 want to-- I do also want to go back to the other--
11 never-- anyway, I'm good.

12 CHAIRPERSON ADAMS: You're good?

13 THOMAS GIOVANNI: Yeah.

14 CHAIRPERSON ADAMS: Okay. I'm going to--
15 thank you. Again, thank you. I'm going to go back
16 to the subject again of moving some of the
17 responsibilities away from NYPD.

18 THOMAS GIOVANNI: Oh, oh, I'm sorry. I
19 am so sorry. That is exactly the point I wanted to
20 make. The lawyer in me-- the human in me wanted to
21 shut up. The lawyer in me needs to talk.

22 CHAIRPERSON ADAMS: Oh.

23 THOMAS GIOVANNI: When you talk about
24 removing the Police Commissioner from the ultimate
25 decision-making policy, it's a legal question that is

1 not going to be easy to untangle or short. That
2 power, as I understand it, was placed into the
3 charter not by us, but by the State. So, in order to
4 move that, it would require state action as well
5 local action, and on top of that, one of the
6 implications there is the discipline system itself.
7 Because if we remove him, then we have to go through
8 what the bartering [sic] system will actually do for
9 that relationship. So, I just gave you three
10 guardian [sic] knots [sic] that have to be dealt with
11 before we can do that. So, it's not a quick thing,
12 and it may not be-- and by the way, be careful what
13 we ask for, if we're not thinking about what's new,
14 because all that we've been talking about so far is
15 taking NYPD discipline system and making it look like
16 the rest of the country. I don't know a model that
17 we say we like in anybody else's discipline system
18 that we want to import. So, just getting back to
19 that, might be an improvement. It might be a thing
20 that we need to do that we want to do, but somebody's
21 gotta [sic] show me the positive comparison to say
22 why can't we be like that. I understand we need to
23 be traveling. We absolutely need to be seeing what
24 people are doing, but when we talk about the
25

1 historical relationships here and what we want to
2 project in the future, I do challenge anybody-- I
3 think I know a decent amount about this. I challenge
4 anybody to show me a Department who's done it right
5 [inaudible]. Right? So, we've got a lot of work to
6 do, and we're doing it. Some of this is new. Some
7 of this is old. A lot of it is old, but I do think
8 we have to think about these relationships
9 differently, and I understand the hits we're supposed
10 to be taking today and we're going to take them
11 because we earned a lot of them, but we are going to
12 move forward. People do have to come through this
13 door. We are old [sic]-- we've asked everybody and
14 we continue to ask people to come to participate.
15 There have been missteps, there will be missteps, but
16 we're still here and we're not going anywhere.

18 CHAIRPERSON ADAMS: Thank you. Thank you
19 again for that, and I agree. I agree with you 100
20 percent, and again, that's what this hearing is all
21 about, to get all of this out and open and on the
22 table for all of us to hear and understand, and
23 again, you know, you express how critical this is.
24 It really, really is. It's very critical and there
25 is no magic potion for reform. We haven't seen it

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2 anywhere, least of all at the national level where we
3 need to see it the most right now. So, we definitely
4 need to hear it, hear it, get it out, listen to each
5 other. Again, I think a lot of the frustration at
6 last on my end comes from the fact that this should
7 have started months before it started. This-- I
8 mean, the order was out there. We are up against a
9 timeline and we stand to lose money, the very, very
10 agency that right now we're speaking stands to lose
11 funding because a timeline, you know, is in play
12 here. So, again, this is all really great
13 information. It's great feedback. I'm going to ask
14 one more quick question. I'm going to hand it back
15 for a second round to my colleagues. For Ms. Davis,
16 last week the Mayor said that he was forming a
17 Charter Revision Commission and it might consider
18 DOI's proposal of consolidating the PD, IG, CCRB, and
19 the Commission to Combat Police Corruption into one
20 single agency. Will that be a part of the plan? And
21 when will you formally announce this commission?

22 CHELSEA DAVIS: Thank you for that
23 question. I don't have answers specifically about
24 the Charter Revision Commission, however, I can
25 absolutely speak to that recommendation as well as

1 all the other recommendations in the DOI report. We
2 will be recommending-- we will be implementing them
3 and putting forward those implementation plans as
4 part of this report, and that absolutely as the Mayor
5 has said, will include the consolidation of the
6 Civilian Complaint Review Board, the DOI, PD, IG, as
7 well as the CCPC. We're going to work with all of
8 those stakeholders to make sure that we do this in
9 the best way possible over the next year. I'm not
10 sure if it will be its own process or part of Charter
11 Revision Commission. We can absolutely let you know
12 when we have more information about that, but we do
13 think that that's a really important recommendation
14 for improving oversight, which I think is obvious to
15 everyone, is essential for increasing accountability
16 both at the individual officer level and at the
17 systemic Police Department level, and both of those
18 kinds of accountability are essential for culture
19 change, and we do think that recommendation is
20 important. As the Mayor said, we'll be working to
21 implement it this year, and those plans will be part
22 of this report of this reform plan.
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2 CHAIRPERSON ADAMS: Okay, thank you. I'm
3 going to hand it back over to Counsel for round two
4 for my colleagues. Thank you.

5 COMMITTEE COUNSEL: Thank you, Chair. I
6 believe Council Member Menchaca, you requested
7 another turn, followed by Council Member Levin if
8 you're still here. Council Member Menchaca?

9 COUNCIL MEMBER MENCHACA: Chair, I'm in
10 the middle asking a question in Land Use, can I come
11 in next after? Thank you.

12 COUNCIL MEMBER LEVIN: Okay, thank you.
13 So, Mr. Soler, you said-- I'm sorry, in responding to
14 Council Member Rosenthal, you said that you wanted to
15 respond to my question about whether-- first off, why
16 is the diversion rate so high between CCRB
17 recommendations and the discipline implemented by the
18 Police Commissioner. The second, does the
19 Administration support what Chair Davie said in the
20 public hearing recently, that it's really time to
21 examine taking-- amending 14.115 and taking full
22 discretion for final disciplinary authority away from
23 the Police Commissioner. So, that's the first
24 question.

1
2 MARCOS SOLER: So, I will address both
3 questions. so, what I said was, and I had-- wanted
4 to address the opportunity, but we know that
5 historically people have said that the CCRB was over-
6 charging and people [inaudible] was not providing
7 sufficient evidence and the CCRB was not taking in
8 extra [sic] circumstances as a reason why to explain
9 the discrepancy between basically 100 percent rate of
10 what would be a much-- which is a much lower rate as
11 you have said of 29 percent. What I can tell you is
12 that obviously we do not believe those [inaudible]
13 explain the reasons. I think there are some
14 structural factors that have to be taken into account
15 that a-- we need to address moving forward. one is,
16 for instance, is whether or not the CCRB
17 investigations have a-- are only focused on specific
18 individuals, as they should be, or have to be able to
19 understand broader what is going to be the trajectory
20 of that officer. A lot of the time the CCRB
21 investigations do not have enough information because
22 the Police Department has not shared that information
23 about where is-- what else do we need to know about
24 that officer. What is that officer in his
25 trajectory, etcetera? I think there are some

1 individual factors that explain the discrepancy. In
2 other instances was, under the previous
3 Administration certainly, and in some instance under
4 this Administration, certainly the CCRB did not have
5 enough resources, and as you know, the prosecution,
6 you know, was not established until 2015 in order to
7 move forward some of these cases. It has to do a lot
8 of with those processes. I'm simply explaining the--

9
10 COUNCIL MEMBER LEVIN: [interposing] That
11 shouldn't have anything to do with whether or not the
12 recommendations are taken up by the Police
13 Commissioner, just because they don't have the
14 resources. For one thing, this Administration has
15 been in office for seven years.

16 MARCOS SOLER: Yeah.

17 COUNCIL MEMBER LEVIN: So, that's really
18 hard to blame the Bloomberg Administration for
19 anything this point.

20 MARCOS SOLER: No, I'm not-- I was not
21 trying to.

22 CHELSEA DAVIS: So, I'll--

23 MARCOS SOLER: [interposing] No, I was
24 not trying to give you-- Chelsea, one second, please.
25 What I was trying to highlight is an investigation of

1 a specific police conduct. It's far more
2 complicated, and that's the result of just one simple
3 rate. The second thing is, nationally, the CCRB rate
4 is not drastically different than it has been in
5 other jurisdiction, which speaks to one of the
6 problems over time, which I think is what we're
7 trying to address. There's a certain weakness and
8 has been a certain weakness in the oversight
9 institutions for many years across the countries, not
10 only in New York City. One of the examples is the
11 fact that we have a patchwork of agencies working in
12 many different ways and with very different
13 jurisdictions. That has not helped to address this
14 issue. This is why where are trying to do
15 [inaudible] question is do you think about reform the
16 disciplinary system as a whole and trying to be--

18 COUNCIL MEMBER LEVIN: [interposing] This
19 is maybe it was my fault for asking a why question
20 first. Let me get to the yes or no question. Do you
21 agree with Chair Davie on is assertion to look at
22 14.115 on discipline? That's a yes or no answer.

23 MARCOS SOLER: I think it's always
24 appropriate to think as to whether or not a Police
25 Commissioner should have or should not have. I think

1
2 in many instances there are a lot of-- as we
3 indicated before, there are a lot of reasons to argue
4 that the authority of the Police Commissioner should
5 be limited, and there are some instances to argue
6 that the police actually-- policeman should not be
7 limited, because what you don't want to do--

8 COUNCIL MEMBER LEVIN: [interposing] Can I
9 ask--

10 MARCOS SOLER: [interposing] What you
11 don't want to do is to have an agency head who does
12 not have authority over the Department, and that is
13 also something--

14 COUNCIL MEMBER LEVIN: [interposing]
15 Right, except-- right, except that-- okay. We could
16 talk about it more. I just have two more quick why
17 questions here. First why question is why does it
18 take so long for the NYPD to provide body-worn camera
19 footage to the CCRB? I've heard this from CCRB
20 investigators. If they do not get body-worn camera
21 footage, they get stonewalled by the NYPD. And the
22 second question is, has-- this actually isn't a why
23 question. Has the New York City Police Department
24 issued divergence letters for public consumption,
25 facing the public, divergence letters as they have

1
2 agreed to every time they diverge from a CCRB
3 recommendation, which is what they're supposed to be
4 doing.

5 CHELSEA DAVIS: Councilman, I'd like to
6 answer all of your questions.

7 COUNCIL MEMBER LEVIN: Okay.

8 CHELSEA DAVIS: To get back to your
9 previous question, and Marcos, you have very deep,
10 expertise on this, so thank you very much. I just
11 want to reiterate that we have to think about both
12 the long-term and the short-term ways to achieve our
13 goals of increasing consistency, transparency,
14 timeliness, or fairness of discipline. So that
15 certainly includes answering long-term questions
16 about state law changes that we may need, but also
17 includes short-term strategies [inaudible] that will
18 have a big impact like the consolidation of the
19 oversight agencies. So, I just want you to know that
20 to ideas are off the table, but that we're absolutely
21 look at this from a perspective with that we need to
22 do no, what we know we can commit to, and then what
23 longer form of reforms might be necessary and
24 important. To speak to the body-worn camera footage
25 issue, I believe that a lot of improvements have been

1
2 made, and I will let PD speak to the specific work
3 they have done recently to improve access to that
4 footage for CCRB, and I know you'll be hearing from
5 CCRB later today. They've made it clear that
6 improved access to such footage and to disciplinary
7 records of officers is essential for them to do their
8 job, then I just want to make sure you know how
9 seriously we're taking all of CCRB's recommendations,
10 but I'll ask PD to speak to what's been done recently
11 to improve that access to body-worn footage.

12 COUNCIL MEMBER LEVIN: Okay, and I would
13 like PD to also answer how are they keeping track of
14 their timeliness of providing that evidence to CCRB.

15 CHELSEA DAVIS: Oh yes, and PD can also
16 speak to the question about divergence letters--

17 COUNCIL MEMBER LEVIN: [interposing] Yep.

18 CHELSEA DAVIS: and the importance of
19 lifting 50A on our ability to improve the
20 transparency here.

21 COUNCIL MEMBER LEVIN: And how do I find
22 the divergence letters? I'd like to see them.

23 DANIELLE PEMBERTON: Okay, so--
24
25

1
2 COUNCIL MEMBER LEVIN: [interposing] Even
3 if I was a member of the public, yeah. Go ahead,
4 sorry.

5 DANIELLE PEMBERTON: [inaudible] starting
6 with body-worn camera [inaudible] so, we're
7 absolutely committed to [inaudible]

8 UNIDENTIFIED: Can everybody hear?

9 COUNCIL MEMBER LEVIN: Kind of.

10 DANIELLE PEMBERTON: We're absolutely
11 committed to providing CCRB everything they need as
12 far as body-worn camera footage. There were some
13 delays that we encountered from the COVID this
14 spring, but we are back on track working to get them
15 all the footage that they've requested. As of
16 January 1st we have about five [inaudible], 60
17 percent of them are less than 30 days old. So, we'll
18 continue to work with them to get them everything
19 that they're looking for to continue with
20 investigation. As far as the diversion letters
21 [sic], it's something that we are committed to
22 looking through in this process to see if we can
23 really increase transparency around those letters,
24 and there's some other jurisdictions that have some
25 strategies here that we are looking to implant, to

1
2 mimic, and include the transparency around those
3 diversions [sic].

4 MICHAEL CLARKE: And I will-- while
5 [inaudible] the civil rights [sic] [inaudible]
6 repealed, there is an outstanding temporary
7 restraining order on releasing information related to
8 discipline that's currently ongoing litigation. So,
9 as of today, we're restricted by court order, not by
10 the civil rights law 50A.

11 COUNCIL MEMBER LEVIN: Okay, so you are
12 currently not releasing all NYPD discipline because
13 of a TRO on the-- is that an appeal on the 50A?
14 What's the TRO on?

15 MICHAEL CLARKE: Litigation around the
16 release, not appealing 50A, but the release of
17 disciplinary records in the wake of [inaudible].

18 COUNCIL MEMBER LEVIN: Okay, so there's a
19 TRO, and that's why you're not releasing the records,
20 but that doesn't have anything to do with divergence
21 letters? Divergence letters shouldn't be subject--
22 why would divergence letters be subject to that TRO?

23 MICHAEL CLARKE: Divergent probably going
24 to be part of the disciplinary record, so that's part
25 of the TRO that we're [inaudible].

1
2 COUNCIL MEMBER LEVIN: So, that's the
3 reason-- so, once the TRO is lifted presumably in
4 accordance with the statute that the state enacted
5 last year, then we should be expecting to have all
6 police disciplinary records, including divergence
7 letters made public. Is that correct?

