

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL
JUSTICE SERVICES

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March 9, 2017
Start: 10:12 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: Elizabeth S. Crowley
Chairperson

COUNCIL MEMBERS:

Mathieu Eugene
Fernando Cabrera
Rory I. Lancman
Paul A. Vallone
Vanessa Gibson

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

Daniel A. Nigro
Commissioner of the New York Fire Department

Robert Turner
FDNY First Deputy Commissioner

James Leonard
Chief of Department at FDNY

Michael Fitton
Assistant Chief of EMS

Laura Kavanagh
Deputy Commissioner for Government Affairs and
Special Programs at FDNY

Cecilia Loving
Deputy Commissioner and Chief Diversity and
Inclusion Officer at FDNY

Stephen Rush
Assistant Commissioner for Budget and Finance at
FDNY

George Farinacci
UFOA Local 854

Ana Bermudez
Commissioner of NYC Department of Probation

Michael Forte
Deputy Commissioner of Administration at
Department of Probation

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

Gineen Gray
Deputy Commissioner of Juvenile Operations at
Department of Probation

Sharun Goodwin
Deputy Commissioner of Adult Operations at
Department of Probation

Wayne McKenzie
General Counsel at Department of Probation

Joseph Ponte
Commissioner of Department of Corrections

Frank Doka
Deputy Commissioner at DOC

Jeff Thamkittikasem
Chief of Staff at DOC

Winette Saunders
Deputy Commissioner for Youthful Offender
Programming at DOC

Martin Murphy
Chief of Department at DOC

Cynthia Brann
Deputy Commissioner of Quality Assurance and
Integrity at DOC

Nicole Adams
Deputy Commissioner of Health Affairs at DOC

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

Gregory Kuczinski
Deputy Commissioner of Investigations at DOC

Martha King
Executive Director of Board of Corrections

Stanley Richards
Board of Corrections Board Member

Tanya Krupat
Osborne Association

Tracie Gardner
Legal Action Center/NY ATI and Reentry Coalition

Sebastian Solomon
Legal Action Center/NY ATI and Reentry Coalition

Jennifer Petersen
Bronx Community Solutions

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2 CHAIRPERSON CROWLEY: Good morning. My
3 name is Elizabeth Crowley, and I am the Chair of the
4 Fire and Criminal Justice Services Committee. Today,
5 the Committee will conduct a hearing on the Fiscal
6 Year 2018 Preliminary Budget and Fiscal Year 2017
7 Preliminary Mayor's Management Report for the Fire
8 Department, the Department of Probation, Department
9 of Correction, the Board of Correction, and New York
10 City Office of Emergency Management. After we hear
11 testimony from the agencies in the order I just
12 mentioned, the committee will hear testimony from the
13 public. If you would like to speak before the
14 committee, please make sure you fill out the
15 attendance card and hand it in to the Sergeant at
16 Arms. I'd like to recognize my colleagues who have
17 joined me here today, Council Member Paul Vallone.
18 The committee would like to hear the Department's
19 plan to handle the continued increase in emergency
20 medical calls, its plan to further reduce response
21 times. In Calendar Year 2016, EMS responded to 1.7
22 million ambulance calls. That's 35,580 more than
23 Calendar Year 2015. It is apparent that the
24 Department's resources are stretched thin and are in
25 need of more resources to support and meet the

2 increasing demands. The committee would also like to
3 be updated on the following matters: plans to reduce
4 overtime spending, the status of the recruitment
5 campaign for the upcoming filing, period for
6 firefighter exam, if there is any assessment underway
7 to examine the need for additional firehouses in
8 neighborhoods that have experienced significant
9 population increases in recent years, and any other
10 updates on budgetary or management items that the
11 Department would like to address. I welcome the
12 Commissioner, Commissioner Nigro, here and his staff
13 to the Council Chambers, and I'm going to ask that
14 the Commissioner and anyone from his team who is
15 going to testify take the oath that we give here at
16 the Council. And if you're going to answer any
17 questions and testify, if you could raise your right
18 hand? Do you affirm to tell the truth, the whole
19 truth and nothing but the truth in your testimony
20 before this committee and to respond honestly to
21 Council Members' questions?

22 COMMISSIONER NIGRO: I do.

23 CHAIRPERSON CROWLEY: Thank you.

24 Commissioner, you can begin once you're ready.

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2 COMMISSIONER NIGRO: Thank you, and good
3 morning, Chairwoman Crowley and other Council Members
4 present. Thank you for this opportunity to speak
5 with you today about the Preliminary Budget for
6 Fiscal Year 2018 for the Fire Department. I'm joined
7 this morning by First Deputy Commissioner Robert
8 Turner, Chief of Department, James Leonard, Assistant
9 Chief of EMS, Michael Fitton, Deputy Commissioner for
10 Government Affairs and Special Programs, Laura
11 Kavanagh, Deputy Commissioner and Chief Diversity and
12 Inclusion Officer, Cecilia Loving, and Assistant
13 Commissioner for Budget and Finance, Stephen Rush. A
14 year ago, I sat at this table and told you that the
15 number of fire deaths over the previous 12 months
16 represented the second lowest number since we began
17 keeping records in 1916. Today, I am pleased to
18 report that in 2016 the City experienced the lowest
19 number of fire deaths in recorded history with 48.
20 Even a single death is one too many, but to put that
21 in some context, when I first joined the Department,
22 my first full year 1970, 310 people dies in fires.
23 Last year we also saw a nine percent decline in
24 serious fires, the largest such decrease since 2008.
25 We attribute this remarkable success to the hard work

2 of our members, diligent efforts to educate the
3 public on fire safety, and consistent investments in
4 improving the performance of the Department. We
5 experienced these gains despite receiving calls for
6 over 1.7 million total incidents. In keeping with
7 recent trends, this represents the largest number of
8 total calls ever received. The busiest year in the
9 Department's history was also our safest. 2016 was a
10 positive year for the Department in a number of ways.
11 In March we launched @fdnyalerts on Twitter to
12 provide real-time updates on active FDNY operations.
13 In July, we broke ground on a new firehouse for
14 rescue Company Two. The City was subject to a
15 harrowing incident last September when a terrorist
16 detonated a bomb in Chelsea, and our members swiftly
17 responded drawing on critical counter-terrorism
18 training. In October, we dispatched members via
19 Taskforce One to the Carolinas to provide aid during
20 Hurricane Matthew. The Taskforce rescued more than
21 500 people from flooded areas, including stranded
22 motorists and people trapped in their homes. Later
23 that same month, the members of Rescue One and
24 Ladders 13 and 43 participated in a life-saving roof
25 rope rescue as firefighter Jim Lee descended from a

2 rooftop over the side of a building to reach an
3 imperiled resident during a six alarm fire on East
4 93rd Street. Though this type of rescue is rare,
5 members of Ladder 176 and 120 in Brooklyn performed
6 this same type of rescue just this past weekend when
7 firefighter Andrew Sharf [sp?] rescued a man from a
8 third floor window. Of course, the nature of work
9 means that not every day can be a good day. In
10 particular, we lost a rising star in the Department
11 when Deputy Chief Michael Fahy died from injuries
12 sustained at an explosion in the Kingsbridge section
13 of the Bronx. His supreme sacrifice reminds us of
14 the extraordinary commitment to service our members
15 make each and every time they begin a shift. One key
16 factor that has contributed to the decrease in fire
17 deaths has been the intense focus that the Department
18 has placed on fire safety education and outreach.
19 Last year we educated nearly 700,000 New Yorkers at
20 more than 8,000 fire safety events. Our educators
21 visit neighborhoods in the wake of harmful fires.
22 However, we have also transformed the nature of our
23 outreach to become more proactive and more robust in
24 our approach to community engagement. We are now
25 able to provide safety materials in more than 90