8 DANIELLE PEMBERTON: So, right now we are
9 working on a database that will make those records
10 public when the TRO is lifted.

11 COUNCIL MEMBER LEVIN: Okay.

12 DANIELLE PEMBERTON: That coupled with
13 the matrix it will allow the public to really see how
14 we're being forthcoming [sic].

15 COUNCIL MEMBER LEVIN: Okay. Alright,
16 thank you all very much. Thank you, Chair.

17 COMMITTEE COUNSEL: Thank you, Council
18 Member Levin. We'll turn to Council Member Menchaca.

19 COUNCIL MEMBER MENCHACA: Thank you,
20 Chair, for the second round and for your leadership
21 here today, and as a member of this Public Safety
22 Committee, I want to ask the Administration or NYPD,
23 but one of you, to give us the status of-- and this
24 is following up on Brad Lander's conversation and
25 questions with you all-- the status of firing other

1 officers named today in this hearing, specifically
2 that of the officers who killed Mohamed Bah, Allan
3 Feliz, Kawaski Troig [sp?], Antonio Williams, and
4 other officers that were involved in Eric Garner's
5 death like Justin D'Amico and Lieutenant Christopher
6 Bannon, and I'm hoping that you can get back to the
7 families and this committee. What is the status?

9 MICHAEL CLARKE: Yeah, as I mentioned to
10 Council Member Lander before I-- sitting here right
11 now, I don't know the status of any individual
12 disciplinary matter, but we can look into it.

13 COUNCIL MEMBER MENCHACA: So, when can
14 you get that to us?

15 MICHAEL CLARKE: So, I'm not sure
16 [inaudible] that's not part of the TRO--

17 COUNCIL MEMBER MENCHACA: [interposing]
18 Give us a time, please.

19 MICHAEL CLARKE: We'll get back to you
20 the status by next month.

21 COUNCIL MEMBER MENCHACA: Next month?

22 MICHAEL CLARKE: Yes.

23 COUNCIL MEMBER MENCHACA: Can you give us
24 a date just so that we can stay accountable to each
25 other?

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COMMITTEE ON PUBLIC SAFETY

MICHAEL CLARKE: I will reach out to the Committee next week and discuss where we are in the TRO, because it may prevent releasing some information [inaudible] but I will reach out to the Committee on Monday to discuss further.

COUNCIL MEMBER MENCHACA: Okay. I just want to leave everybody here who has been engaging with us that the longer conversation here that has been a more public conversation that has erupted in marches across the City this summer that we're asking the City Council to do things like defund NYPD and reallocate to our communities that were impacted by COVID. All of that is not moving constructively, and what I think is really important in this conversation is that it is the NYPD and this Administration that is going to-- that is leading us to this breaking point. It is yourselves that are actually going to construct something that's going to be a lot more transformative than you are willing to engage in, and I'm going to be held accountable. This committee is going to be held accountable. The City Council is going to be held accountable on how we approach this. And so in some ways you have a big role to play in

1 that, and today's been too little too late, and we
2 have some work to do. Thank you.

3
4 COMMITTEE COUNSEL: Thank you, Council
5 Member Menchaca. Do we have any more Council Member
6 questions? If so, please use the Zoom hand raise
7 function. Oh, I'm sorry, Council Member Rosenthal,
8 you had another question.

9 COUNCIL MEMBER ROSENTHAL: I do. Now,
10 I'll keep it short. I want to go back, Mr. Giovanni,
11 I really appreciated your statement, very, very
12 helpful, and I was wondering if you could give some
13 of what you-- I don't know how to ask the question.
14 It's great that you're doing the work of settling the
15 cases, right? And you're thinking about when you
16 settle, what types of cases are those and how do we
17 preempt those types of cases from ever coming into
18 being--

19 THOMAS GIOVANNI: [interposing] That's a
20 part of it.

21 COUNCIL MEMBER ROSENTHAL: Yeah. Can you
22 talk-- can you give some examples of-- one or two
23 examples of what you've seen in settling cases and
24 what kind of change you would be bringing to the
25 table? Do you know what I mean?

1
2 THOMAS GIOVANNI: Yeah. If-- the easiest
3 example that comes to mind right now, we're in the
4 middle of the monitorship [sic]. I was the lead
5 lawyer for us working with the Monitor for about five
6 years. The reduction in stop and frisk which
7 preceded the monitorship which has been overseen, and
8 it still remains a hot topic of how we're dealing
9 with racial bias and racial relationship and
10 policing. That monitorship as you may or may not
11 know also touches also on some of the issues we talk
12 about recruitment and the actual nature of the
13 officers we get, so that's one. And to put it in
14 context of cases and risk management, you may-- I
15 think you probably do know that the entire structure
16 that Floyd was built on came out of Daniel [sic],
17 another case. That was the [inaudible]. And so what
18 happened is we are learning through these cases
19 sometimes things that we could learn between that.
20 There was a lot of activity, for instance, before the
21 Floyd case about stop and frisk from community
22 members, from other researchers from outside groups,
23 from people. as a risk manager, from a risk
24 management function, when I look at the case that is
25 now, monitorship, which is actually in my opinion the

1 most widespread, large-scale, long-term monitorship
2 in the history of law enforcement of this country,
3 because we are the New York City Police Department.
4 We have more police than anybody else, and this is
5 about how we deal with black and brown people on the
6 street, which is one of the biggest engagements in
7 the City where people don't drive as much as they do
8 every place else. So this is huge, and that came
9 through a particular type of failure, in a certain
10 sense, of risk management, because we shouldn't
11 necessarily have a federal judge tell us to do
12 something that other smart people can tell us we can
13 adjust. So when I look at that case, what I say is
14 how do we reverse engineer the moment before that and
15 the moment before that. How do we get to that? And
16 there are-- and this is what I say when I talk about
17 these working groups or these taskforces, whatever
18 phrasing we put on, the fact that we get other eyes
19 on situations on policies before they're rolled out
20 and as they're being rolled out with good
21 information. Another thing that we talked about--
22 again, I think about these things about much more
23 perspective-wise [sic] and structurally than I do
24 about a particular policy. One of the things that
25

1
2 everybody has touched on, I think, almost here, is
3 the difficulty of the information to flow into and
4 out of the New York City Police Department.

5 SERGEANT AT ARMS: Time expired.

6 THOMAS GIOVANNI: That's not an actually
7 policy. Again, that's a perspective. We need to put
8 timelines on some of these processes. We need to put
9 a moment, an actual legislative or policy rules or
10 agreed upon rule. A lot of the agencies function
11 very well with disagreements between each other that
12 they are, right? We can do that. There are-- the
13 mechanism depends on a particular circumstance, and
14 one of the reasons I think you're being disappointed
15 is because we have the largest Police Department in
16 the most jurisdictions with the most people to
17 support and the most subsets of people to support.
18 When I look at the Albany website doing this work,
19 for instance, they can have five meetings and touch a
20 large number of different subgroups. I was just
21 looking at this the other day. Queens, if we
22 separated Queens itself from New York City, New York
23 City would still be the first largest city, and
24 Queens would be the fifth in the country. We're
25 talking about reimagining police for that group.

1 That's not the same endeavor for everybody else. We
2 do different things different ways and different
3 solutions were necessary at different particular
4 points. The orientation to get better information
5 flow was absolutely present in everything you've
6 heard us respond to when that subject has come up.
7 We expect to put those mechanisms in these plans as
8 is appropriate, and this is one of the reasons that
9 PD has to lead in this area. Their procedures are
10 the things that have to be changed, and they're the
11 only ones who actually implement their procedures,
12 just like any other agency. You know, if we were
13 reforming Sanitation, we'd have to have them at the
14 table telling us how they do what they do, and then
15 making decisions with them. So, I think there's a
16 difficulty here because there are a lot of detail
17 that we're going to have to talk about as we often
18 talk about this reimagining plan that was placed in a
19 time table. Let's understand, even if we had started
20 working our best on day one, we're not reforming 175-
21 year-old problem in this year framework. What we can
22 do is get an orientation to approach the problems
23 hopefully differently than we've done and create
24 structures that don't look like the old way, but
25

1 nobody should have thought that we were going to come
2 up with a plan that would have us have a new Police
3 Department by April or shortly after April. That
4 doesn't make-- look at the problem. Everybody who
5 started speaking has talked about 30-year, 40-year,
6 50-year problem. It's not a possibility to do
7 everything in that time frame. We are trying to do
8 our best, and I absolutely do not want to make it
9 sound as if I'm running away from the criticism of
10 the deficiencies we've already experienced in the
11 process. Those are still real, but to the extent
12 people are expressing disappointment that we don't
13 have the full plan to finish off reforming the NYPD,
14 that's just not-- that's not and issue [sic].

16 COUNCIL MEMBER ROSENTHAL: Yeah. I
17 appreciate that. Are you being listened to? Are
18 your suggestions, and remember, you're under oath
19 here--

20 THOMAS GIOVANNI: [laughter]

21 COUNCIL MEMBER ROSENTHAL: No, I'm quite
22 serious.

23 THOMAS GIOVANNI: Alright, I'm sorry. I
24 don't mean to laugh. I'm a lawyer by trade. I'm

25

1 always under oath, that's why [inaudible] my people.
2 I'm not going to lie to you. There's no--

3 COUNCIL MEMBER ROSENTHAL: [interposing]
4 Right, so, are your--

5 THOMAS GIOVANNI: Let me ask you a
6 question.

7 COUNCIL MEMBER ROSENTHAL: What your--
8 you hold the kernel [sic] of so much information when
9 you talk about risk management, and what you're
10 saying makes so much sense to me as a lay person.
11 What I'm asking is, is your-- are your
12 recommendations from the things you've learned from
13 risk management being considered as part of the plan
14 here.

15 THOMAS GIOVANNI: So, the answer to that
16 is a straight yes. That's easy. We are being
17 collaborative in our conversations. Like everybody
18 at the table, I think I could fix the whole world if
19 people would just listen to me, and if every time
20 somebody doesn't, I feel like, oh, that's a shame and
21 that's a loss. But no, everybody's contributing here.
22 The risk management discussion that I just had with
23 you is not original to me. I've learned it and I've
24 noticed it, and I think almost everybody who's on our
25

1
2 collaborative would say the same things to you. It
3 just happened that I have--

4 COUNCIL MEMBER ROSENTHAL: [interposing]

5 Well, the--

6 THOMAS GIOVANNI: [interposing] the answer
7 this way [sic].

8 COUNCIL MEMBER ROSENTHAL: Here's going
9 to be the difference. You've looked at actual having
10 to settle cases eve since the new top and frisk, you
11 know--

12 THOMAS GIOVANNI: Sure.

13 COUNCIL MEMBER ROSENTHAL: the new
14 Community Safety Act [sic] has been implemented.

15 THOMAS GIOVANNI: Sure.

16 COUNCIL MEMBER ROSENTHAL: Have you-- has
17 the risk for those cases diminished appreciably?

18 THOMAS GIOVANNI: In one sense it has and
19 one sense it hasn't, and you'll hear from the
20 advocates. Certainly the raw numbers are remarkably
21 down just in terms of the scope of the program and
22 how many human beings are touched by street
23 encounters by police, since the beginning of the
24 program 'til today. We know the raw numbers are
25 incredibly down, but if you've been reading the

1
2 monitor's report and listening to the advocate
3 groups, you know that there are still genuine
4 complaints about physical force, the proportion of
5 stops, and how we have to continue to look at that
6 aspect of it. So, have we listened? Yes. Have we
7 finished listening? No.

8 COUNCIL MEMBER ROSENTHAL: Great. Thank
9 you so much. Thank you, Chair.

10 THOMAS GIOVANNI: Thank you.

11 COMMITTEE COUNSEL: Seeing no other
12 Council Members with hands raised. Chair, do you
13 have any more questions or comments before we turn to
14 the next panel?

15 CHAIRPERSON ADAMS: I do not. We can
16 excuse this panel. Thank you very much for your
17 testimony today.

18 THOMAS GIOVANNI: Thank you all.

19 UNIDENTIFIED: Thank you.

20 COMMITTEE COUNSEL: Thank you, Chair. We
21 will now turn to the Civilian Complaint Review Board,
22 and can we just confirm that we have them ready to
23 go? Giving testimony for the CCRB will be Chairman
24 of the Board, Frederick Davie, and also with him will
25 be Executive Director Jonathan Darche. I will

1 administer the oath to each of you in turn. Do you
2 swear to tell the truth, the whole truth, and nothing
3 but the truth and answer all questions honestly and
4 to the best of your ability before this committee
5 today? Chair Davie?

7 FREDERICK DAVIE: I do.

8 COMMITTEE COUNSEL: And Executive
9 Director Darche?

10 JONATHAN DARCHE: I do.

11 COMMITTEE COUNSEL: Thank you very much.
12 You may now begin with your testimony when the
13 Sergeant at Arms gives you the signal.

14 SERGEANT AT ARMS: Time starts now.

15 FREDERICK DAVIE: So, thank you Chair
16 Adams and members of the Public Safety Committee for
17 having us here today. Much of what I'm going to say
18 we've already heard in various ways, so just let me
19 take a couple of minutes to put it all together
20 systematically from CCRB's point of view, and then
21 we'll be happy to answer any questions at the end.
22 So, I want to thank you for inviting me to testify
23 today on behalf of the Civilian Complaint Review
24 Board. In response Executive Order 203, the CCRB
25 found it important to engage in our own process and

1
2 engage with several stakeholders to make sure
3 civilian oversight was included in the conversation
4 around reform. The CCRB met with the New York Police
5 Department, held a conversation with CCRB's Youth
6 Advisory Council and the NYPD; and hosted an
7 oversight a panel with the Office of the Inspector
8 General and the Commission to Combat Police
9 Corruption. In all three conversations, the CCRB
10 focused on concrete recommendations that would
11 improve the role of oversight in New York City. When
12 speaking with the NYPD, the Board and I shared our
13 recommendations for changes the Department could make
14 to improve policing, better serve the public, and
15 strengthen the work of the Agency. First, the
16 Department should provide the CCRB with greater
17 access to evidence including direct body-worn camera
18 footage, un-redacted police paperwork, and access to
19 officers' entire disciplinary histories. Secondly,
20 the Department should give more deference to CCRB's
21 discipline recommendations by not downgrading final
22 discipline recommendations, refraining from changing
23 plea agreements, and by upholding verdicts. Finally,
24 the Department should focus on improving interactions
25 with the public. Particularly in light of the summer

1 Black Lives Matter protests in response to the
2 killing of George Floyd, and the NYPD response which
3 resulted in hundreds of complaints being filed with
4 our Agency, which we continue to investigate. We
5 believe the NYPD needs to look closely at the way
6 officers interact with members of the public
7 including protestors, individuals with mental health
8 crises, and youth. The Department should ensure all
9 officers, not just Youth Coordination Officers, get
10 trained on the difference between interacting with
11 adults and youth, and finally ensuring that civilians
12 don't face any retaliation for filing complaints with
13 the CCRB. In order to make sure our young leaders,
14 including those who have been victims of police
15 misconduct were involved in the conversation, the
16 CCRB staff organized a conversation with the CCRB's
17 Youth Advisory Council and community youth leaders,
18 and they were able to share their ideas with the
19 Department. The youth, including individuals from
20 the Rockaway Youth Task Force, Crew Count, Sikh
21 Coalition, and Muslim Community Network shared
22 recommendations they believed would improve police
23 interactions with the public. First, they would like
24 the Department to make an effort to engage with the
25

1 community proactively, before enforcement. Second,
2 these young people asked the Department to make
3 efforts to reach out to communities of faith and
4 other young people by providing cultural sensitivity
5 training, training on youth for all officers, and the
6 incorporation of critical race theory in the Academy.
7 Finally, the Youth Advisory Council and those youth
8 leaders asked for a reallocation of NYPD resources to
9 community programs including more guidance
10 counselors, educators, and social workers as well as
11 increased funding for after school opportunities for
12 youth including sports and the arts. Finally, the
13 CCRB convened a panel to ensure the importance of
14 oversight in public safety remained a key part of the
15 conversation. During the oversight panel, which was
16 joined by over 45 oversight, non-profit, and advocacy
17 groups around the nation, the three Agency heads
18 shared some similar goals including better funding
19 for oversight, greater transparency into police
20 discipline, and for greater deference to be given to
21 the recommendations of the oversight bodies. The
22 Agency heads focused on issues like removing final
23 discipline from the Police Commissioner, creating a
24 more independent OIG/NYPD, and ensuring the
25

1 Department respond to the Commission to Combat Police
2 Corruption's recommendations. The panel also
3 discussed the lack of transparency from the
4 Department and the need for better access by the
5 oversight agencies, the public, and the press to NYPD
6 documents, footage, and discipline files. In order
7 to address the particular needs of communities of
8 color to promote public safety, improve community
9 engagement, and foster trust, the CCRB believes that
10 there needs to be a civilian-centered approach that
11 is transparent, effective, and equitable. Part of
12 that solution will be a real investment in and
13 reimagining of strong civilian oversight. To that
14 end, the Agency's final recommendations focus on
15 concrete solutions to accomplish that goal. First,
16 strengthening civilian oversight, by examining the
17 final discipline authority held by the police
18 commissioner, including the removal of final
19 disciplinary authority for CCRB adjudicated cases.
20 Second, making the police disciplinary process more
21 transparent including the CCRB with direct body-worn
22 camera access-- I'm sorry, direct access to body-worn
23 camera footage. And third, investing in the
24 community and community-led solutions, and ensuring
25

1
2 appropriate funding for those community-led
3 solutions. These changes would support the NYPD and
4 any police department in ensuring that all of its
5 citizens are treated fairly and justly by the
6 officers sworn to protect them in line with the
7 Governor's "Say Their Name Agenda" and would
8 guarantee that oversight remains an integral part of
9 the public safety conversations. I thank you for
10 this time, and I'm willing--along with Executive
11 Director Jonathan Darche, to answer any questions you
12 might have.

13 CHAIRPERSON ADAMS: Thank you very much,
14 Chair Davie. I just have a couple of questions.
15 Thank you for being here today. You mentioned the
16 interaction with the Youth Advisory Council, which I
17 also believe was a great success. My question,
18 though, is that-- is that enough engagement for you
19 and for CCRB to feel comfortable right now in what
20 that engagement will mean potentially to reform?

21 FREDERICK DAVIE: The answer is no. I
22 mean, we engage within the context of this Executive
23 Order to make sure that we have the perspectives of
24 the youth within the timeframe that this Executive
25 Order sets out for getting information and then

1 making those recommendations, I assume that would be
2 to the Governor's office. But we will continue to
3 engage with the Youth Advisory Council and those
4 other youth agencies that were a part of that
5 discussion. As you-- you know, statistics will show
6 that engagement with youth by police officers,
7 particularly young youth of color, is a significant
8 issue here in this city, and so you know, part of
9 CCRB's mission is to improve community police
10 relations, and that starts with young people and
11 trying to improve that trust between the two, but
12 that's an ongoing process, and we have a community
13 engagement and intergovernmental relations unit that
14 will continue to reach out to those young people. We
15 have a good staff that works on doing that. So this
16 is a start, and I did have a conversation with Deputy
17 Commissioner Chauncey Parker, and I think Chief of
18 Community Affairs, if I have his title right, I think
19 it's Jeff Madry [sp?], about ongoing conversations
20 between police officers and our young people, so
21 structured, engaged conversation. So, that's a
22 start. It was done in the context of this Executive
23 Order, the recommendations for them, but we'll
24

1
2 continue to engage young people. It's very crucial
3 and important to work [inaudible].

4 CHAIRPERSON ADAMS: Okay, great. I don't
5 know if you were listening last month when former
6 Council Member Torres and I did the oversight when it
7 came to racial bias, and within the NYPD. Now, my
8 question has to do with violations of 203-32. Do you
9 conduct investigations of violations of 203-32 that
10 fall under offensive language?

11 FREDERICK DAVIE: John, do you want to
12 grab this, is that racial profiling?

13 CHAIRPERSON ADAMS: Yes, or hate speech.

14 FREDERICK DAVIE: Well, speech we do.
15 Language, we do. Yes. So, if it's hate speech by
16 officers directed at civilians and we get complaints
17 of that, yes, we-- the Agency investigates.

18 CHAIRPERSON ADAMS: Do you have any idea
19 how often that happens?

20 FREDERICK DAVIE: We have lots of abusive
21 language complaints. We can get you numbers on what
22 those look like, and generally it has to do-- they
23 have to do with race, sex, gender, gender identity,
24 and perceived mental health conditions.

25 CHAIRPERSON ADAMS: So, you are--

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JONATHAN DARCHE: [interposing] Chair--

CHAIRPERSON ADAMS: [interposing] I'm
sorry, Executive Director, go ahead.

JONATHAN DARCHE: If you give me one
minute, I can pull the numbers--

CHAIRPERSON ADAMS: [interposing] Sure.

JONATHAN DARCHE: of allegations of
offensive language for you from 2020. So, we
received 277 allegations of offensive language
allegations in 2020, which is down from 310 in 2019.

CHAIRPERSON ADAMS: Okay, thank you.
I'll turn the table just a little bit on that
question. Do you know of any instances, same
instances, actually being reported by an officer on
behalf of a member of the public?

FREDERICK DAVIE: So, officers who have,
sorry, filed a complaint on behalf of a member of the
public against another officer for using offensive
language?

CHAIRPERSON ADAMS: Correct.

FREDERICK DAVIE: I don't recall any.
John?

JONATHAN DARCHE: I don't know if it was
for offensive language, but I believe I know of one

1
2 complaint by a member of service on behalf of a
3 civilian.

4 CHAIRPERSON ADAMS: Okay.

5 JONATHAN DARCHE: We can clearly check
6 and have the answer for you by the end of the week.

7 CHAIRPERSON ADAMS: Great, great. I'd be
8 curious to know that answer. And just to kind of
9 wrap this, this will be my final question and just
10 the bottom line. Are you, as leadership of CCRB,
11 confident or do you have faith in the reform that's
12 due under this Executive Order?

13 FREDERICK DAVIE: I'm not-- so, I'm
14 willing to work with, and I think I can speak for my
15 fellow board members, and I think I can speak of the
16 Executive Staff of CCRB, we want to work with the
17 Mayor, the Governor, Commissioner, the City Council,
18 the State Legislature, anyone who is pushing for
19 progressive reform. And so what I'm hopeful for that
20 we'll get a very robust reform agenda coming out of
21 this process and that we will all commit together to
22 seeing to its implementation.

23 CHAIRPERSON ADAMS: Thank you very much
24 for your testimony. Thank you.

25 FREDERICK DAVIE: Thank you.

1 CHAIRPERSON ADAMS: Counsel?

2 COMMITTEE COUNSEL: Okay, I'm going to
3 ask if any other Council Members questions for the
4 CCRB before we turn it over to the public. Thank you
5 very much Mr. Davie and Mr. Darche.
6

7 FREDERICK DAVIE: Thank you.

8 JONATHAN DARCHE: Madam Chair, can I just
9 say one thing?

10 CHAIRPERSON ADAMS: Yes.

11 JONATHAN DARCHE: So, I was listening
12 earlier and there was a lot of conversation about
13 consolidating the three entities into one, and I
14 think while that is an interesting idea if some of
15 the root problems that the Chair discussed in his
16 testimony are also addressed, the consolidation won't
17 be a meaningful improvement.

18 CHAIRPERSON ADAMS: Thank you very much,
19 Executive Director, appreciate that. Thank you.

20 COMMITTEE COUNSEL: Okay. We will now
21 turn to public testimony. I would like to remind
22 everyone that unlike our typical council hearings, we
23 will be calling individuals one by one to testify.
24 Each panelist will be given three minutes to speak.
25 Please begin your testimony once the Sergeant has

1 started the timer. Council Members who have
2 questions for a particular panelist use the Zoom
3 raise hand function, and I will call on you in the
4 order your raised your hand after the panelist has
5 completed their testimony. Council Members, you have
6 a total of three minutes to ask your question and
7 receive an answer from the panelist. For panelists,
8 once your name-- once you're called to testify, a
9 member of our staff will unmute you and a Sergeant of
10 Arms will set the timer then give you the go-ahead to
11 being. Please wait for the Sergeant to announce that
12 you may begin before delivering your testimony. I'll
13 just read the names of the first few panelists so you
14 can get ready. First up will be Kadiata Kaba, from
15 Make the Road New York, followed by Michael Sisitzky
16 from the New York Civil Liberties Union, and Melissa
17 Moore from the Drug Policy Alliance. Kadiata Kaba?

18
19 SERGEANT AT ARMS: Time starts now.

20 KADIATA KABA: Hi, good afternoon. My
21 name is Kadiata and I am a member of the Youth Power
22 Project at Make the Road New York. For me, this is
23 personal. I grew up watching people who look like me
24 experience and resist violent actions and abuse at
25 the hands of police. Our city has over-invested in

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2 policing instead of investing in things that can
3 actually save our lives and help us thrive, so health
4 care, schools, community centers, housing, mental
5 health supports, food justice, the list goes on. So,
6 amidst the ongoing cases of police violence
7 throughout the country, police reform has been a
8 salient issue. But those of us who reside in these
9 communities directly impacted by policing know that
10 this is our everyday lived experiences. We are sick.
11 We are tired. We are exhausted. We have had enough.
12 So, when having conversations about police reform,
13 those who are directly impacted must spearhead the
14 conversations about policy advocacy efforts. Police
15 Reform must include removing police from public
16 institutions that are supposed to be supporting Black
17 and Latinx youth and communities. We know our
18 history and understand police have been in New York
19 City public schools to criminalize, surveil, and
20 restrict freedoms of Black and Latinx youth. There
21 is no evidence that police or metal detectors create
22 safer communities. But there is evidence it further
23 criminalized Black and Latinx youth. Black and
24 Latinx youth are over 90 percent of all students
25 arrested and receiving summons in schools. Research

1 shows policing students in schools doesn't do
2 anything to make schools safer, but it leads to the
3 pathway to prison. We have a vision for creating
4 nurturing, supportive, and inclusive schools for all
5 young people. The way to truly create safe and
6 supportive learning environments is by investing in
7 creating stronger relationships between students and
8 supportive school staff, teachers, and guidance
9 counselors and using more just and fair approaches to
10 discipline that uses community building practices,
11 not policing school children. By redirecting over
12 \$320,000,000 million we send from the DOE to the NYPD
13 for School Safety Agents, we could hire more guidance
14 counselors, social workers, school nurses, and
15 restorative justice coordinators. And the city of
16 Oakland recently announced the complete removal of
17 police officers in schools. So, my question is, what
18 are you waiting for New York City? Thank you.

20 COMMITTEE COUNSEL: Thank you for your
21 testimony. Next up will be Michael Sisitzky followed
22 by Melissa Moore and Charlotte Pope.

23 SERGEANT AT ARMS: Your time starts now.

24 MICHAEL SISITZKY: Thank you. Good
25 afternoon. My name is Michael Sisitzky. I'm Senior

1 Policy Counsel with the New York Civil Liberties
2 Union. For this reform and reinvention process to
3 work, it needs to be informed and led by those whose
4 safety is directly impacted by police violence, and
5 that's not what we've seen so far. In October, the
6 NYPD held a series of listening sessions announced
7 with no real notice with limited opportunity for real
8 public engagement, and since then there's not been a
9 good faith effort to develop a plan in consultation
10 with directly impacted communities. And so we're
11 deeply skeptical that any city-run or facilitated
12 process can produce a plan that rises to the current
13 moment. The amount of work that's needed is far
14 beyond what can realistically be accomplished by the
15 April 1st deadline, or even by the July 1st city
16 budget deadline where this body has the opportunity
17 to make up for last year's failure to reduce the
18 size, scope, and power of the NYPD. But moving
19 forward, defunding the NYPD and reinvesting in black
20 and brown communities must be the goal that guides
21 this council's work. That should be what guides the
22 council's budget deliberations this summer, and it
23 should serve as the framework for analyzing any
24 reforms due by April 1st. This framework means
25

1 ending the role of police responding to situations
2 like mental health crisis and homeless outreach, and
3 recognizing that we cannot substitute police for a
4 fully-functioning and fully-funded social safety net.
5 It means a full removal of School Safety Agents from
6 schools. Former Mayor Giuliani's decisions to give
7 cops free reign over school discipline has hurt a
8 generation of black and brown students, and it must
9 come to an end, and merely moving these officers to
10 DOE is not sufficient. This framework also means
11 being-- banning expensive, invasive, and racist
12 surveillance technologies like face recognition,
13 which we've learned that the NYPD has been using
14 irresponsibly for years. And it also means rejecting
15 proposals for reform that merely entrench the role of
16 policing or that seeks to promote better policing.
17 Although often pursued with good intentions, reforms
18 consisting of more training or the role out of
19 community policing models only legitimized the role
20 of police in areas where alternative social
21 intervention can better address and meet people's
22 needs. And lastly, and perhaps most critically for
23 this process it can only succeed if we clearly
24 acknowledge and account for the complete lack of
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1
2 credibility from the NYPD and this Administration in
3 any conversation on reform. Under this
4 Administration, the NYPD has loudly objected to basic
5 transparency measures and has sought to delay or
6 water down nearly every bill that city legislators
7 have put forward. Under this Administration, the
8 NYPD pushed for and won a dramatic expansion of
9 Section 50A which was only undone due to the
10 unprecedented mobilization of thousands of New
11 Yorkers last summer demanding the law's repeal.
12 Under this Administration, NYPD officers have
13 misrepresented crime data and broken rules against
14 political messaging while in uniform to advocate for
15 roll-backs and historic bail reform measures. And
16 under this Administration we have seen a complete
17 unwillingness to hold officers accountable for
18 egregious misconduct. In the five years that it took
19 to fire the officer who killed Eric Garner, to the
20 repeated failures to take responsibility for the
21 unprecedented violence directed at protestors last
22 summer, the Council can--

23 SERGEANT AT ARMS: [interposing] Time
24 expired.
25

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2 MICHAEL SISITZKY: The Council can and
3 must serve as a counter-weight to this abdication of
4 leadership and work directly with the communities
5 impacted by policing to identify real solutions and
6 not give undeserved credit to whatever reform
7 proposals emerge from the NYPD and this
8 Administration. The people with the credibility here
9 are the ones who have been harmed, not the ones who
10 have caused it. Thank you.