2 languages, and we have boosted the number of our dual
3 language instructors, hiring 50 already with another
4 50 on the way this summer. We have increased the
5 size of our Community Affairs Unit, and they work
6 hand-in-hand with our Fire Safety Education Unit,
7 partnering with Community Boards, organizations,
8 schools, and elected officials to provide instruction
9 and education. A disproportionate number of recent
10 fire deaths have involved seniors. So we have
11 intensified our fire and life safety education
12 programs for that portion of the population. We have
13 taken an analytical approach using data analysis to
14 understand trends and develop priorities so that our
15 outreach is as effective as it can be. Another key
16 factor in the reduction of fire deaths is the
17 proliferation of smoke alarms. In 30 of the 48 fire
18 deaths last year no working smoke alarm was present.
19 A working alarm dramatically increases a person's
20 chance to escape and survive. Through our Get
21 Alarmed NYC program which was funded with the help of
22 the de Blasio Administration and the City Council
23 through the FDNY Foundation, we have distributed or
24 installed more than 130,000 smoke alarms in homes and
25 apartments throughout the city. We plan to install

2 another 20,000 this year. This coming weekend is the
3 start of Daylight Savings Time, and we remind all New
4 Yorkers to use this time to change the batteries in
5 their smoke alarms. At this very moment we have Fire
6 Safety Education teams in route to make presentations
7 on this topic in Brooklyn. Over the next two days
8 they'll be doing similar presentations at 17
9 locations across the five boroughs. In December I
10 announced the completion of a more than 47 million
11 dollar project to install separate women's bathrooms
12 in firehouses across the city. We are currently at
13 58 female firefighters and officers. This number is
14 of course far too low, but it is an improvement and
15 the highest-ever number of female firefighters. We
16 have seven additional female candidates currently
17 enrolled in the Academy and they're training there
18 now. With the filing period for the exam approaching
19 we are in the final stages of a massive recruitment
20 campaign. Over the last year we very effectively
21 executed more than 10 million dollar effort targeted
22 to produce the most diverse group ever to take the
23 firefighter exam. We have developed aggressive goals
24 for black, Latino, Asian, and female candidates. We
25 have also undertaken initiatives aimed at LGBTQ

2 candidates and military veterans. Filing for the
3 upcoming exam will take place over a period of weeks
4 in April and May. We have already conducted more than
5 6,400 recruitment events. With several weeks to go,
6 we are already well ahead of the 5,000 total events
7 that we held during the last campaign. However, we
8 don't simply wait until the filing period to see if
9 our efforts have paid off. Rather, we measure our
10 goals in terms of actively collecting expression of
11 interest forms. We are encouraged with the results so
12 far. As of March 1st, we have collected
13 approximately 190,000 expression of interest forms
14 from candidates of color, including 98,000 from black
15 candidates and 80,000 from Latino candidates. We've
16 collected 66,000 EOI's from female candidates. At
17 this point, we are achieving a daily collection rates
18 of more than four times the rate of the most recent
19 recruitment campaign. We have accomplished this
20 progress through an unprecedented strategic effort.
21 In designing the campaign, FDNY recruiters and senior
22 staff worked with FDNY fraternal organizations, the
23 US Army, domestic and international fire departments,
24 and a variety of other subject matter experts to make
25 a series of important improvements to our recruiting

2 unit and the tools it utilizes. This included hiring
3 a professional marketing firm that worked with us to
4 develop a communication strategy. The strategy
5 involved social media ads, modern marketing
6 materials, focus group testing of messages with our
7 target audience, advertising in subway stations, bus
8 stops, billboards, firehouses, as well as the Join
9 FDNY website, which is populated with candidate-
10 specific content designed to solicit and retain the
11 interest of potential recruits. We currently have
12 over 60 recruiters in the field each and every day.
13 We designed a program in which our recruitment team
14 worked in tandem with our Community Affairs Unit,
15 broadening the reach of our recruitment efforts and
16 strengthening existing relationships with Community
17 Boards and groups such as CUNY, Black Male
18 Initiative, Non-traditional Employment for Women, and
19 dozens of other groups with shared missions. We
20 actively recruited at block parties, open houses,
21 elected official events, job fairs, and FDNY Mobile
22 Academy events. We implemented significant changes
23 to our use of technology and data analytics, making
24 this recruitment campaign more efficient, effective
25 and data-driven than any previous campaign. Taken

2 together, this massive effort is yielding very
3 positive results. To maintain and improve our
4 diversity in EMS, in 2016 we launched a recruitment
5 and retention unit dedicated solely to EMS
6 recruitment. We also recently re-launched an EMT
7 training program which will provide an entry-level
8 opportunity for New York City residents interested in
9 pursuing careers in Emergency Medical Service.
10 Trainees will participate in a 16-week program
11 designed to prepare them to pass the New York State
12 EMT Exam and become FDNY EMTs. The civil service
13 filing for this program occurred last month. Roughly
14 a third of filers were African-American and more than
15 a third were female. One special 2016 highlight for
16 the Recruitment and Retention Unit occurred when
17 Jackie-Michelle Martinez, the Department's first
18 Women's Outreach Coordinator was nominated for New
19 Yorker of the Year by the New York Times. We take
20 pride in her success. 2016 was also a year of
21 accomplish for our Office of Diversity and Inclusion.
22 Along with Mayor de Blasio, I issued a new Equal
23 Employment Opportunity Policy in order to reaffirm
24 and strengthen FDNY's commitment to the principles of
25 equal opportunity, diversity and inclusion throughout

2 the Department. We have appointed Deputy
3 Commissioner Cecilia Loving as Chief Diversity and
4 Inclusion Officer, and she is working closely with
5 Don Nguyen, our Assistant Commissioner for EEO. We
6 have developed a new EEO Council's program, a new
7 Diversity and Inclusion Training Unit, and we
8 appointed Lieutenant David O'Beci [sp?], the
9 Department's new Diversity Advocate. We launched an
10 LGBTQ training module. Begun publication of a
11 quarterly diversity and inclusion newsletter and
12 hired new staff devoted to establishing best
13 practices for diversity and inclusion. We instructed
14 over 13,000 members of the Department in EEO and
15 unconscious biased training, and we added Deputy
16 Chiefs dedicated to diversity and inclusion for both
17 Fire and EMS. Diversity and Inclusion are core
18 values of the Department, and we have taken and will
19 continue to take concrete steps to make sure that
20 everyone has an equal opportunity to contribute to
21 our success. We know that these values enhance our
22 strength and fortitude as an institution. Another
23 area in which we've seen a great deal of meaningful
24 progress is in our pursuit of innovation in the area
25 of Emergency Medical Service. Since 2014, the

2 Department has worked closely with the Mayor's Office
3 of Operations to reduce response times and improve
4 our ability to care for patients in potentially life-
5 threatening emergencies. Historically, the
6 Department has addressed increasing call volume by
7 simply adding ambulances. We've done that, including
8 incorporating 50 new tours funded in Fiscal Year
9 2017. However, we've chosen to also think
10 strategically and make improvements across the entire
11 spectrum of our emergency response. This includes
12 examining call processing, dispatching, travel time
13 and ambulance availability, and finding ways to
14 address each. We've received great support in this
15 area from the de Blasio Administration, and we've
16 been able to roll out several cutting-edge
17 improvements. We are beginning to see the fruits of
18 these efforts. For instance, we've added 150
19 dispatchers since we began this process, and we've
20 streamlined dispatching procedures for medical
21 emergencies. We've also conducted data analysis that
22 led to altering the start times for eight-hour
23 ambulance tours to increase efficiency, and we've
24 begun a pilot to move a small number of EMS teams to
25 12-hour tours, which would eliminate one of the three