11 COMMITTEE COUNSEL: Thank you for your
12 testimony. We will now turn to-- I believe we have
13 Maryanne Kaishian, if you're available, we're going
14 to turn to you.

15 SERGEANT AT ARMS: Time starts now.

16 MARYANNE KAISHIAN: Thank you. As
17 Senior Policy Counsel with Brooklyn Defender
18 Services, I want to thank the Committee on Public
19 Safety, particularly Chair Adams, for holding this
20 important discussion on police reform and for
21 prioritizing the testimony of family members first.
22 Reforming the NYPD has been attempted many times in
23 the past, but the Department only makes a mockery of
24 intersection and change. They amend their Patrol
25 Guide and conduct trainings to reflect changes

1 demanded by the public, only to fail to discipline
2 officers who break the rules. As now, the NYPD cuts
3 impacted people, critical voices and defenders out of
4 discussions about police practices while touting so-
5 called efforts at reform. Proposed police reforms
6 across the country, including federal standards
7 advocated by Governor Cuomo would bring other
8 Departments into line with the NYPD such as on body-
9 worn cameras and chokehold bans, but these rules do
10 not curb abuse perpetrated by the NYPD in times of
11 mass protest or otherwise. Ultimately, the NYPD
12 refuses to discipline or fire officers such as Wayne
13 Isaacs, or Kobel Clouseau, and they reject any and
14 all attempts at oversight. The real transformative
15 change New Yorkers need requires taking power, money,
16 and headcount away from the NYPD and investing in the
17 people of this city. I refer this committee to my
18 written testimony for more information, but in my
19 limited time I'd like to make the following
20 recommendation: the Council controls NYPD funding and
21 must divest from policing. There are many ways the
22 NYPD budget could be significantly and quickly
23 reduced, namely firing officers credibly accused of
24 misconduct, including the murders of family members
25

1 of people on this call, eliminating the NYPD gang
2 database, and abolishing abusive specialized units.
3 Officers engaged in misconduct knowing the Department
4 will not hold them accountable, and the Commissioner
5 retains veto power over any disciplinary
6 recommendations. The Council must take away the
7 NYPD's final say in the employment of abusive cops
8 who are continually funded at the expense of
9 communities. Massive resources are also spent on
10 surveillance in gang policing without measurable
11 safety improvements. Ninety-nine percent of all
12 people on the NYPD's rogue gang database are non-
13 white. There are no clear guidelines for designation
14 and it can't be challenged. About a third of people
15 added are children, some as young as 12. The
16 database in my experience representing young New
17 Yorkers is riddled with errors, but even when the
18 police correctly identify someone as a gang member,
19 the abuse, harassment, and cataloging of young people
20 by police does not enhance community safety. The NPD
21 surveils children and young adults sometimes for
22 years without alerting parents that their children
23 are in trouble or providing meaningful interventions.
24 They build cases in backrooms to warehouse people for
25

1 complex and racist prosecutions of incoed [sic]
2 crime. The Council should move to eliminate the gang
3 database and to reign in abusive NYPD practices and
4 it should look to fund community initiatives such as
5 Cure Violence, housing, and mental health programs
6 instead. In addition to the gang squad, the vice
7 unit and other specialized units operate with
8 impunity. While the abuses by Vice covered in recent
9 reporting are not unique to specialized units, these
10 groups exemplify the most destructive tendencies of
11 policing. BDS addressed the City Council in a letter
12 calling for the abolition of ICE. We've been
13 sounding the alarm on this unit and others alongside
14 community members for years while the NYPD protected
15 these officers. In short, implementing reforms,
16 specifically NYPD-approved reforms, and expecting the
17 Department to fundamentally change is a folly. The
18 City Council should exercise its power to
19 significantly reduce the power and funding of the
20 NYPD. Thank you.

22 COMMITTEE COUNSEL: Thank you for your
23 testimony. We'll now return to the list I read
24 earlier. Next up will be Melissa Moore followed by
25

1 Charlotte Pope, and Manchu Yankan [sp?]. Melissa
2 Moore?
3

4 SERGEANT AT ARMS: Time starts now.

5 MELISSA MOORE: Thank you very much for
6 the opportunity to speak at today's much-needed
7 hearing. For decades, we've seen the harms of over-
8 policing up close in our work to end the marijuana
9 arrest crusade in New York. We've watched as
10 policing has played a pivotal role in the racist drug
11 war and how resources have been funneled into law
12 enforcement instead of vital services that make our
13 communities safer. In too many cases, drugs have been
14 used by the NYPD, the largest and most militarized
15 police force in the United States, as an excuse to
16 target, harass, assault and kill Black New Yorkers.
17 New York City must act in this historic moment to
18 fundamentally change the paradigm around policing in
19 New York, cut the NYPD's budget, and reallocate those
20 resources to the more relevant city agencies, harm
21 reduction programs, and community-based organizations
22 who are better trained and equipped to actually keep
23 our communities safe. On drugs in particular, New
24 York City criminalizes drugs and low-level broken
25 windows offenses at a startling rate, with

1 enforcement in these areas accounting for a vast
2 proportion of the NYPD's policing activities and the
3 city's budget. It is inappropriate and ineffective to
4 use law enforcement as front-line healthcare
5 providers. Those resources should instead be
6 allocated to health-serving agencies and entities
7 immediately. As we heard earlier this morning from
8 families who have lost loved ones at the hands of
9 NYPD, interactions between PD and communities go
10 horrifically wrong far too often and it's time to end
11 this contact. In 2019, there were more than 21,000
12 drug enforcement arrests and violations in New York
13 City with two-thirds being for only possession of
14 marijuana, a controlled substance, or paraphernalia.
15 Further, nearly 15,000 summonses were issued by the
16 NYPD for marijuana in 2019, accounting for 17 percent
17 of all criminal summonses issued citywide that year.
18 There's stark racial disparities among these drug
19 arrests and violations as well, despite data showing
20 similar rates of use across populations. In 2019
21 alone, more than 45 percent of people arrested or
22 cited for drug offenses in New York City were black,
23 despite black New Yorkers making up under 25 percent
24 of the City's total population. A further 38 percent
25

1 were Latinx, with Latinx people making up less than
2 30 percent of the city's total population. Only 11
3 percent of people arrested or cited for drug
4 violations were white, yet white people comprise 47
5 percent of the city's population. The trends in drug
6 enforcement in New York City mirror enforcement of
7 other low-level offenses, often referred to as broken
8 windows policing. Because broken windows focuses on
9 the lowest level offenses to theoretically prevent
10 more serious offenses, an assumption that has been
11 repeatedly disproven. Low-level marijuana possession
12 and sale are consistently among the most common
13 offenses charged under broken windows as well. In
14 2019 the arrest and violations for low-level broken
15 windows offenses accounted for 28 percent of all NYPD
16 arrests and violations issued for the year, resulting
17 in a tremendous negative impact on individuals in
18 communities and wasting vast city resources. I'll
19 just direct the Council to our further
20 recommendations that'll be included in my written
21 testimony. But top level and the arrest and violation
22 level enforcement for drugs, drugs paraphernalia and
23 related petty offenses often used to criminalize drug
24 use and enacting non-enforcement policies to
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1
2 effectively de-criminalize drugs in New York City,
3 eliminate nuisance complaints, and remove the odor of
4 marijuana as a justification for a stop and a search.
5 Prohibit sweeps of homeless encampments and shift
6 calls for service relating to encampment "nuisance
7 violations," principally to civilian agencies,
8 establish overdose prevention centers and safer
9 consumption sites, and allow drug tracking services,
10 and eliminate the narcotics unit of the NYPD and
11 reinvest that funding harm reduction services. We
12 have to stop the use of confidential informants for
13 narcotics by prohibiting the use of known drug users
14 as buyers and informants, and with that, I will close
15 out, and thank you very much for this opportunity and
16 for the work that you're doing.

17 COMMITTEE COUNSEL: Thank you for your
18 testimony. Next up will Charlotte Pope followed by
19 Joo-Hyun Kang followed by Keith Fuller.

20 SERGEANT AT ARMS: Time starts now.

21 CHARLOTTE POPE: Thank you and good
22 afternoon Chair Adams and members and staff of the
23 Committee. My name is Charlotte Pope, speaking on
24 behalf of Girls for Gender Equity. We've submitted
25 detailed written testimony with recommendations for

1 the Council's consideration, but we'll share now some
2 abbreviated concerns with school policing and the
3 youth policing strategy. To start, while every
4 public school students in New York City attends a
5 school with a School Safety Agent, over 87,000
6 students attend a school without a fulltime counselor
7 or 300,000 without a fulltime social worker, over
8 286,000 with class sizes above 34 students, and the
9 list goes on. The Governor's guidance book on the
10 Executive Order only goes as far as to suggest
11 considering the deployment of police in schools and
12 revising memorandums of understanding. New York
13 City's newest 2019 Memorandum of Understanding was a
14 result of multiple years of stalling and negotiations
15 that ultimately undermined its potential impact and
16 left school policing to the discretion of the NYPD
17 through the inclusion of language like use
18 alternatives when possible, where appropriate, and on
19 a case-by-case basis. In the year that followed the
20 adoption of that MOU total reported police
21 interventions in schools did not budge from the prior
22 year. So we're calling on the Council to advocate
23 for immediately reducing the power and presence of
24 school policing and move a vision that healthy,
25

1 equitable schools are police-free schools rather than
2 continuing to tinker around the edges or building up
3 new policing infrastructure or policing by another
4 name. We're also calling for the end of the NYPD's
5 Youth Strategy and attempts to further entrench law
6 enforcement in the day-to-day lives of young people.
7 With the incorporation of the new Youth Coordination
8 Officer in the Patrol Guide at the end of June, we
9 were disturbed to read many of the written
10 responsibilities such as developing youth programs.
11 We're asking the city invest in meeting the needs of
12 young people rather than packing resources into
13 precincts. We have served each of the nine public-
14 facing community engagement sessions and were alarmed
15 by the Department's insistence on growing and
16 expanding NYPD youth programs. This comes, for
17 example, after the city funded DYCD and chopped SYEP
18 in more than half. We urge the Council to block any
19 attempt to expand the reach of NYPD youth programs
20 and join again in calling for a divestment from youth
21 policing and an investment in meeting the real
22 material needs of young people. Thank you again for
23 this time.
24
25

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2 COMMITTEE COUNSEL: Thank you for your
3 testimony. Joo-Hyun Kang followed by Keith Fuller.

4 SERGEANT AT ARMS: Time starts now.

5 JOO-HYUN KANG: Thanks so much Chair
6 Adams for having this hearing and also, certainly,
7 for having families speak first. So appreciated so
8 uncommon, unfortunately. Communities United for
9 Police Reform is a largest coalition in New York City
10 around police reform. We run coalitions of over 200
11 organizations on various campaigns, specifically
12 around police reform and reducing reliance on police
13 for safety. I did have prepared remarks which I am
14 not going to use, because the-- I'm using my time
15 instead to respond to what I believe are misleading
16 and false statements by the Administration this
17 morning. Specifically, as you pointed out, the
18 City's process really has been NYPD-led. It actually
19 does not matter that the First Deputy Mayor's
20 Office's name is there and staff are there. The NYPD
21 has been driving the entire City's reform process,
22 which basically makes it illegitimate, and the moment
23 that we're in right now is that what will happen, as
24 you know, is that the city is requiring to send a
25 plan to Governor Cuomo by April 1st, which means the

1 City Council needs to act by March, and we are in the
2 middle of January, which means that there is no time
3 actually for significant direction or guidance in
4 such a plan and it's a catch-22 the council has been
5 set up in, I think. Where had the Council been
6 engaged earlier, had community organizations,
7 especially those with long-standing history around
8 police reform been able to help guide some of this
9 process, we would not be in the position where in
10 March you'll have the choice of either accepting or
11 rejecting the Mayor's plan and having not only the
12 NYPD potentially lose budget monies but other
13 agencies in the City potentially lose budget money.
14 And so, I just want to name that this actually in
15 this moment a set-up regardless. Second thing is
16 that there is really no meaningful engagement that's
17 happened with families, as you've heard from families
18 today. And the question actually isn't fundamentally
19 about engagement. It's a question of power. When we
20 think about past processes, Thomas Giovanni talked
21 about Floyd and Daniels, CTR organizations where
22 actually the plaintiffs in Floyd or Daniels- we have
23 a 20+ year history on those-- on the stop and frisk
24 litigation and the Black, Latino, Asian Caucus was
25

1 the key supporter of the Floyd litigation. So when
2 we talk but engagement, there were thousands of New
3 Yorkers who were engaged in the Floyd joint remedies
4 process. There were focus groups. There were town
5 halls, and there were hundreds of pages produced of
6 recommendations, and yet the NYPD has really not
7 moved any of the priority recommendations, nor has
8 the Mayor. The second-- the next thing I want to
9 just say is that fundamentally, again, this is truly
10 about power more than it is about policy. The NYPD
11 and police unions have outsized [sic] power in New
12 York and too often unilaterally react or block
13 discipline. They reject or block policy changes and
14 take control of the media narrative, and too often
15 not only mislead, but actually just lie. There's
16 three examples I want to raise that are relevant to
17 the ad--

18
19 SERGEANT AT ARMS: [interposing] Time
20 expired.

21 JOO-HYUN KANG: [interposing] One is--
22 sorry, did you say that's time?

23 CHAIRPERSON ADAMS: Continue.

24 JOO-HYUN KANG: Sorry. One is
25 specifically around 50A. They claim that there's a

1 TRO currently. Actually, CPR is an intervener in
2 that litigation. It's not so much that there's a
3 TRO, but the police unions have all sued on this, and
4 we actually won and did not have a TRO in the
5 district court, so the police unions went to the
6 second circuit. There's going to be actually a
7 hearing in second circuit next week on this, but in
8 spite of that, whether or not we call it a TRO or
9 not, they're not prohibited from releasing individual
10 information. For example, to families or even for
11 that matter, to the public. So, in the next month, I
12 really hope that the Council does not accept if they
13 come back and say we can't tell you what's happening
14 what's happening with the officer [inaudible], we
15 can't tell you what's happening with the officer with
16 [inaudible]. We can't tell you about Delrawn Small
17 or Trey Wick [sp?], or Garner because of supposed 50A
18 restrictions. That is not actually true. Second
19 example is just the cosmetic changes around the
20 matrix. They mentioned the matrix this morning, and
21 what I want to emphasize is that there is a way in
22 legislation can be very important, and there's a way
23 in which the NYPD has become expert at abusing
24 legislation. And so, yes, there is a matrix that's

1
2 been mandated; however, what goes into that matrix is
3 completely unilaterally determined by the NYPD. So
4 for example, we sent a letter signed by dozens of
5 organizations demanding changes to the matrix,
6 because abusive actions like not wearing your mask,
7 like racial profiling, like other kinds of abusive
8 actions are not necessarily automatically fireable
9 offenses. That's already a problem when you consider
10 the fact that racial profiling complaints in a span
11 of five years from 2014 to 2019. There are close to
12 3,000 racial and discriminatory profiling complaints.
13 Zero were substantiated by the NYPD, zero. And so if
14 the NYPD itself is not going to substantiate these
15 complaints, it will never result in firing. The
16 third example is around the monitorship that Thomas
17 Giovanni talked about. Yes, many of us have been
18 involved the Floyd Monitorship, in fact, many of our
19 organizations including those members of [inaudible]
20 grassroots movement and the Justice Committee were
21 lead plaintiffs, not only in Floyd, but also in B.
22 Daniels [sic] lawsuit after [inaudible] was killed.
23 However, in that monitorship what's being contested
24 right now is that we have 20 years of litigation with
25 almost no remedy. There's been no-- there have been

1 zero disciplinary reforms that have been ordered.
2 The community prioritized recommendations that the
3 Floyd facilitator recommended in his official report
4 before his term was over. Those have not been moved
5 on, including the creation of a specific Community
6 Board. And then lastly, I guess I just want to say
7 that Chair Adams, your question earlier in the
8 hearing questioning the point about how this is a
9 leadership issues and there's a refusal to admit
10 wrongdoing is a bottom line in this process as the
11 lack of action for families, I would say really means
12 that there can't be any faith in any plan that comes
13 out of this without significant City Council
14 intervention and without significant leadership, not
15 only for the families involved, but also communities
16 who have been fighting this for decades, not just
17 the-- sorry, the last point I just want to make is
18 just community engagement is not the same as
19 community power, and what we are looking for is a
20 shift in power. That's why so many people are
21 calling for a reduction in the budget of the NYPD,
22 because that represents a reduction in the unchecked
23 power of the NYPD. Thank you so much. I really
24 apologize for going over.
25

1
2 CHAIRPERSON ADAMS: No apology necessary.
3 Thank you so much for your testimony. Thank you.

4 COMMITTEE COUNSEL: Thank you for your
5 testimony. I'll just remind any Council Members if
6 you have questions for any of the panelists, please
7 use the Zoom hand raise function. And the next few
8 witnesses will be Keith Fuller, followed by Justine
9 Olderman, followed by Corey Stoughton, and Albert Fox
10 Kahn [sp?]. The next panelist will be Keith Fuller.

11 SERGEANT AT ARMS: Time starts--

12 KEITH FULLER: [interposing] Good after--
13 good afternoon. My name is Keith and I'm a member of
14 Make the Road New York Youth Power Project, and
15 lately I've been doing a lot of personal reflection,
16 so I really want to start this off by emphasizing
17 that the reality for many people that look like me is
18 we live in two Americas, one in which people are
19 propped up by the policing infrastructure and another
20 America where people are weighed down by the very
21 same infrastructure. And there's no coincidence that
22 the groups that are oppressed come from black and
23 Latinx communities. That's why it's so crucial that
24 our elected [sic] wake up and acknowledge that the
25 only way we can effectively reimagine policing is by

1 reducing their budget, power, and reach into our
2 lives. The insurrection at the Capitol building on
3 Wednesday should have put everyone on notice. The
4 core functions of the NYPD and law enforcement across
5 this country is maintaining inequality and upholding
6 white supremacy. The Mayor is not willing to address
7 that directly, making the city's process a hollow
8 one, one that we can't trust to bring us justice.
9 Compare what we saw to the Black Lives Matter
10 protests across the city this summer that were
11 outraged that a black or brown person cannot sleep in
12 their own beds at night without the fear of being
13 woken up and murdered by the police. They were-- we
14 were beaten, sprayed, and drove down on by police
15 cars. That is why I call it two Americas, because
16 police are here to control us and to aid them. So
17 let's address this directly, not by using our
18 imagination but by addressing the reality. We can
19 start by significantly reducing the NYPD budget by
20 removing them from all forms of social services,
21 public institutions, homeless outreach, and mental
22 health responses. Police have been embedded in
23 social services largely serving Black and Latinx
24 communities, not to improve them, but because we are
25

1
2 seen as dangerous and criminal even when we are
3 trying to access support. In short, immediately
4 remove police from our social services, end their
5 relationships with social service agencies, and
6 reinvest that same money that went to the NYPD back
7 into the communities that need them the most. That
8 is how we keep our communities safe and just. Thank
9 you.

10 COMMITTEE COUNSEL: Thank you for your
11 testimony. Next up will be Justine Olderman followed
12 by Corey Stoughton.

13 SERGEANT AT ARMS: Time starts now.

14 JUSTINE OLDERMAN: Chairperson Adams and
15 committee members, I know I'm not just speaking for
16 myself when I thank you for having this hearing and
17 for your opening remarks. It is a relief in many
18 ways to hear reflected back by Council the concerns
19 that we have been raising with the Mayor and with the
20 Police Department since October. I'm the Executive
21 Director at the Bronx Defenders, and at the Bronx
22 Defenders we represent over 15,000 people charged
23 with criminal cases every year. Every single one of
24 the people that we encounter before we meet them has
25 had some interaction with the NYPD. When I try to

1 wrap my head around how monumental the task of
2 reinventing the role of police in New Yorker's lives,
3 what I think about is if we took every single one of
4 those stories, if we wrote them down, if we put them
5 in books, and we bound those books and stacked them
6 one on top of each of other and put them down in
7 front of One Police Plaza, it would be a physical
8 monument to what is essential City-sanctioned
9 brutality, and it would be a stunning indictment not
10 only of the brutality of the NYPD, but sadly a city
11 that has really stood by for a very long time and
12 done nothing about it. So, it's not surprising that
13 this summer, as you referenced in your opening
14 remarks, in the aftermath of George Floyd's murder,
15 the decades of pain and trauma that New Yorkers,
16 especially black and brown New Yorkers, have
17 experienced. It's spilled over into the streets, and
18 what we all stood by and heard and experienced and
19 participated in were the cries of anguish and of
20 urgency for transformation. And when confronted with
21 that mounting critique of the role of NYPD and the
22 violence they perpetuate against low income black and
23 brown communities, what did they do? What they did,
24 Chairperson, is they did what they do best, they
25

1 responded with militarized force and more violence.
2
3 Nowhere was that more on display than in the south
4 Bronx where the people we serve live. Our clients,
5 our staff, our community members, they were there in
6 Mott Haven on June 4th. They not only witnessed the
7 brutality, they experienced it. One of our senior
8 attorneys and a Bronx resident reported this: "I was
9 hit on the head with a shield and indirectly sprayed
10 with pepper spray. I tried to use my body to get out
11 of the way of officers who were hitting people with
12 batons and shields and I was pushed into crushed
13 bodies and could not move." I'd love to sit here and
14 tell you that the stories we heard in the aftermath
15 of the Mott Haven protests were surprising to us, but
16 having worked in the south Bronx for 20 years and
17 serving this community, there was nothing surprising
18 about it. For years, the NYPD has targeted the people
19 of the Bronx. The Bronx, which has the highest
20 proportion of people of color. We have been
21 disproportionately targeted for arrests [inaudible]
22 and rates we just don't--

23 SERGEANT AT ARMS: [interposing] Time
24 expired.
25

1
2 JUSTINE OLDERMAN: Now, as you noted,
3 despite this predictable pattern, there was a glimmer
4 of hope that we all had when the Governor issued his
5 Executive Order. It could have been a catalyst for
6 change. It could have been a structured way to
7 reimagine the role of the NYPD in the lives of New
8 Yorkers. However, despite what you heard today,
9 neither the Mayor, nor the Commissioner have had a
10 show of any interest in addressing these long-
11 standing patterns of violence and brutality. If,
12 Chairperson, and Council Members, if what they said
13 today was true, they would have launched a truly
14 collaborative process, noted the guidelines that the
15 Governor put out, a collaborative process that
16 mirrors something like the Council's own Rikers
17 Commission that had not only a cross-section of
18 advocates and stakeholders who participated, but they
19 built that plan together. They didn't just passively
20 listen to what people had to say and then go off in a
21 process that was shrouded in secrecy and come up with
22 their own plan. They could have done that, but they
23 didn't. Instead, the Mayor handed over the reins to
24 the NYPD, which has shown itself-- we all know this--
25 time and again to have one goal over all others, and

1 it is not public safety. It is self-preservation. I
2 want to highlight one thing that I heard today from
3 the Mayor's Office of Criminal Justice's claim that
4 they've engaged with stakeholders including the
5 defenders. Like Joo-Hyun, I also want to highlight
6 that that is not true. The only role the Defenders
7 have played in this is to highlight for them the same
8 concerns you raised at the beginning of this hearing,
9 in letters, in meetings, etcetera. And what was the
10 response? All of our suggestions for how to make
11 this process meaningful were completely rebuffed. And
12 so are we willing to be simply a check-box so they
13 can come before you and say that they engaged with
14 us. We are not, because as Joo-Hyun said, this isn't
15 just about listening, this is about power. And I
16 would ask you to inquire not only about where are the
17 voices of impacted communities in this process, but
18 where are the nonprofit leaders that you cited that
19 you respect, that we respect? Where were they today?
20 Why aren't we hearing from them? They should be
21 called upon to speak to your committee as well. If,
22 in fact, the things that they said today were true,
23 they also would have created a transparent process.
24 That process would have included the sharing of data
25

1 with the public. All these meetings they trotted out
2 to make it seem like they had done so much, why
3 weren't those made public? And why didn't they
4 engage in the community in a meaningful way? You
5 herd that these were rushed and rolled out. They
6 were shrouded in secrecy. People didn't have enough
7 advanced notice. Many of us who testified today
8 attended those. They were PR campaigns. They
9 weren't real engagement sessions, and they could have
10 created a system of accountability, but there is no
11 way for us to hold this Mayor or the Commissioner
12 accountable to the feedback from those meetings. The
13 processes they have set up, as I think you alluded to
14 early on, it is all smoke and mirrors. It gives the
15 illusion of something real when in reality it is
16 designed to reinforce the status quo. I was so taken
17 by Iris Baez's comment this morning. I think she sort
18 of summed it up best. She said decades ago that the
19 NYPD came and said everything that the community
20 wanted to hear, and they did the same thing to you
21 today. They said the right words. They had the
22 right intention, but we know when you pull back the
23 veil, this is not a process we can trust, and it's
24 not even a process worth having. And I apologize, it
25

1 leaves me with this moment where I want to say to you
2 this is the answer, this is what you can do, but the
3 truth is I'm not entirely sure what the Council can
4 do at this point. In many ways, it is too late for a
5 real process, and in many ways, sadly, it's a missed
6 opportunity for real change. But the one thing
7 Council could do that at least will be a step in the
8 right direction, is to reject any plan this Mayor
9 brings to you that does not-- as many other people
10 have said, and as the impacted members of the
11 families said this morning-- that does not have a
12 radical divestment from the NYPD and a corollary
13 massive investment in impacted communities. This is
14 a civil rights issue of our time, and at this point,
15 it is up to the Council to make sure that what comes
16 out of this process isn't just another fake reform
17 effort that we can all pat ourselves on the back on
18 and go away and pretend like nothing happened. Thank
19 you.
20

21 CHAIRPERSON ADAMS: Thank you very much
22 for that informed testimony. I was about to put my
23 thumb up, but I figured I'd just take my mic and just
24 say whoop whoop. So, I really just want to ask you
25 and Ms. Kang if she's still on-- we're talking about,

1
2 be somebody that has cognitive disability or some
3 other kind of disability that they misread. We need
4 to really reduce the amount of police engagement.
5 Many of our youth organizations, all of them have
6 said the police have to be out of schools. I know the
7 Chair Adams, you were in New York when there was a
8 time when police were not in schools, and there are
9 many reasons for why people will say police are now
10 in schools. There's no reason we can't actually come
11 up with a comprehensive safety plan in schools that
12 centers young people, that centers youth of color who
13 are daily facing punitive impacts in the school-to-
14 prison pipeline. And if we can listen to groups like
15 Make the Road New York, like Girls for Equity, and
16 really follow their lead in terms of all the work
17 they had thought through around Restorative Justice,
18 around how to make sure that the purpose of school is
19 not punishment, but the purpose of school is
20 learning. Melissa talked about drug enforcement as
21 another area. Traffic enforcement is another area.
22 There's a number of areas we can go through, but
23 really, this is moment to rethink and imagine what
24 does public safety look like for us as a city and not
25 assume that every part or any part of public safety

1
2 has to require police [inaudible]. Many of our
3 organizations who have members who are regularly
4 survivors of hate violence have said that police
5 should be taken out of hate violence enfor-- hate
6 violence investigations. There's other ways to do
7 hate violence investigation, hate violence prevention
8 that is not purely about police. So there is a long
9 list, and I would say that that's only the beginning
10 of a list, that we could actually have a citywide
11 conversation on how to redefine safety and how to
12 rethink how we keep all of our communities safe all
13 the time.