2 daily tour changes. We've also instituted Direct
3 Dispatch which cuts down on delays during the
4 dispatching process. I'm also pleased to update you
5 on the Fly Car pilot program that we have been
6 running in the Bronx. Under this pilot we send an
7 advanced life support, ALS Fly Car, and a basic life
8 support, BLS Ambulance, to each potentially life-
9 threatening emergency rather than simply sending an
10 ALS Ambulance. Whichever unit responds first is able
11 to immediately begin providing care. The lieutenant
12 and paramedic in the Fly Car provide an ALS
13 assessment, and the BLS unit transport the patient to
14 the hospital. The lieutenant and paramedic only
15 accompany the patient to the hospital if the patient
16 needs ALS-level care which happens on less than half
17 of all responses. That frees up the ALS crew faster,
18 allowing them to respond to the next call. We also
19 implemented a new program called Tactical Response
20 Groups. During the two busiest shifts of the day we
21 deploy five or seven ambulances, roving BLS Tactical
22 Response Group, to provide locations which we
23 determine using data that is updated by the hour.
24 Initially rolled out in the Bronx, we now have two
25 similar Tactical Response Groups in Queens as well.

2 This allows us to strategically and dynamically
3 deploy ambulance resources. In an effort to improve
4 response times at Rikers Island, in the Borough of
5 Queens, we located an EMS station on the island
6 itself, serving inmates and prison personnel. This
7 has improved our service to the needs of the
8 Department of Correction and at the same time
9 eliminated the need to pull ambulances away from
10 Western Queens neighborhoods to respond to calls at
11 Rikers. The Department's innovations are having
12 positive effects. Between Calendar Year 2015 and
13 Calendar Year 2016, the citywide response time to
14 life-threatening emergencies decreased by 21 seconds.
15 This included improvements in every borough of the
16 city. Fly Cars have an average cycle time of 44
17 minutes, which is 25 minutes shorter than regular ALS
18 ambulances. This allows the Fly Cars to respond to
19 33 percent more assignments. When an ALS Fly Car and
20 a BLS unit are dispatched to a potentially life-
21 threatening incident, the response is more than a
22 full minute faster than when simply an ALS unit is
23 dispatched. The use of Tactical Response groups in
24 the Bronx has reduced the number of held calls there
25 by 76 percent. Since we instituted direct dispatch

2 in January this year, we've seen an 11-second
3 decrease in dispatching time citywide. Since
4 stationing units on Rikers Island, the average
5 response time to all incidents on the island has
6 decreased by five minutes and 29 seconds. There has
7 been a significant resulting effect on Northwestern
8 Queens where response times to life-threatening
9 emergencies have decreased by 50 seconds, and
10 response time to all medical incidents is down one
11 minute and 33 seconds. This has also had a positive
12 effect on Elmhurst Hospital where the number of
13 transports from Rikers has decreased by 18 percent.
14 We continued to make improvements at every step of
15 the process. We know that it is simply not enough to
16 continue operating as we always have. Across all
17 bureaus we have embraced strategies to create a
18 smarter, more effective fire department. We continue
19 to look forward and evolve because we know it
20 ultimately allows us to save more lives and create a
21 safer city. A remark I recently made to a group of
22 newly promoted officers is also appropriate when
23 considering the nature of a modern fire department
24 and the ways in which we are constantly evolving to
25 meet new challenges. Your role changes, your

2 responsibility grows, but the mission remains the
3 same. We embrace our mission to provide exceptional
4 service to all New Yorkers in every area of the City
5 as well as to the millions of visitors who come to
6 the area every year. We thank the committee and the
7 entire City Council for its ongoing support of this
8 mission. My colleagues and I would be happy to
9 answer your questions at this time.

10 CHAIRPERSON CROWLEY: Thank you for your
11 testimony, Commissioner. I want to congratulate you
12 on a lot of the improvements the Department has made,
13 certainly your recruitment efforts and the number of
14 fire fatalities being at an all-time low. That is
15 all good. I'm concerned still with the EMS services,
16 and I'm going to start my questions first asking
17 about the Fly Car you mentioned. Now, when you
18 respond-- when you have response times to critical
19 emergencies end-to-end, are you considering the end
20 time when the Fly Car gets there or when the
21 ambulance that can transport the patient to the
22 hospital gets there?

23 COMMISSIONER NIGRO: Sure. Well, in the
24 Fly Car pilot we dispatch both a Fly Car and a BLS
25 ambulance. So the times that I mentioned were for

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2 one of those units arriving at the patient, which is
3 considerably better than it was without the Fly Car
4 pilot.

5 CHAIRPERSON CROWLEY: It might be better,
6 but if I'm the patient, I want to be on my way as
7 quickly as possible to the hospital, because I want
8 to make sure that, you know, I have the doctors
9 looking at my case.

10 COMMISSIONER NIGRO: Well, the faster we
11 get there, the faster you'll be on your way to the
12 hospital.

13 CHAIRPERSON CROWLEY: Right, right. I
14 just want to--

15 COMMISSIONER NIGRO: [interposing] I think
16 that number is down also.

17 CHAIRPERSON CROWLEY: make sure that the
18 numbers are genuine in terms of response times,
19 because one wants an ambulance to get to the
20 hospital, and while I think that the Fly Car are
21 definitely a step in the right direction, I just
22 don't think that you could say they are bringing down
23 response times, because it's really the ambulance
24 that we depend on for the response.

25

2 COMMISSIONER NIGRO: I think the response
3 time is the time a trained unit, ALS or BLS, arrives
4 at the location of the patient, and that response
5 time is considerably better, and the time it takes
6 for us to then package, so to speak, the patient and
7 take them to the hospital has not increased either.

8 CHAIRPERSON CROWLEY: I just-- I just
9 don't agree with that philosophy, because if my
10 situation is life-threatening, then I want to get to
11 the hospital as quickly as possible, and if I'm
12 living in a borough, I want to know what my average
13 response time is.

14 COMMISSIONER NIGRO: Well, I think the--
15 our philosophy on EMS is if your situation is life-
16 threatening you need people on the scene to treat you
17 immediately. The getting to the hospital is
18 important, but it's secondary to the immediate
19 emergency response of medical care that this agency
20 provides. So, what you want to get is quick response
21 by trained personnel, which is what the Fly Car
22 assists us in doing.

23 CHAIRPERSON CROWLEY: Okay. Now, in my
24 borough, Queens, I notice that the response times are
25 significantly higher compared to the city average of

2 last year or the citywide average altogether. So,
3 what we have in Queens is response times to Segment
4 One Medical Emergency Ambulance Units. Citywide it's
5 over seven minutes, but in Queens it's seven minutes,
6 38 seconds. So that's nearly half a minute longer.
7 And the percentage of times when it takes more than
8 10 minutes happens more frequently than not. So that
9 happens over 50 percent of the time. Why is it that
10 if you live in Queens that your service is not as
11 good as other boroughs?