14 JUSTINE OLDERMAN: And I'll just-- I
15 mean, that's such a great list. Some things that I
16 will just, you know, add to that-- you know, one of
17 the things is domestic violence and seeing other
18 places where we can actually intervene in ways that
19 actually help people instead of harm people. It's
20 like a one-size-fits-all approach to it. The other
21 issue is even just the interpersonal, the number of
22 cases we see that involve tenants who have conflict
23 with one another, who have disputes with one another.
24 It's like, again, it's like if you look at every
25 interaction that happened, from all the ones that

1 Joo-Hyun cited to all the way through to the way we
2 deal with, you know, the Vice Squad and drugs and
3 gangs, it's like we have to ask ourselves-- we're
4 such-- the city is filled with brilliant people. We
5 are smart enough to come up with alternative
6 solutions and not keep going through the same failed
7 strategies. Think about HRA centers, the places
8 where people go to seek help and assistance, and yet,
9 those are spaces that are policed. So, I think, you
10 know, just to echo what Joo-Hyun said, if we really
11 need to being to take a very expansive look and ask
12 ourselves are we smart enough, are we creative
13 enough, do we care enough to come up with a different
14 strategy? Because certainly what we've been doing in
15 all of the areas that you just heard from, it's not
16 working.

18 CHAIRPERSON ADAMS: Thank you so much.

19 COMMITTEE COUNSEL: It looks like Ms.
20 Kang has some follow-up. Can we unmute her?

21 JOO-HYUN KANG: I'm so sorry, just two
22 things that I will get yelled at for not naming. One
23 is press credentialing. There's no reason that press
24 credentialing should be happening through the NYPD.
25 That can be moved to another government agency

1
2 easily. It's an administrative function, shouldn't
3 be a police function. Secondly, it's also policing
4 of protests. Strategic Response Group, which is
5 Counterterrorism Unit, has no business policing
6 protests, but we would actually go farther and say
7 that community members actually can secure our own
8 protests. In fact, we train people all the time to
9 actually secure their own protests, because often
10 times what police are doing at protests is stopping
11 traffic, and that's something that community members
12 can be trained to do. It's Marshalls in their own
13 safety formation, especially when there's no risk--
14 no threats of violence or risks. Sorry about that
15 [inaudible]. Thanks.

16 COMMITTEE COUNSEL: We have-- Council
17 Member Rosenthal has some questions. Chair, did you
18 want to follow up before we turned to her?

19 CHAIRPERSON ADAMS: Nope, let's go to
20 Council Member Rosenthal.

21 COUNCIL MEMBER ROSENTHAL: Well, I just
22 want to thank-- Justine, you know that-- you know how
23 I feel about you. I really appreciate your coming to
24 testify today and the Defenders, all the Defenders'
25 input. I'm wondering two things. One, just out of

1
2 pure ignorance, has your coalition put together a
3 response, a formal response that the Council should
4 be looking at? I want to make sure the Council has
5 that. And secondly, if you could pick-- I like how
6 the Chair zeroed in on, you know, what functions
7 should not be in the PD. You gave this wonderful long
8 list that I agree with. If they're-- one other
9 thing, example, you want to give of something where
10 you sat in those stakeholder meetings, and trust me--
11 the same thing happens on many issues. They have the
12 meeting and they listened, but it doesn't mean they
13 do anything about the suggestions. So, is there one
14 other suggestion that you would like to highlight
15 that you think the PD, you know, listened to but did
16 not hear?

17 JUSTINE OLDERMAN: Councilperson
18 Rosenthal, just so that I'm sure that I am responding
19 to your question. In terms of the process or in
20 terms of what we think a re-imagined role for
21 policing should or would be?

22 COUNCIL MEMBER ROSENTHAL: I mean, the
23 way you articulated the process I think spoke for
24 itself, not transparent and not meaningful. I sat in
25 on some of those Zooms as well and heard the same old

1
2 defensive reactions, you know, an attempt not to, but
3 the same old defensive reactions to community's
4 suggestions. But specifically, suggestions that you
5 would have to reforming, to re-imagining to be
6 thinking about the police as neighborhood safety
7 instead of what they are now. Is there a suggestion
8 that you made that you wished the-- you know, in one
9 of those stakeholder meetings that you wished they
10 really would do?

11 JUSTINE OLDERMAN: To be honest, we
12 didn't even get to any substantive engagement on
13 recommendations or what we think should be included
14 in the plan, because it became very clear very early
15 on, and to be honest, just to give you probably more
16 history than you want-- in the beginning we were told
17 it was going to be a collaborative process, much the
18 way that the Riker's Commission was. That we would
19 not only be part of the collaborative, but we would
20 part of the process of drafting the plan and,
21 obviously, any input we had we would want, you know,
22 to also be informed by the people we serve, the
23 people of the Bronx. That didn't happen, and so as
24 soon as it became clear that that wasn't going to
25 happen and our engagement was only to sort of check

1
2 the box and be able to come before a body like yours
3 and say we--

4 SERGEANT AT ARMS: [interposing] Time
5 expired.

6 JUSTINE OLDERMAN: We indicated that we
7 were not interested in [inaudible]. What we're going
8 to be doing and what I think many of us have really
9 no choice but to be doing is to create sort of an
10 external process to get you the information that you
11 need about how you should think about any plan that
12 comes out, and once the plan does come out, you know,
13 hopefully it'll come out with enough time for
14 impacted communities to have their voices raised and
15 heard about what they actually think of what's in
16 that document or whatever comes before you. I do
17 think that if there is any one, you know, sort of
18 area that we would really push for, and this was
19 referenced by a speaker earlier today-- it is a real
20 divestment, not a divestment in that name only, not a
21 shell game that moves some departments under a
22 different heading, but does not radically re-imagine
23 the role of policing. And there is-- I'm glad that,
24 you know, you asked the question, and I appreciate
25 the opportunity to talk to you directly, because one

1 thing you talked about earlier was sort of this
2 policing social work model, and I do want the
3 opportunity to lift up that-- and I think somebody
4 responded to this in kind and I want to reiterate it,
5 is that we do not see social work policing
6 collaboration as the answer. Having police officers
7 show up in these venues that Joo-Hyun and I just sort
8 of outlined in having a social worker in tandem or a
9 social worker who works for the NYPD. That is still
10 approaching societal issue, a human problem, a human
11 interaction from a punitive standpoint. There are no
12 number of social workers, no matter how well trained
13 they are, accompanied by a police officer is going to
14 create the kind of the culture shift that we've been
15 talking about. We need to divest. We need to shrink
16 radically, and we need to build alternate for
17 addressing the issues that we have always had this
18 one-size-fits-all approach to deal with.

19
20 COUNCIL MEMBER ROSENTHAL: Yeah, I agree
21 with you completely on that. And but just to be
22 clear, what they do in Finland for the Corrections
23 Officers is, in order to get the Corrections training
24 to become an officer, before you go into that
25 academy, you have to spend two years in social work

1 school. so they are trained in being-- having the
2 mindset of a social worker first before they can even
3 learn about-- just to be clear, I wasn't saying both,
4 because in the domestic violence, you know, for
5 example, there are the [inaudible] that exist in each
6 of the precincts, but they don't have the power that
7 the other police have. So for them to be able to
8 say, you know, gee guys, you're really not responding
9 to people who walk in the door in a trauma-informed
10 way, they'd be laughed out of the precinct. So,
11 yeah, just a meaningful shift in how people-- yeah.

12 JUSTINE OLDERMAN: I appreciate that. I
13 think my only-- the only red flag I would have on it
14 is to make sure that any effort that is made to
15 ensure that the people who come into this line of
16 work are coming with sort of like that human-oriented
17 lens.

18 COUNCIL MEMBER ROSENTHAL: Exactly.

19 JUSTINE OLDERMAN: Not instead of a
20 radical re-imagining of the role of police in all the
21 areas we just talked about. So--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 It's in addition to.

24 JUSTINE OLDERMAN: Exactly.

1
2 COUNCIL MEMBER ROSENTHAL: Agreed. Thank
3 you so much. Really appreciate that and look forward
4 to your response to the plan.

5 JUSTINE OLDERMAN: Thank you.

6 COUNCIL MEMBER ROSENTHAL: Thank you,
7 Chair.

8 COMMITTEE COUNSEL: Thank you, Council
9 Member Rosenthal. We will now turn back to our
10 panelists. Next up will be Corey Stoughton followed
11 by Albert Fox Cahn, followed by Marinda Van Dalen.

12 SERGEANT AT ARMS: Time starts--

13 COREY STOUGHTON: Thank you, Council
14 Members. My name is Corey Stoughton from the Legal
15 Aid Society. The Legal Aid Society is the City's
16 largest and oldest public defense provider, and we
17 also have a Cop Accountability Project in the Civil
18 Rights practice where we represent clients in actions
19 against the police, challenging police misconduct.
20 And I want to join the chorus of thanks to the Chair
21 for her powerful opening statement and for putting
22 the voice of the families up front. This committee
23 has already heard powerfully from the families of
24 people killed by officers this morning. The Mayor
25 and the police leadership entered this process with a

1
2 real deficit of trust and credibility, and that's
3 unfortunate, but it is the widely acknowledged
4 reality. And I can tell you from our work on the
5 frontlines with our clients and our community
6 partners that this feeling is really widespread
7 throughout the City. And rather than taking some
8 basic confidence building steps to address that
9 deficit and set this process on the right track, the
10 City's process has made it worse. As one of the
11 named stakeholders in the Governor's Executive Order,
12 Legal Aid and I have been a firsthand witness to that
13 [inaudible]. Our written testimony provides a run-
14 through on those failures and I think it's very clear
15 that in this committee there's widespread
16 understanding and comprehension of that. But the
17 committee stakeholders [inaudible] was convened and
18 then disbanded by the Mayor's Office and that-- and
19 the listening sessions were turned over to the NYPD
20 in a process that was really designed to create the
21 appearance about the reality of community engagement
22 leading to widespread condemnation of that process
23 and further erosion of its legitimacy. And I sked
24 myself as I was listening to the testimony today
25 about how there could be such a gap, you know, almost

1 two realities between the Mayor's Office and the
2 NYPD's descriptions of the broad-based community
3 engagement and the community's reactions to that as
4 kind of inadequate and poor. I think there are a
5 couple of reasons for that. The first is that it's
6 very clear from all this testimony that the NYPD is
7 not only leading this process, but treating as an
8 opportunity to take feedback, and while that is
9 laudable, that is not what this process is about.
10 Community should have a direct voice in reform. That
11 is what is contemplated by the Executive Order, and
12 any meaningful police reform plan would center
13 [inaudible] and not have them mediated through NYPD
14 leadership, which unfortunately doesn't hold the
15 trust of the people whose voice is [inaudible] in
16 that process. And I think that's a real strategic or
17 tactical miscalculation by the Mayor's Office and the
18 police to imagine that simply replaying processes of
19 community engagement that they engage in on a normal
20 course of business is going to be sufficient to build
21 back up the trust and to really center those voices
22 of community in a police reform plan. The second
23 reason why I think there's such that disconnect
24 between what you're hearing from advocates and what
25

1
2 you've heard from the Executive and NYPD leadership
3 is that there's a question of quality over quantity,
4 and I have to question the scale of engagement that
5 the NYPD witnesses have characterized this morning,
6 and but more importantly question the quality of it.
7 This morning there was a lot made, for example, of
8 engagement with community Cure Violence partners and
9 Legal Aid is the legal services provider for those
10 Cure Violence partners, and I can tell you that I was
11 engaged in text messages during the Council hearing
12 this morning of bafflement that they process of
13 meeting with those partners would be held up as a
14 sign of a healthy [inaudible]. The feedback that we
15 have from our Cure Violence process is that those
16 meetings need more oriented towards getting
17 engagement and buy-in and [inaudible] process rather
18 than really contributing to [inaudible] police
19 reform. And that echoes the sentiments that we felt,
20 the Defenders felt, that Justine and Joo-Hyun and I
21 felt when we were initially invited to feedback
22 sessions where again, it felt more like a checkbox
23 exercise, as Justine described it, than it felt like
24 a serious engagement. When we try in really good
25 faith to right that ship and suggest a series of

1 confidence-building measures to really engage
2 community leaders, we were just met with silence, and
3 then ultimately an announcement that the meeting
4 [sic] over [sic]. And that is really damaging to the
5 overall project of building trust and relationships
6 in the police reform bill, and it is a real shame
7 that we have ended up in a place where a process that
8 held out so much promise of delivering on the demands
9 of people took to the street has instead [inaudible].
10 So, I want to have hope, and we have a lot of work to
11 do, and we have not much time to it. But I think
12 unless there's-- and I appreciate the acknowledgement
13 from some of the Mayor's Office's witnesses that the
14 early stages of this process weren't right and that
15 change was required. But I think, respectfully, the
16 problem is that change has not come, and until it
17 does there will not be progress and there will not be
18 reform. And it is great that we are getting to the
19 conversation here and we will get to it again as this
20 process unfolds, but we're brainstorming ideas about
21 what community center police reform really looks
22 like. But it is a shame that we are once again doing
23 this as advocates, and the voices of community
24 members are having to do that from the outside of
25

1 this process, talking at the Council and talking at
2 the NYPD instead of the collaborative process that
3 was envisioned by the Governor's Executive Order.
4 And until we find a way to interrupt that endless
5 cycle of community voices expressing their needs,
6 expressing their desires, putting forth solutions,
7 and just being put on the outside of that process
8 until the NYPD and the Mayor's Office in a process
9 that we still no nothing about, that the Council has
10 heard no details about the specifics about at this
11 stage. Until we break that cycle, we will not get
12 police reform. And so I think the action has to be
13 to take few steps back. And yes, we are out of time
14 for April, but I think there has to be an
15 acknowledgement that the City is not going to make
16 that. Because for a police reform plan to be put
17 before the City Council that lacks legitimacy that it
18 will have, that will substantively lack legitimacy
19 and the process-wise [sic] lack legitimacy, isn't
20 going to serve New Yorkers. so, we need to find a
21 way to make police reform work, and it really
22 involves taking a couple steps back and taking those
23 confidence building measures and ending that cycle.
24

COMMITTEE COUNSEL: [inaudible] for your testimony. Next up will be Marinda Van Dalen followed by Yasmin Harris [sp?].

SERGEANT AT ARMS: Time begins now.