12 COMMISSIONER NIGRO: Well, I would say
13 there is a variation one borough to the next. We
14 have been addressing, as you heard, by adding-- we
15 did add two tactical units to Queens, and we have
16 been bringing down response times in Queens. I
17 notice that the end-to-end time in Queens for
18 ambulances is slightly larger than the citywide
19 average, and the Department is working very hard to
20 bring that down. We did see a significant
21 improvement when we've added those units to Rikers as
22 I mentioned those numbers. That was very helpful in
23 Queens, and I do believe that with the addition now
24 of these two tactical groups to Queens, Queens will
25 see what the Bronx saw last year, a significant

2 improvement. We do endeavor to treat every
3 neighborhood in this city equally, and we will see
4 that come down.

5 CHAIRPERSON CROWLEY: I don't think having
6 to wait 10 minutes is right for the people who are in
7 life-threatening situations. I think it's too long,
8 and the Department needs more resources. What is the
9 average response time that somebody should have to
10 wait for an ambulance if you're having a heart attack
11 or if you've been struck by a vehicle and you, you
12 know, have serious trauma to your body?

13 COMMISSIONER NIGRO: Well, the-- what
14 should the response time be?

15 CHAIRPERSON CROWLEY: Yeah, what is? I
16 mean, in a city like New York where we have the
17 ability to provide EMS in such a sophisticated way,
18 why can't the response times be under six minutes? I
19 mean, that's the time that you really have when
20 you're in cardiac arrest before you start to have
21 brain damage.

22 COMMISSIONER NIGRO: I'm not sure any
23 municipality can truthfully say that they are
24 providing end-to-end response time in six minutes or
25 less in this country or in any other country, but I

2 believe we have been successfully bringing response
3 time down each and every year since this
4 Administration started. We have added 134 ambulance
5 tours since I started. We've added 750 people to EMS
6 since I began, and we've put 36 million dollars into
7 the system. We continue to do that, and we continue
8 to add ambulances to the system. We continue to bring
9 response time down. Six minutes is a great goal.
10 Will we ever reach that? Let's see. Someone would
11 have to show me where they did and how they did it
12 and provide us with the funding to do that, which may
13 be double what we spend right now, maybe triple.

14 CHAIRPERSON CROWLEY: Your firefighting
15 units are able to get to emergencies in under five
16 minutes.

17 COMMISSIONER NIGRO: Our firefighting
18 units are able-- are responding to much fewer calls;
19 1.4 million medical calls a year were responded to
20 last year, 1.7 million total calls to the Department.
21 So you can see the variation and what it would take.
22 If the Fire Department-- if our fire units were
23 responding to 1.4 million fire calls, their response
24 time would not be what it is today.

2 CHAIRPERSON CROWLEY: Since you've been
3 the Commissioner, you've mentioned that you put on
4 700 and some odd more tours, but is that-- how much
5 of that is taking over from private ambulance
6 services?

7 COMMISSIONER NIGRO: Almost all of that
8 is new, because many of the tours when Transcare went
9 out of business were taken over by others, but most
10 of these tours, these 134, are additional tours that
11 were added to the system.

12 CHAIRPERSON CROWLEY: And those tours,
13 what does that amount to on a regular day? How many
14 more ambulance are serving at any given time in one
15 borough?

16 COMMISSIONER NIGRO: Well, a tour is an
17 eight or a 12-hour shift. So, if we do the math, it
18 would be-- ambulances would be 50, but we count by
19 tours because not all ambulances run 24 hours a day.

20 CHAIRPERSON CROWLEY: So, approximately 10
21 more ambulance in each borough. You have about 15
22 more ambulance.

23 COMMISSIONER NIGRO: Okay.

24 CHAIRPERSON CROWLEY: Is that-- I'm just--
25 - I'm trying to figure it out.

2 COMMISSIONER NIGRO: That would be about
3 right, 10 more vehicles.

4 CHAIRPERSON CROWLEY: When your EMT's take
5 on the job you provide them with a bullet-proof vest,
6 is that right?

7 COMMISSIONER NIGRO: They do have bullet-
8 proof vests, correct.

9 CHAIRPERSON CROWLEY: Are they new or
10 they handed down from one EMT to the next?

11 COMMISSIONER NIGRO: Excuse me? The new
12 employees get new vests. Employees that have been
13 with us have vests that they received a number of
14 years ago.

15 CHAIRPERSON CROWLEY: And at what point
16 do these vests no longer serve the purpose or are
17 protected? Is there a life span on a vest?

18 COMMISSIONER NIGRO: Anybody? I believe
19 the manufacturer says five to 10 years.

20 CHAIRPERSON CROWLEY: Okay. So, do you
21 know how many EMTs are wearing ineffective vests?

22 COMMISSIONER NIGRO: I don't think many
23 EMTs are wearing vests at all. I think you'd be
24 hard-pressed to go out today and find one. They may
25 have vests that are older than that period. They're

2 not required to wear them, nor do the vast majority
3 ever wear them.

4 CHAIRPERSON CROWLEY: But this is
5 something that's important to the union, which
6 represents the membership. Why would they think that
7 they should get new vests if it's not important to
8 the membership?

9 COMMISSIONER NIGRO: I have not heard them
10 stress that on many occasions to me that it's very
11 important for them to get new vests.

12 CHAIRPERSON CROWLEY: Have you--

13 COMMISSIONER NIGRO: [interposing]
14 Certainly--

15 CHAIRPERSON CROWLEY: [interposing] But
16 it's something the Department provides a new EMT.

17 COMMISSIONER NIGRO: It's something we
18 provide.

19 CHAIRPERSON CROWLEY: And then they're
20 expected to buy their own after five years.

21 COMMISSIONER NIGRO: No, they're not.

22 CHAIRPERSON CROWLEY: But if it's only
23 effective for five years, I'm just trying to figure
24 out why they're not replaced if you give them when
25 they become an EMT.

2 COMMISSIONER NIGRO: It's voluntary that
3 they can purchase one. They're not required to wear
4 them. It's not a required piece of equipment to wear
5 by the EMTs. I think what the Department has pivoted
6 to is our Counter Terrorism Taskforces made up of
7 firefighters and EMTs, I believe it's about a
8 thousand people now who are trained who receive much
9 more effective ballistic gear, helmets and ballistic
10 vests that they can use at times when that's
11 necessary.

12 CHAIRPERSON CROWLEY: So you've not made
13 any funding requests to OMB about replacement vests?

14 COMMISSIONER NIGRO: We have not.

15 CHAIRPERSON CROWLEY: And so for some
16 reason every EMT gets it, a vest, when they start the
17 job, but if it only lasts for five years then it
18 becomes ineffective, but they don't get a
19 replacement. I just-- I'm confused by that. And
20 because I wouldn't bring it up if the membership
21 didn't think that it was important that they get
22 replacement vests. So it's something I encourage you
23 and your department to speak to the rank and file and
24 really see if it is an issue, because I'm
25 understanding that it is. I get calls from EMTs as

2 well, and I've been recently getting calls from EMTs
3 about opportunities for promotion. In the past, you
4 used to be able to become a lieutenant as an EMT, but
5 it's not the case anymore. When did that change?
6 Are there lieutenants out there that were never
7 paramedics that went from EMT to lieutenants, and why
8 was it okay then if it's not okay now?

9 COMMISSIONER NIGRO: At some point the
10 Department had decided that because officers are
11 supervising paramedics who are not paramedics
12 themselves, that a better plan, a more efficient plan
13 would be that all officers should be paramedics.
14 There are still EMT lieutenants in the field who were
15 promoted prior to the rule change, and they're
16 operating as lieutenants. They cannot operate on the
17 Fly Cars. This took place in 2008, the change. So
18 it's nine years right now. The opportunities right
19 now for promotion for EMTs is they can become
20 paramedics; they can become firefighters, and that's
21 the opportunity we have right now. We have no plans
22 to change that. We thought about it. We've
23 discussed it, and for now we're going to stick to
24 the--

25 CHAIRPERSON CROWLEY: [interposing] Now--

2 COMMISSIONER NIGRO: one must be a
3 paramedic to be promoted to lieutenant.

4 CHAIRPERSON CROWLEY: Why is it a
5 considered a promotion to become a firefighter from
6 being an EMT? Isn't it a total different job?

7 COMMISSIONER NIGRO: I think because you
8 can make about twice as much money. We don't-- it's
9 a word that's-- I know some bristle at, but generally
10 a promotion involves a raise, and that's why it's
11 considered a promotion exam.

12 CHAIRPERSON CROWLEY: The Department has
13 put together a Retention Unit for EMTs, why is that?

14 COMMISSIONER NIGRO: A Retention Unit for
15 EMTs?

16 CHAIRPERSON CROWLEY: I read that. You
17 stated that in your testimony.

18 COMMISSIONER NIGRO: I think it's a
19 Recruitment and Retention Unit. What we're--
20 previously, we had not spent much time recruiting
21 EMTs and now we will. So--

22 CHAIRPERSON CROWLEY: [interposing] But
23 what is--

24 COMMISSIONER NIGRO: [interposing]
25 Retention goes hand-in-hand with recruitment.

2 CHAIRPERSON CROWLEY: What is the
3 retention rate of an EMT?

4 COMMISSIONER NIGRO: Do you know? Steve?

5 ASSISTANT COMMISSIONER RUSH: Since the
6 merger with EMS and Fire Department in 1996, at the
7 beginning of the merger we were so extraordinary high
8 attrition rates. Since that time, the attrition rates
9 have actually come down greatly. I mean, I think even
10 in your own reports I think it's in the range of like
11 six percent. Obviously, when you have a promotional
12 exam it increases, promotional exam to firefighter it
13 increases, but generally speaking the attrition and
14 the retention rates for EMS have improved greatly,
15 and we have statistics that back that up.

16 CHAIRPERSON CROWLEY: I understand from
17 the union that they're like less than 60 percent,
18 that you have a turnover rate that when compare your
19 firefighters to your EMTs, EMTs do not put in the 22
20 years and collect full pension as you have with
21 firefighters, because for a number of reasons they
22 feel that they're not treated the same as
23 firefighters. Certainly, as you mentioned earlier,
24 the pay could be one reason, but more and more this
25 Emergency Medical Service is becoming the role of the

2 Fire Department more so than responding to your fire
3 emergencies, and I feel that the EMTs are not getting
4 the same type of opportunities. Certainly, when you
5 look at firefighters they have more tests and more
6 promotional opportunities after lieutenant. You
7 don't have that with EMTs, and earlier at one of the
8 hearing that we had a few months ago, you mentioned
9 that you do give opportunities for them to become
10 paramedics, but there's only like 80 slots. Have you
11 done anything to expand the paramedic program?

12 COMMISSIONER NIGRO: We are in the
13 process of doing that, and I would say that our EMTs
14 and paramedics are certainly treated the same as
15 people on the fire side of the department. They're
16 not paid the same, you're correct, but they're
17 certainly treated the same. And as far as
18 opportunities, they do have opportunities to become
19 paramedic. As I said, we'd like to expand that,
20 increase that opportunity. They do-- we had well
21 over 1,000 people take the promotion exam to move to
22 the fire side if they so choose, and they're welcome
23 to do that, and that's the opportunity for
24 advancement. Lieutenants can then become captains in
25 EMS. Captains can become chiefs in EMS.

2 CHAIRPERSON CROWLEY: But that's not
3 become-- that's not by taking a test like you have
4 with the firefighters.

5 COMMISSIONER NIGRO: No, it is not. It's
6 another process. It's an interview process.

7 CHAIRPERSON CROWLEY: Is it-- would that
8 be something you would support as Commissioner?
9 Would you support more promotional exams with a civil
10 service title that is protected like you do in the
11 firefighting part of the fire department? Would you
12 support that for EMS?

13 COMMISSIONER NIGRO: I think the process
14 we use now has-- and it has been adjusted-- works
15 very well.

16 CHAIRPERSON CROWLEY: I disagree. I'm
17 going to recognize Council Member Vallone for
18 questions.

19 COUNCIL MEMBER VALLONE: Thank you, Madam
20 Chair. Good morning, Commissioner. Thank you for
21 your decades of ongoing service. We appreciate it.
22 Very enthusiastic about the new outreach program and
23 the new numbers that you gave us this morning. Do
24 you have some idea on what the class is going to look
25

2 like, the incoming class on a numbers and how many
3 taking exam?

4 COMMISSIONER NIGRO: Our future exam,
5 well, we-- I think we can give you some numbers on
6 that.

7 DEPUTY COMMISSIONER KAVANAGH: Based on
8 our goals, it would be about 50 percent non-white.

9 COUNCIL MEMBER VALLONE: No, not-- just
10 in total numbers.

11 DEPUTY COMMISSIONER KAVANAGH: Oh, just
12 how many people are going to turn out?

13 COUNCIL MEMBER VALLONE: Yeah.

14 DEPUTY COMMISSIONER KAVANAGH: About
15 50,000 turned out for the last exam. We expect it to
16 be roughly the same this time around.

17 COUNCIL MEMBER VALLONE: And could you
18 give just some of us who aren't familiar with the
19 parameters of when an exam is given and how often
20 that opportunity comes up?

21 DEPUTY COMMISSIONER KAVANAGH: Sure.
22 It's given every four years. This year, the filing,
23 you have to file to take the test. The filing will
24 open on April 5th, and will be open either for one
25 month or two, that's because we have an opportunity

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2 to extend it which we probably will, so it'll be open
3 to the end of April or to the end of May if we extend
4 it, and then the test will be given in September for
5 those who filed.

6 COUNCIL MEMBER VALLONE: With those
7 numbers, how many in the past have gone through and
8 been added to the Department, if you have--

9 DEPUTY COMMISSIONER KAVANAGH:
10 [interposing] We would generally hire about 2,000
11 people off of the--

12 COUNCIL MEMBER VALLONE: [interposing] How
13 many?

14 DEPUTY COMMISSIONER KAVANAGH: Two
15 thousand.

16 COUNCIL MEMBER VALLONE: Two thousand.

17 DEPUTY COMMISSIONER KAVANAGH: Yeah, so
18 it's about four percent that file that move on to
19 become firefighters. It's very competitive.

20 COUNCIL MEMBER VALLONE: With that 2,000,
21 will that get us a number that we are at today? Will
22 it be more with retirement and attrition?

23 DEPUTY COMMISSIONER KAVANAGH: I think
24 Steve could probably fill us in further, but I
25 believe we are approaching headcount very soon.

2 COUNCIL MEMBER VALLONE: And what's that
3 number that we're striving to achieve?

4 ASSISTANT COMMISSIONER RUSH: Firefighter
5 headcount, the budget calls for 8,335 positions, and
6 we're probably about at 8,187 with the current class
7 in the Academy. Of course, the class is 18 weeks.
8 So when the class graduates we'll have more
9 attrition. We expect to be at full headcount by the
10 second half of FY 18.