MARINDA VAN DALEN: Thank you for the opportunity to present testimony today regarding the critical issue of how New York City must respond to people experiencing mental health crises by eliminating police from the equation completely. My name is Marinda Van Dalen. I'm an attorney with New York Lawyers for the Public Interest. Thank you to the Committee and the speakers today, including the families who spoke first. The City must ensure that people who experience mental health crises receive appropriate services which will deescalate the crisis. The most appropriate individuals to respond are, of course, mental health advocates and healthcare providers. The police are not suited to deal with these issues. New York's recent history of 16 individuals, 14 of them people of color, who were killed by the New York City Police Department while experiencing crises is a sad testament to that. Correct Crisis Intervention Today NYC, of which NYLPI has long been a member, has developed the needed

1
2 antidote to this problem. CCIT-NYC has drafted a
3 proposal which will provide 24/7 responses to mental
4 healthcare crises by emergency medical technicians
5 and trained peers, people who themselves have
6 experienced mental health crisis, not the police. We
7 encourage the City to adopt this pilot project and
8 not the one that was announced by the City in
9 November. It has greater independence from the New
10 York City Police Department and essential role for
11 our communities and people who themselves have had
12 mental health crises. In closing, I would also like
13 to urge the Committee and Council to do everything
14 within its power to bring the New York City Police
15 Department into compliance with New York's Freedom of
16 Information Law, and in particular to ensure that the
17 public has timely access to body-worn camera footage,
18 which is unedited. New York Lawyers has brought
19 multiple Article 78 proceedings against the Police
20 Department for such footage, and we've been
21 enormously successful, but there should not be the
22 necessity for lawsuit and the [inaudible] delays of
23 the public to have access to footage that they're
24 entitled to by law. The footage e obtained of the
25 police killing of Miguel Richards and Susan Muller

1 with federal agencies such as ICE, but today I want
2 to direct my oral remarks at a far graver threat,
3 that here again in this process we see this lost
4 chance to hold police accountable at a time when we
5 know that it's so indispensable, and instead we have
6 let the NYPD take control of this process, a process
7 that any city agency, even this Council could have
8 taken command of from the beginning pursuant with the
9 Governor's Executive Order. Instead, it was the PD
10 that was allowed to run with this process to derail
11 it, to prevent meaningful oversight, and prevent
12 meaningful reforms, and you know, speaking less than
13 a week after our nation's capital was overthrown and
14 breached in an attack made possible by police
15 indifference to white supremacy, and with a mob that
16 had at least some off-duty police officers, perhaps
17 police officers from our own NYPD. We have to do
18 more to hold our Police Department accountable to the
19 people they serve. This is not just a public safety
20 matter. This is not just a racial justice matter, as
21 crucial as those are. This is a threat to the heart
22 of our democracy when we failed through our
23 democratically elected institutions to hold police
24 accountable to the people they serve. And if we do
25

1 not have enough time, given the amount of time that
2 has been wasted in this process by the Mayor's Office
3 and by the PD, to do that through this mechanism,
4 then we need something else. We need to take
5 immediate action, because if we do not begin the work
6 today of dismantling the NYPD stranglehold on our
7 city government, not simply defunding them as crucial
8 as that is, not simply banning invasive technologies
9 such as facial recognition as crucial as that is, but
10 reasserting the fundamental role of civilian
11 oversight and the people of New York in holding the
12 NYPD accountable. That is going to take reforms to
13 our Charter. That is going to take reinvigorated and
14 re-empower City Council with the tools to actively
15 oversee the NYPD. That is going to take a wholly
16 independent disciplinary process, and that is going
17 to take a fundamental shift in the mindset we bring
18 to these conversations, because it should not be the
19 NYPD that's setting the agenda for their own reform
20 because they have shown all too often that the NYPD
21 cannot be trusted to police themselves. Thank you
22 for the opportunity to testify.
23
24
25

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Mary Renaldi followed by Yasmin Harris and Carla Rabinowitz.

SERGEANT AT ARMS: Time begins now.

MARY RENALDI: Chair Adams and members of the Committee on Public Safety as well as other City Council Members that are in attendance. Thank you for this opportunity to testify. I also want to thank you for putting families first and letting us hear their-- it's difficult to hear, but important for all New Yorkers and for the NYPD and the City Council to hear the stories of the people most effected by the lack of accountability at the NYPD. My name is Mary Renaldi and I'm from GOSO, Getting Out and Staying Out, a nonprofit headquartered in East Harlem that serves justice-involved young men citywide. GOSO is a member of Reform NYPD Now Coalition as well. At GOSO we work with young people impacted by incarceration and arrest. We provide them tools for educational achievement, employment, and financial independence. GOSO also runs Saved [sic], a Cure Violence team working in East Harlem to support culture of non-violence. Preparing for this meeting, we thought about first the young men we work with,

1
2 their families and their communities and what their
3 experience with public safety in New York City has
4 been. Much of what many of the members of the public
5 have highlighted here. The young people of color,
6 especially black people, are abused, harassed,
7 cataloged, and surveilled by the NYPD and have been
8 for decades and it echoes the experiences of GOSO
9 participants from school to their homes, to their
10 play on the streets. For them, public safety is
11 illusive and this often because of the over-policing
12 of their communities. We've heard evidence after
13 evidence today that the NYPD does not serve or
14 protect black and brown youth, but instead puts them
15 at risk. And we've also heard today a rebuff of
16 accountability on the part of the NYPD. Racial
17 profiling by the NYPD is alive and well with racial
18 disparities in arrests and summonses widening since
19 the end of stop and frisk. The Civilian Complaint
20 Review Board who we heard from today notes that 64
21 percent of civilian complaints against New York City
22 police officers are filed on or behalf of young black
23 people ages eight to 18 who claim to have been
24 mistreated after being stopped for innocuous
25 activities like high-fiving and carrying back packs

1 [sic]. These are not the obvious instances of police
2 brutality, but for young people this kind of abuse
3 and harassment and fear is deeply traumatizing and
4 harmful, and it also harms all of us who live in New
5 York City we are connected to each other
6 fundamentally. The CCRB is responsible for
7 investigating police misconduct, but it his hamstrung
8 by its very structures and rules which are imposed by
9 the NYPD and the City. an analysis by the New York
10 Times which has been mentioned here a few times found
11 that the NYPD has reduced or rejected recommendations
12 from the CCRB for stiff discipline of officers in 71
13 percent of almost 7,000 serious misconduct charges.
14 This is not acceptable. This is not accountability,
15 and there can be no reform if there's no
16 accountability first. GOSO wants real
17 accountability from the NYPD beginning with
18 eliminating the Police Commissioner review of CCRB
19 decisions and discipline recommendations, removing
20 the requirement for a formal complaint to be filed in
21 order for an investigation of police misconduct to
22 take place, even when evidence of that misconduct is
23 publicly and widely available, and removing the
24 exemption of non-uniformed police officers form
25

1
2 misconduct investigations by the CCRB. We asked City
3 Council to not just acknowledge that public safety
4 for young black and brown men and youth in NYC is
5 severely compromised by the ongoing lack of
6 accountability and change in reform by the NYPD, but
7 to act upon that acknowledgement. Much more work is
8 still needed to address systemic inequity in the
9 justice system in our city, but these reforms would
10 be an important step forward. Thank you for the
11 opportunity to testify.

12 COMMITTEE COUNSEL: Thank you for your
13 testimony. Next up will be Yasmin Harris. Before I
14 turn to the next panelist, I just remind any Council
15 Members if you have any questions to utilize the Zoom
16 hand raise function. Next up will be Yasmin Harris,
17 Carla Rabinowitz signs, and Cal Hedigan. Yasmin
18 Harris?

19 YASMIN HARRIS: Hello. Good evening,
20 everyone and Chair Adams. My name is Yasmin Harris,
21 and I'm a member of the Anti-Violence Project and
22 the-- and I-- sorry. I use feminine pronouns, and
23 I'm also a member of the New York City Anti-Violence
24 Project and a member of AVPCGNC Leadership Academy.
25 One of the many things we aim to do in my community

1 is to protect each other from harm. We do this
2 because we know the NYPD have not kept us safe, and a
3 police reform from the City won't change that. My
4 community has been historically criminalized and
5 profiled by the police. Like many other transgender
6 and gender non-conforming folks, I have been
7 consistently mis-gendered by law enforcement,
8 insulted, and harassed. My community has always been
9 a target of stop and frisk, especially those who are
10 involved in survival sex work, and even my Trans
11 siblings who are perceived as sex workers. How can
12 we trust the NYPD to keep us safe when there are laws
13 such as prosecution for loitering for the purpose of
14 prostitution, known as the "walking while trans"
15 [inaudible]. They are systematically oppressive and
16 continue to criminalize my community. NYPD isn't
17 doing anything to alleviate crime and the injustices
18 that are going on, especially now in this time of a
19 pandemic and increased protests. Police seem to be
20 more empowered to enact violence, especially towards
21 members of the TGNC community. I've gone through the
22 criminal justice system. I've gone through Rikers,
23 and if we only could address the root causes of
24 criminalization. I and others like me would not have
25

1
2 gone through the system. The city needs to pay more
3 attention to offering resources instead of spending
4 energy and time on further police reform. That just
5 isn't going to-- that's just going to put more money
6 in the hands of the NYPD and promote this false
7 notion that police equals safety. The truth is that
8 meeting people's needs equals safety, not policing.
9 We need housing, education, trainings, healthcare,
10 and more job opportunities. Instead of focusing on
11 harassing homeless New Yorkers, why are we not
12 combatting homelessness? Programs like the TGNC
13 Leadership Academy at AVP is only one example of how
14 we are creating safety within our communities by
15 building relationships, meeting needs, and taking
16 care of each other. We demand the reallocation of
17 NYPD funds to community-based organizations and to
18 community centers, social services, and public
19 housing [sic]. Thank you.

20 COMMITTEE COUNSEL: Thank you for your
21 testimony. Up next will be Carla Rabinowitz [sp?]
22 followed by Cal Hedigan, followed by Jasmine Boden
23 [sp?]. Carla? Do we have Carla Rabinowitz? Let's
24 go to Cal Hedigan. We'll see if we can--

1
2 SERGEANT AT ARMS: [interposing] We don't
3 hear you, Ms. Rabinowitz.

4 COMMITTEE COUNSEL: Carla, I don't think
5 we can hear you. We are going to turn to Cal Hedigan
6 and we'll circle back, and we can get that issue
7 fixed. Cal Hedigan?

8 CAL HEDIGAN: Good afternoon, Chair Adams
9 and members of the Committee. My name is Cal Hedigan
10 and I'm the CEO of Community Access, a nonprofit that
11 expands opportunities for people living with mental
12 health concerns to recover from trauma and
13 discrimination through supportive housing, job
14 training, advocacy, and healing focused services.
15 Thank you for convening this hearing. New York City,
16 as a progressive leader, should be a model when it
17 comes to addressing the harms caused by the collision
18 of law enforcement with experiencing mental health
19 crises. Sadly, we are not. For nearly a decade,
20 Community Access through the CCIT-NYC Coalition has
21 been leading an effort to transform the City's police
22 response to people experiencing emotional crises.
23 Systemic change is needed to develop a healthcare
24 response and remove law enforcement as first
25 responders. Over the last five years, as has been

1 mentioned, 16 New Yorkers experiencing a mental
2 health crisis died in police encounters. All but two
3 of the 16 were people of color. This is more than
4 doubled the number killed during the preceding eight
5 years, despite the fact that more than 15,000 NYPD
6 officers received crisis intervention training to
7 learn how to best respond under these very
8 circumstances. Each year there are close to 200,000
9 mental health crisis calls to 911. Not counted in
10 the statistics of those killed are the hundreds of
11 people who experience trauma or are otherwise harmed
12 when being confronted by armed law enforcement
13 officers, well-trained in command and control
14 techniques. In too many cases police actions
15 escalate rather than resolve the very crisis that
16 they're being asked to address. People in crisis
17 need human compassion, someone to listen, to
18 understand what is happening from their perspective.
19 This is not the job of law enforcement. New York
20 City must learn from successful non-police models
21 operating in other parts of the country such as the
22 30-year-old CAHOOTS program in Eugene, Oregon, and
23 any model we adopt must include peers, people with
24 lived experience within the mental health system as
25

1 part of their response. Peers trained in crisis
2 response and de-escalation techniques are uniquely
3 qualified to connect with people experiencing a
4 crisis and partner with them to get the support they
5 need. The killing of New Yorkers experiencing mental
6 health crises must stop. The need to transform this
7 system is urgent. It is past time for the City to
8 work expeditiously with advocate, peers, and
9 community leaders to craft a crisis response system
10 that relies on mental health teams rather than law
11 enforcement as first responders. Without system
12 transformation it is a matter of when, not if, the
13 next person will die. We can do better and we must.
14 Lives are at stake.

15
16 SERGEANT AT ARMS: Time expired.

17 CAL HEDIGAN: Thank you for the
18 opportunity to testify.

19 COMMITTEE COUNSEL: Thank you for your
20 testimony. We will-- let's go back to Carla
21 Rabinowitz, see if we've got that issue resolved,
22 followed by Jasmine Boden.

23 SERGEANT AT ARMS: Clock is ready.

24 COMMITTEE COUNSEL: Carla, can you try
25 speaking? Let's see if we can hear you. Okay, let's

1
2 move on to Jasmine Boden. We'll try to come back
3 again.

4 SERGEANT AT ARMS: Clock stands ready.

5 JASMINE BODEN: Good afternoon, Chair
6 Adams and the Committee on Public Safety. Thank you
7 for the opportunity to testify today. My name is
8 Jasmine. I use he/she pronouns, and I'm a member at
9 the New York City Anti-violence Project and currently
10 in AVP's TGNC Leadership Academy. I want to
11 highlight some of the harms of policing both in the
12 LGBTQ and HIV-affected communities as well as my own
13 personal experience and offer alternatives to the
14 city policing reform procs. AVP is an organization
15 that serves and works to empower lesbian, gay,
16 bisexual, queers, Trans, gender non-conforming, and
17 HIV-affected communities. AVP does this through
18 social services such as counseling and advocacy. As
19 a member of AVP and a TGNC New Yorker, I have seen
20 our community be profiled and targeted by law
21 enforcement, and I believe in a different approach to
22 creating safety, one that doesn't include increased
23 policing. I'm currently staying at a shelter where I
24 am constantly reminded of the racists and classless
25 behavior of the NYPD. I see police almost always

1 surrounding the shelter. Just the other day last
2 week I was harassed and pepper sprayed by the NYPD
3 while receiving derogatory language. Is this
4 protection? I'm constantly seen as a queer Trans
5 person of color. This is why I'm fearful of the
6 police. They do not have me-- they do not and have
7 me-- they have not kept me safe. Instead of assuming
8 the NYPD can create safety we urge the City to
9 redirect this energy around police reform to cutting
10 down NYPD's already bloated budget and invest in our
11 communities. We need resources and community safety
12 and not a city-funded police reform program. Locking
13 people up isn't working. We need mental health
14 services. We need to address the homeless crisis and
15 offer resources in the harm reduction programs to
16 treat drug addiction. I hope that the committee can
17 continue to listen to voices that are directly
18 impacted by police violence and take the right
19 measures to create a plan around safety that is
20 protecting communities and not rooted in the New York
21 PD for budget. Thank you again, Jasmine, a member of
22 the New York Anti-Violence Project Program.