11 COUNCIL MEMBER VALLONE: Is there any
12 thought of increasing the exam from four years to two
13 years, or?

14 DEPUTY COMMISSIONER KAVANAGH: So, we've
15 looked at that. It won't affect the rate at which we
16 hire, so it's not clear whether or not we'd really be
17 giving any advantage to candidates, because they'd
18 probably have to wait just as long to come onto the
19 job, although they'd be able to take the test more
20 frequently. We are looking at it. NYPD did that
21 recently and actually just stopped doing that. So,
22 we've been looking to sit down with them. They just
23 had their most recent filing and exam. We're looking
24 to sit down with them afterwards and hear why they
25 made those changes, either why they moved to doing it

2 more frequently or why they then moved away from it,
3 and we'll look at whether or not that's something we
4 want to do for the next exam.

5 COUNCIL MEMBER VALLONE: And once you've
6 got that two or three thousand, how is it determined
7 where they're assigned and which firehouses?

8 DEPUTY COMMISSIONER KAVANAGH: I'll pass
9 that over to Chief Leonard.

10 CHIEF JAMES LEONARD: We have, based on
11 needs where they are. They also have-- new
12 probationary firefighters have a choice through the
13 courts of one of two divisions or they put in for two
14 divisions. There are nine divisions throughout the
15 city, and we're obligating. We meet first choice
16 about 98 percent of the time. So it's based on the
17 needs of the Department where people want to work and
18 that's who we assign them.

19 COUNCIL MEMBER VALLONE: Okay, last year,
20 and I guess this year too, we started some new
21 programs. The Commissioner and I spoke about
22 sometimes there would be a need to pull some whether
23 it was EMS or EMS services to create or fill a need.
24 Last year it happened at Fort Totten and then it got
25 replaced later on in the year. Is there a gap that

2 needs to be filled with the creation of any of these
3 new services that we can make sure that we don't have
4 any missing units at this point?

5 COMMISSIONER NIGRO: I think what we were
6 discussing, right, there was a unit taken out of Fort
7 Totten. I think that was just an error of planning.
8 I think what we're looking at now with a model we're
9 trying to deploy more often are these taskforces
10 where units are deployed more to a borough in groups
11 and as we look at the call volume on a live time
12 basis, they can be moved to where the volume is
13 greatest so that if one part of Queens is suddenly
14 inundated with calls, units can be shifted in order
15 to ensure that people aren't waiting an inordinate
16 amount of time, and if another part of Queens-- as
17 the volume changes, these units can be more flexible
18 in their movement rather than statically being in a
19 place which might not be getting a large volume of
20 calls. So we're trying that right now in Queens with
21 these two taskforce groups. We hope that it-- it has
22 already seemed to improve greatly response time in
23 Queens, and we think we can bring it down much
24 further.

2 COUNCIL MEMBER VALLONE: Is there hope
3 that those might become permanent?

4 COMMISSIONER NIGRO: Yes, we think-- the
5 units are permit. Whether they'll be permanent as
6 taskforces, as we look at the data, we think that
7 will be the model for them. So you'll have a certain
8 number of static units in a borough, and some number
9 of units that are in a taskforce format.

10 COUNCIL MEMBER VALLONE: Does that include
11 the Fly Car pilot program, or is that--

12 COMMISSIONER NIGRO: It's really a
13 separate issue. The Fly Car program is 10 Fly Cars
14 backed up by 10 BLS ambulances and also the first
15 taskforce was put in place in the Bronx. The second
16 group went to Queens.

17 COUNCIL MEMBER VALLONE: And what
18 constitutes the vehicles? Sound like something out
19 of the Jetsons.

20 COMMISSIONER NIGRO: They're just--
21 they're the same ambulances that you see, BLS
22 ambulances, EMT staffing, basic life support, the
23 same vehicles, but they're not assigned to a specific
24 street corner. They're assigned as a group and they
25

2 can be moved by dispatch as volume in the borough
3 changes.

4 COUNCIL MEMBER VALLONE: And I think the
5 last thing I just want to close on was we had
6 discussed opening up the FDNY to become part of the
7 councilmatic [sic]. Our own individual budgets
8 getting involved with participatory budgeting,
9 getting involved with additional structural repairs
10 that we could assist with and I was happy to say the
11 facilities director made it on up, and we are going
12 to partner with replacing firehouse doors in the
13 district, because it was something that we talked
14 about, and I think that's something that each of the
15 Council Members could easily adopt and go forward
16 with to start making some of those changes that we
17 can assist you with. So, I still think there's room
18 for growth in the participatory budgeting world for
19 the Council Members who actively participate. I
20 think the communities would love to rally around
21 their firehouses. I think for next year I think we
22 can even do more of that.

23 COMMISSIONER NIGRO: Well, I thank you
24 for that, and I thank the council for everything
25 they've done for us in these-- in this regard in

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2 assisting us in getting things done and funding some
3 of these projects for us. So, thank you very much.

4 COUNCIL MEMBER VALLONE: Thank you,
5 Commissioner. Thank you, Chair.

6 CHAIRPERSON CROWLEY: We've been joined by
7 Council Member Cabrera and Council Member Lancman.
8 Council Member Cabrera has questions.

9 COUNCIL MEMBER CABRERA: Thank you so
10 much, Madam Chair. Commissioner, welcome, and to all
11 your staff. I just have a couple of out-of-the-box
12 questions. Number one, the fire trucks, do they--
13 are they equipped with cameras?

14 COMMISSIONER NIGRO: Not all of them.
15 No, they're not.

16 COUNCIL MEMBER CABRERA: They're not.
17 Have you considered equipping them with cameras?

18 COMMISSIONER NIGRO: Can you be more
19 specific? What type of cameras, like a dashboard
20 camera that you see on some--

21 COUNCIL MEMBER CABRERA: Yeah, dashboard.
22 Let me just be open as where I'm going with this.

23 COMMISSIONER NIGRO: Sure.

24 COUNCIL MEMBER CABRERA: The question was
25 asked earlier from the Chair regarding delay time.

2 I'm wondering has there ever been like a random study
3 as to what is really causing delay. We have more
4 traffic than ever before in New York City. We have,
5 perhaps, it's lack of proximity to where fire is or
6 incidents are taking place. So, it will be-- I think
7 it would be profitable from that end to perhaps
8 randomly pick certain trucks and to see what is
9 really causing delay, what's the norm. And the
10 second is in case of situations where it could be
11 used for training where you have a fire incident
12 taking place and to come out with better practices
13 with best practices.

14 COMMISSIONER NIGRO: We have a policy now
15 where we do send a team out with cameras to major
16 fires, and they do film it, and we do record all of
17 our audios at those fires also for the purposes of
18 training. As far as studies for what causes response
19 time, so to speak, we do many. It's certainly not a
20 lack of effort by the units, and response time grows
21 when volume grows. If units were-- and that has
22 happened in this Administration. If we removed units
23 from the system, response time would grow, and of
24 course traffic affects response time. We all saw
25 that the average mile-per-hour of Manhattan traffic

2 is now down to 8.1 miles an hour. It's a great
3 challenge to our units. You might have seen this
4 week also that we have cameras on our drone. We have
5 two tethered drones that can film the site, and at a
6 fourth alarm in the Bronx it was used for the first
7 time to film the operation, and we think this will be
8 very helpful to our chiefs for training in the
9 future.

10 COUNCIL MEMBER CABRERA: I appreciate
11 that response, Commissioner, and if you could take in
12 consideration put in the cameras. They're not that
13 expensive, those go-go cameras or any type of-- I
14 don't want to mention a particular--

15 COMMISSIONER NIGRO: [interposing]
16 Certainly worth--

17 COUNCIL MEMBER CABRERA: but, you know,
18 which cameras I'm referring to. In talking and track
19 [sic] your [sic] and speaking to you about
20 technology, is there any new technology that we see
21 on the horizon that you would love to have part of
22 the department, the Fire Department to be included?

23 COMMISSIONER NIGRO: Well, certainly
24 technology is a great assist. We've used it in the
25 past. One thing that departments all over the

2 country all over the world have been trying to-- and
3 the military-- to perfect is locating members in a--
4 not just on a horizontal plane, but a horizontal and
5 vertical plane. So where someone is in the building,
6 how do you identify them? That is a very-- would be
7 a very valuable tool to our department, every
8 department in the world and the military. Perhaps
9 it's we're getting closer to solution, but no one has
10 one yet. We do have a very strong technology
11 department and we're working right now with some
12 large companies looking at our technology and asking
13 for their assistance and how we can be better. The
14 Fire Department, especially the-- well, both sides,
15 fire and EMS demand a lot of hands-on activity and
16 cannot be replaced. Much of what we do both as
17 firefighters, EMTs and medics can't be replaced by
18 technology, but can certainly be enhanced by
19 technology.

20 COUNCIL MEMBER CABRERA: Indeed. I've
21 seen a couple of incidents in television where I know
22 your last response, possible action is to bring
23 somebody down by rope. I'm just curious about this
24 rope. Is this like a fire-proof rope, or do we have--
25 it's just regular rope? Is there new technology?

2 You know, there's always that ever-present danger of
3 that rope going on fire.

4 COMMISSIONER NIGRO: I think on the
5 incidents you're referring to on the Upper East Side
6 after that firefighter and the person he rescued
7 reached the ground the rope did burn. There are no
8 fire-proof ropes that we're aware of. We are looking
9 at a different rope from the one that was used there
10 that we think may be an improvement. Certainly these
11 ropes, once they're used like that they're put out of
12 service and never used again for life-saving
13 purposes.

14 COUNCIL MEMBER CABRERA: Interesting.

15 COMMISSIONER NIGRO: But we will test
16 whatever ropes are out there and try to find the best
17 possible product. We think--

18 COUNCIL MEMBER CABRERA: [interposing]

19 That will be--

20 COMMISSIONER NIGRO: we have a new one
21 that will be even better [sic].

22 COUNCIL MEMBER CABRERA: That would be a
23 good startup. And my last question, as you know, we
24 had the unfortunate incident near Broadway in the
25 Bronx where we lost Chief Fahy. We was stationed in

2 my district, and we're going to be naming a street
3 after him in honoring him. I was just curious, is
4 there a technology or not technology, a form of
5 protection where the Chief could be protected by some
6 kind of structure that if-- and I know that was a
7 very unusual event, but as I recall, he had even
8 instructed a couple of police officers to move out of
9 the way. He really saved a couple of lives. But
10 that would have protected him, at the very least have
11 allow him to survive.

12 COMMISSIONER NIGRO: I think one of the
13 most dangerous things our members respond to are gas
14 emergencies, gas leaks, because they never know when
15 that gas will be at the percentages as it was in the
16 Bronx to result in an explosion, and our members
17 respond to thousands of these a year. Much of it is
18 depended upon the devices we carry to measure the
19 presence of gas, and in that case there, it was a
20 very serious loss for this department. Chief Fahy
21 was probably someone who would be sitting where the
22 Chief or I are sitting in the future had he not been
23 killed, but we continue to look for ways to respond
24 to these and to protect the public and public safety

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2 at the many thousands of odors of gas we respond to
3 every year.

4 COUNCIL MEMBER CABRERA: Thank you so
5 much, Commissioner. Madam, thank you so much.

6 CHAIRPERSON CROWLEY: Thank you, Council
7 Member Cabrera. The Police Commissioner submitted a
8 request to the Federal Government for reimbursement
9 of cost associated with protecting Trump Tower. Does
10 the FDNY incur any costs associated with security at
11 Trump Tower?

12 COMMISSIONER NIGRO: Oh, we absolutely
13 do, and our request was submitted along with
14 Commissioner O'Neill's to be reimbursed.

15 CHAIRPERSON CROWLEY: How much was that
16 request?

17 COMMISSIONER NIGRO: Steve?

18 ASSISTANT COMMISSIONER RUSH: From
19 Election Day to Inauguration our estimates were fully
20 loaded with fringes, obviously, which is the true
21 cost, is 1.7 million dollars for both Fire and EMS.
22 Going forward we have two dedicated teams at Trump
23 Towers, and we project that cost 24 hours a day,
24 seven days a week, is 4.5 million.

25 CHAIRPERSON CROWLEY: So, if that--

2 ASSISTANT COMMISSIONER RUSH:

3 [interposing] Those costs, by the way, will increase
4 as the President is in town, and we--

5 CHAIRPERSON CROWLEY: [interposing] Right.

6 ASSISTANT COMMISSIONER RUSH: up the
7 number of resources.

8 CHAIRPERSON CROWLEY: So that's just when
9 the President isn't even in town?

10 ASSISTANT COMMISSIONER RUSH: That's
11 correct.

12 CHAIRPERSON CROWLEY: It's to protect the
13 building and his family and/or does it have something
14 to do with protests?

15 COMMISSIONER NIGRO: Well, it's to
16 protect the family, and when the President's in town
17 the size of our numbers of people grow.

18 CHAIRPERSON CROWLEY: So, you have like--
19 you have an EMS unit outside just in case something
20 happens with the family?

21 COMMISSIONER NIGRO: There is an EMS unit
22 there 24 hours a day.

23 CHAIRPERSON CROWLEY: It seems excessive.

24 COMMISSIONER NIGRO: They're also there to
25 provide safety for the police officers, the many,

2 many police officers there to protect the building,
3 which is a potential target.

4 CHAIRPERSON CROWLEY: So, I have some
5 other questions. I'm going to try to get through them
6 quickly, because we want to stay on calendar. I'm
7 going to ask about the Quarter Master. So you have
8 funding request for bunker gear, breathing apparatus
9 and other essential equipment. How did you decide
10 that you needed the replacement now for this type of
11 gear in this budget, and the rank and file has said
12 that they want a second pair of boots that's not
13 included in this quarter master budget which would
14 include essential equipment? So I understand the
15 boots are essential. And if you can go into that
16 question, please?

17 COMMISSIONER NIGRO: Sure, the-- well,
18 bunker gear of course has a life expectancy. It
19 wears out. We replace a certain amount every year.
20 So these replacement costs get in the budget. The
21 same is true with air cylinders and the air packs
22 that the members wear. As far as the second pair of
23 boots, the members have-- that was not stopped. The
24 members had never gotten with their gear two pairs of
25 boots to go along with the rest of the equipment. I

2 do understand that they feel this is necessary, it's
3 important. I don't disagree that it may be
4 important, and it's something I'm certainly willing
5 to talk about with them and see if this is something
6 that needs to be done.

7 CHAIRPERSON CROWLEY: How much would a
8 second pair of boots cost?

9 COMMISSIONER NIGRO: I believe it would
10 cost five million dollars. Four million? I way over-
11 estimated. It's four million dollars.

12 CHAIRPERSON CROWLEY: Four million.

13 COMMISSIONER NIGRO: For a second pair of
14 boots for everyone.

15 CHAIRPERSON CROWLEY: So, the department
16 believes that this could be a necessary?

17 COMMISSIONER NIGRO: I'm willing to talk
18 about it. I certainly see their logic behind that.

19 CHAIRPERSON CROWLEY: I'd like to talk
20 about capital expenses. Recently I wrote a letter
21 about Rescue Company One after I visited it, and they
22 are in need of a larger space. Is this something
23 that the department is looking into, building a more
24 adequate space for Rescue One, and is it in the best
25 locations since it's serving the whole borough?