24 COMMITTEE COUNSEL: Thank you for your
25 testimony. Let's try Carla Rabinowitz one last time,

1 and I'll just-- while we're getting that set up,
2 Carla, I'll remind you, you can also submit your
3 testimony in writing and we certainly review.
4

5 CARLA RABINOWITZ: Can you hear me?

6 SERGEANT AT ARMS: Yeah.

7 CARLA RABINOWITZ: So, my name is Carla.
8 I'm the Project Coordinator at CCIT NYC. We're a
9 coalition of 85 organizations and 700 stakeholders
10 whose mission is to transform how the City responds
11 to mental health crisis. I also work at Community
12 Access with the lovely Cal Hedigan. So, CCIT is of
13 the view that resources need to be diverted away from
14 the NYPD to mental health teams to respond to all the
15 200,000 911 calls the City receives annually. We ask
16 you to carve out 16.5 million, 3.3 million a year for
17 a small project. We developed this project three
18 years ago. It has an EMT, it has a peer, it's 24/7.
19 It's a great project. We believe it's essential that
20 the responses to these 200,000 crisis calls be peer-
21 driven. If you heard of the last shooting on Friday,
22 what the police did was they tried to get him to the
23 hospital. They thought they would be nice, like go
24 to the hospital. A peer would have known that
25 wouldn't work. That just escalated the guy because

1 he had just been in the hospital. He didn't want to
2 go back to the hospital. That's why we think the
3 response has to be a peer model. We also believe it
4 needs to be available to the general public. It does
5 no good if it goes to a government agency. General
6 public needs a number like a 988 number to get it.
7 So, I tell you this, and one of the reasons I co-
8 started CCIT ten years ago is because I was a person
9 who was involved with the police a lot. I was sick.
10 I was doing crazy things. I was involved with the
11 police. So I wanted to end on a good note today. I
12 got help. I got help. I got a job, and my life got
13 back together. But too many mental health recipients
14 in crisis never get the help, they get killed by the
15 police. The numbers again, it's actually 20 mental
16 health recipients have been shot or died, 16 have
17 died in the last five years, 14 of whom were black,
18 and compare that to years before the training there
19 were much less death. We need a new peer-driven
20 healthcare response. The one the City has is
21 clinicians. Clinicians may do the same thing for the
22 guy, you know, go to the hospital. If you're a peer,
23 you're getting to the underlying cause of what's
24 going on. You're not just stopping the crisis right
25

1 there. The peers are going to go in, and they're
2 going to figure out, you know, how do we get you
3 connected to services. What's the long-term plan?
4 So we urge you to examine our proposal. It's readily
5 available. It's 16.5, five years, and we think it'll
6 pay for itself with the less lawsuits and just get
7 the police out the healthcare job. They're never
8 designed for it. They're not appropriate. Thank
9 you.
10

11 COMMITTEE COUNSEL: Thank you for your
12 testimony. The next panelists will be
13 representatives from Bro and Sis Soul, I believe
14 there's two that we have. We'll go in order as
15 marked number one and number two, followed by Towaki
16 Komatsu, and Shaylee Severino [sp?]. Number one?

17 UNIDENTIFIED: Good afternoon. I'm
18 actually here to support the young person, so you can
19 go directly to number two.

20 SERGEANT AT ARMS: Clock begins now.

21 NABITU: Okay. Hi. My name is Nabitu
22 [sp?], and I'm speaking on behalf of youths at the
23 Brotherhood Sister Soul. Police reform is one
24 divesting money from the NYPD and investing in things
25 that make our community better and to explicitly

1 removing both police and policing culture from
2 school. Failure to do so is not at all way our
3 communities have demanded. Our city continues to fail
4 our youth. Today, New York City is far from where it
5 needs to be to ensure student active at our school
6 faces troubling realities. NYC has the most
7 segregated school systems in America. According to
8 the New York City Council in our public schools 74.6
9 percent of black and Latin students attended schools,
10 it's less than 10 percent white students.
11 Additionally, 34.3 of white students attend a school
12 with more than 50 percent white students. School
13 segregation leads to chronic underfunding of schools
14 in New York City which have negative and disparate
15 impact for black, Latin, and low-income students
16 given [inaudible] resource disparity. Only 77.3 or
17 1.1 million children in the DOE system will graduate
18 on time, and only 55 percent of NYC high school
19 graduates will graduate college early. One in 10 NYC
20 public students is houseless. Additionally, in a
21 nation in which 14 million students are in school
22 with police but no counselor, nurse, psychologist,
23 social workers. New York City has more School Safety
24 Agents, SSA, than any other school district in the
25

1 US. The presence of police in our schools have
2 disproportionately impacted students where low-income
3 black and Latin who are likely to be subject to
4 exclusionary discipline, police response at schools
5 than their white peers. Everyone in the City
6 Council, however, has the power to change this,
7 beginning meaningfully shifting funds from police
8 reaffirming [sic] their responsibility in reinvesting
9 in our community. Our vision for education in New
10 York City includes safe, restorative, healing
11 environment where all students have the opportunity
12 to learn and grow. To meet this goal, we must pursue
13 policies that value and respect the dignity of
14 students, care-givers in their community. This
15 requires for providing school equitable resources,
16 adopting a culturally responsive curriculum,
17 preventing trauma, repairing harm, and promoting
18 restorative practices. To do so, we at the
19 Brotherhood Sister Soul alongside a number of other
20 youth organizations and organizers demand [inaudible]
21 police-free school, an end to all structure that
22 systematically puts students out of classes as part
23 of policing culture. Fully funding our schools so as
24 [inaudible] students so that-- so as to censor [sic]
25

1 students as their social emotional support.

2 Expanding and transforming [inaudible], cultural

3 shifts, educators [inaudible] trauma-informed

4 approaches. City leaders re-imagine, fund, and staff

5 meaningful student and community safety strategy.

6 Schools that [inaudible] healing, expanded, evidence-

7 based training for school team [sic] as to eliminate

8 the criminalization of marginalized students.

9 Pedagogical shifts--

10 COMMITTEE COUNSEL: Continue.

11 NABITU: school institutionalized and

12 fund comprehensive sex education and NYC culturally

13 responsive education and civic education, equitable

14 distribution of technological resource's to all

15 students, language access for families and students,

16 equitable access for students and families with

17 disabilities [inaudible]. All youth deserve high-

18 quality, holistic, positively transformative

19 educational experiences. If we believe in equity and

20 want to create the future all New York students

21 deserve, we must build within our school systems

22 accountability, restorative justice, and behavior

23 management that we do not include-- that does not

24 include NYPD. We must close the billion dollar

25

1 funding gap that exists for our schools so that we
2 can begin to address the system wide oppression our
3 students face as a result of a legacy of ignoring the
4 needs of black, brown, and low-income communities.
5 We must deconstruct the school to prison pipeline and
6 broken window policy and truly de-criminalize low-
7 level offensive [inaudible] to our youth have
8 negative consequences with the state incarceral [sic]
9 system, and we must do this now. Thank you for
10 letting me share my testimony.
11

12 COMMITTEE COUNSEL: Thank you so much for
13 your testimony. Next up will be Towaki Komatsu
14 followed by Shaylee Severino.

15 SERGEANT AT ARMS: Time starts now.

16 TOWAKI KOMATSU: Can you hear me?

17 COMMITTEE COUNSEL: Yes.

18 TOWAKI KOMATSU: Yeah, so I'm Towaki
19 Komatsu. There are a few people in today's public
20 hearing. I've had a lawsuit against the City.
21 Juanita Holmes, she testified earlier today. She's
22 one of my defendants in my lawsuit, so is Sergeant
23 Bradley [sp?]. There was a public hearing on
24 November 13th, 2019 that Sergeant Bradley illegally
25 kicked me out of that was conducted by Ritchie

1 Torres. I talked to [inaudible] about that
2 previously. So, the purpose of today's testimony is
3 really for the benefit of the public to try to have
4 them, I guess, tag team with me in my federal lawsuit
5 to join me as co-plaintiffs to submit amicus jury
6 briefs to the attention of Federal Judge Edgard Ramos
7 [sic] as well as Federal Judge Lorna Shoefield [sp?].
8 The case numbers are 20CV7046. That's for the one
9 assigned to Judge Ramos. And for the one assigned to
10 Judge Shoefield that is 18CV3698. My email address
11 in case you want additional information to help you
12 to submit filings, I'll say it slowly,
13 towaki_komatsu@yahoo.com. I'm going to submit
14 written material for today's hearing. Also, today's
15 hearing itself was conducted in violation of New York
16 State's Open Meetings Law. So, I'm going to ask the
17 Federal Judge to effectively void today's hearing. I
18 emailed Mr. Aidis [sp?] during today's hearing. I
19 didn't get a response. Johana Castro [sp?] made
20 fraudulent statements to me addressed to Judge Ramos
21 recently on December 21st, so I am going to see if I
22 can add her as a defendant in my federal lawsuit in
23 addition to Mr. Bradley who I see on the right side
24 of the screen. So, that's pretty much all I have to
25

1 say, except for one other thing. I recently commenced
2 two new sets of federal litigation in response to the
3 fact that I prevailed against NYPD in litigation that
4 involved an illegal stop and frisk. I won that case
5 pretty much on my own. I'm not pursuing a counter-
6 suit. I was also illegally prevented from testifying
7 March 8th of 2018 in a public hearing that the Mayor
8 conducted about NYPD reforms. I testified previously
9 to Ms. Adams. She's totally useless. She sat in the
10 Committee Room while I testified. She didn't do a
11 darn thing in response to my testimony. So, in
12 regards to her status as a Chairman of the Public
13 Safety Committee, there's absolutely no reason
14 whatsoever for her to be a part of the council, not
15 to mention the Committee on Public Safety. Have a
16 good day.

18 COMMITTEE COUNSEL: Thank you for your
19 testimony. Final witness will be Shaylee Severino.

20 SERGEANT AT ARMS: Time starts now.

21 COMMITTEE COUNSEL: I don't believe we
22 can hear you.

23 SHAYLEE SEVERINO: Are you able to hear
24 me?

25 COMMITTEE COUNSEL: Yes.

1 SHAYLEE SEVERINO: Hello?

2 COMMITTEE COUNSEL: Here we go.

3 SHAYLEE SEVERINO: Yeah? Okay.

4 COMMITTEE COUNSEL: Yeah, you may begin.

5 SHAYLEE SEVERINO: I can't hear you guys.

6 So thank you so much for the time today and thank you
7 Chair Adams and all leadership on this call. My name
8 is Shaylee Severino and I'm speaking today from
9 District 32 in Queens which is home to the largest
10 population of active duty and retired officers in all
11 of the city. [inaudible] to the NYPD essential to our
12 district. Unfortunately, discrimination, abuse, and
13 systemic racism within our police also central to
14 this district. The two are not mutually exclusive.
15 They're not either/or [inaudible] and the continued
16 vital [sic] and discussed [sic] profits, there's no
17 one. We have to change not only through protocols
18 and practices but to the culture of policing that
19 exists in our city. We need to bring down the blue
20 wall of silence that pervades police departments and
21 finally acknowledge that the changes are definitely
22 needed, are long overdue. The word transparency
23 accountability seems to be taken as a soundbite and
24 the real implementation of what we need to see has
25

1 not occurred. Words such as dedicated, changes,
2 reform, are all baseless without action. We are past
3 the time of recommendations and we have been
4 demanding these changes, not just now but for years.
5 Black and Latinx youth, men and women continue to be
6 targeted to [inaudible] system, and qualified
7 immunity continues to allow officers that break the
8 law or abuse their power to hide behind their badges
9 to avoid consequences. We have a current model in
10 police system right now that takes the role of both
11 preventing and reacting to crime, and it's evident
12 that the both cannot be done by the same department.
13 We have overburdened our police force, and if you
14 want to be serious about this, we have to alleviate
15 the work flow and stop expanding their reach into
16 other Department or to the creation of units that are
17 simply not equipped for. we are past the point of
18 talking about reform, but implementing what we
19 already know are gaps within the system that continue
20 to marginalize, target, and murder the people in our
21 community. We cannot expect police relations to be
22 at peace when change has not been resolved. Some of
23 these changes-- and this is very minuscule to the
24 amount of work that we need to-- includes removing
25

1 the blue wall of silence by adopting an independent
2 elected board in which officers have the ability to
3 report another without having to go to the same
4 agency that we're trying to hold accountable.
5 Removing qualified immunity and using technologies
6 such as body cameras [inaudible] condemning the
7 conduct of an officer. We have to adopt a holistic
8 approach to policing that looks at the root cause of
9 crime that's poverty, crime, inequality, and
10 systematic racism. Simply putting more cops on the
11 street or increasing the NYPD budget only makes it
12 feel safer without actually making us safer in
13 reality. It's time to stop the narrative that any
14 attempt at reform is somehow an attack on or betrayal
15 of our police. It is the opposite. By building
16 trust, transparency, accountability, we're supporting
17 our officers in [inaudible] communities that have
18 been harassed and attacked and murder countless [sic]
19 times. It's time that we invest in what we know will
20 work, invest in education, mental health resources,
21 youth and community centers, and I think common sense
22 reforms to put us on the path towards healing, trust,
23 and progress. These demands in addition to other
24 [inaudible] my other organizations individuals here
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2 today starts with City Council intervention and
3 ensures that these necessary changes become part of
4 the discussion and actually implemented throughout as
5 we move forward in this idea of how we move forward
6 as a city. Thank you so much.

7 SERGEANT AT ARMS: Time expired.

8 COMMITTEE COUNSEL: Thank you very much
9 for your testimony. That is all the public-- members
10 of the public we have registered to testify. Are
11 there any other members of the public who have not
12 given testimony and would like to give testimony?
13 Seeing no hands raised. I will now turn back to
14 Chair Adams for closing remarks.

15 CHAIRPERSON ADAMS: Thank you, Counsel.
16 Well, to everyone that has hung in there with us,
17 this has been just a little over five hours today.
18 So, you all have been amazing in hanging in there.
19 As we all see, we've got a lot of work to do. This
20 hearing has a specific purpose. So, again, for all
21 of you that were here to testify, I thank you. For
22 the family members, I thank you. We're going to
23 continue this work, and we're going to do the work.
24 So, I would like to thank all of my Committee Counsel
25 and staff including Daniel Attis [sp?], Kelly Taylor,

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Lewis Sheldon Brown [sp?], and Ebony Meeks Ladley
[sp?]. All of my colleagues, all of the witnesses
from start to finish today, thank you for your
testimony and thank you for being here today. It is
now 3:02, and this hearing is now adjourned.

[gavel]

C E R T I F I C A T E

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



Date April 17, 2021