2 COMMISSIONER NIGRO: Certainly we agree
3 with you that today's world, Rescue One's quarters is
4 much too small for them, and we have been actively
5 looking in the area, making our look expand for a
6 spot we could build or use. So far, we have not
7 found that spot, but we have not stopped looking, and
8 it is very important to us to find quarters that will
9 be similar to res-- what's going up for Rescue Two
10 and what already exists for Rescue Three spaces that
11 benefit the equipment of a rescue company. Rescue Five
12 also has a plan in on Staten Island to build right
13 across the street.

14 CHAIRPERSON CROWLEY: The Department is
15 looking for new space for Rescue One, which is good.

16 COMMISSIONER NIGRO: Absolutely.

17 CHAIRPERSON CROWLEY: Now, about
18 firehouse renovations, are there major renovations
19 that you're looking for throughout the City? Are
20 there-- you're complete with your bathroom
21 renovations?

22 COMMISSIONER NIGRO: We are.

23 CHAIRPERSON CROWLEY: And so how about
24 new firehouses in Queens, Long Island City and
25 Jamaica and Flushing are building faster than

2 planners could have imagined. Do those communities
3 get services? In fact, Long Island City, I believe,
4 was an area that saw closures back maybe I think when
5 Bloomberg was there, that one of their houses closed.
6 So are you looking at the response times individually
7 in neighborhoods or Community Boards?

8 COMMISSIONER NIGRO: We are looking very
9 closely just the way you stated, Community Board by
10 Community Board, as to what the future needs. So the
11 department has operated for years on the strategic
12 plans that lasted two or three years. Our new
13 strategic plan will look 20 to 25 years out for the
14 needs of the city, and in areas such as Long Island
15 City where growth has been so rapid, we will
16 determine what the needs are. We have to be prepared
17 much like the Army does to defend the country; we're
18 defending this city, and we need to be prepared in
19 the future. So, I-- this study is ongoing. This
20 study is very detailed as to where we think we are
21 lacking resources and where new resources will be
22 needed.

23 CHAIRPERSON CROWLEY: Yeah, I would offer
24 the Council's help in the study. We would love to
25 look at the numbers if you could share your response

2 times as they relate to Community Boards. I mean,
3 especially with Jamaica developing so close to the
4 airport, JFK, our international airport.

5 COMMISSIONER NIGRO: I think we can
6 certainly do that.

7 CHAIRPERSON CROWLEY: I have a bill that
8 actually asks for the department to report broken
9 down, so I would like to continue that conversation
10 and just, you know, as we look to push that bill
11 through the city, that we could just get it to be
12 policy that each year those numbers are reported. So
13 I'm looking at vital statistics now. That's
14 something that the department doesn't really mention.
15 You didn't mention in-- you mentioned one vital
16 statistic that people understand, which is easy to
17 understand, number of fatalities that happened due to
18 fire causes each year. But there's a vital statistic
19 that your department keeps track of which is called
20 EMS Pre-hospital Saves and Engine Pre-hospital Saves,
21 and when looking at those vital statistics, there are
22 more lives being lost today compared to two years
23 ago, and this I believe is something we need to look
24 closer at when we're evaluating our EMS and fire
25 services. For example, what I see is in 2014 Engine

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2 Pre-hospital Saves were 412 lives, whereas in 2016

3 Engine Pre-hospital saves went down to 305. That's a

4 decrease of 25 percent. I don't think it's just by

5 chance. I do believe it has something to do with

6 response times as well as EMS Pre-hospital Saves. In

7 2014 it was 623, whereas in 2016 it was only 475.

8 That too went down approximately 25 percent. Why do

9 you think these numbers are going down?

10 COMMISSIONER NIGRO: Well, certainly if it
11 was a result of response time, it would mean that the
12 faster we get there the fewer people we save. So,
13 because we are getting there quicker than we were, so
14 it would actually be reverse logic. But some of the
15 figures we have found--

16 CHAIRPERSON CROWLEY: [interposing] I'm
17 sorry, I didn't understand that. Can you explain
18 that one more time?

19 COMMISSIONER NIGRO: Well, if we are
20 getting, which we are, if we're getting to the scene
21 faster than we were, and we're saving fewer people,
22 then one would extrapolate that getting there faster
23 saves fewer lives, and we all know that's--

24 CHAIRPERSON CROWLEY: [interposing] Or the
25 way you're tracking them.

2 COMMISSIONER NIGRO: We all know that's
3 not true. Excuse me?

4 CHAIRPERSON CROWLEY: Or the way you're
5 tracking faster. Your EMS numbers are not faster in
6 every borough, and it's not faster than an ambulance--
7 -

8 COMMISSIONER NIGRO: [interposing] Oh, I
9 think they are.

10 CHAIRPERSON CROWLEY: is getting there.
11 So, I don't think that-- and even with the fire--
12 even with the fire responses, they've gone up. The
13 response time is not decreasing.

14 COMMISSIONER NIGRO: The response times
15 have not increased.

16 CHAIRPERSON CROWLEY: Not by the
17 statistics that I have.

18 COMMISSIONER NIGRO: You know, I have not
19 looked at that number that you're using, so I really
20 have a little difficulty commenting on it. I think
21 much of what it is, we depend on getting data from
22 the hospitals as to the outcomes of calls.

23 CHAIRPERSON CROWLEY: Right.

24 COMMISSIONER NIGRO: And we had a period
25 where we were getting incomplete data, so we could

2 not report on it, and we have found the numbers may
3 not be what they seem. So, unless I look at it
4 further--

5 CHAIRPERSON CROWLEY: [interposing] I
6 encourage the department to.

7 COMMISSIONER NIGRO: I doubt the
8 accuracy.

9 CHAIRPERSON CROWLEY: To look at it
10 further, because this is an important statistic, and
11 we need to have better statistics like this, more
12 transparency. The hospitals need to be getting the
13 information over to the City so that we could analyze
14 this in a way where we could accurately say whether
15 New Yorkers are any safer today than they were two
16 years ago. Because my numbers that I'm looking at,
17 the numbers I have are saying a different story.

18 [off mic comments]

19 CHAIRPERSON CROWLEY: I think we covered
20 everything. So, I appreciate the Department. first
21 of all, I appreciate everything your members do in
22 their life-saving, heroic efforts each and every day
23 to protect New Yorkers, and I look forward to
24 continue our conversation on both the boots and the
25 vests, and also looking much closer at response times

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2 and services, and working to make sure that New
3 Yorkers are safer especially when it relates to
4 Emergency Medical Services.

5 COMMISSIONER NIGRO: Absolutely. Thank
6 you very much.

7 CHAIRPERSON CROWLEY: Thank you. The
8 committee would like to call up George Farinacci who
9 is the UFOA Local 854 representative. George, when
10 you're ready, please begin your testimony.

11 GEORGE FARINACCI: Okay.

12 CHAIRPERSON CROWLEY: Yeah, might as
13 well. Sorry for the commotion.

14 GEORGE FARINACCI: No worries. Alright,
15 thanks for having me. Thank you very much to the
16 Criminal--

17 CHAIRPERSON CROWLEY: [interposing] We
18 also skipped protocol.

19 GEORGE FARINACCI: We did.

20 CHAIRPERSON CROWLEY: Public was supposed
21 to go on later today.

22 GEORGE FARINACCI: I thank you very much
23 for that as well. I can make my meeting. Thank you
24 all and thank you to the Chair. So, just a couple of
25 points about having a second set of boots. Our

2 members are pretty pragmatic. They're not looking
3 for the new fall fashions or spring fashions, they're
4 looking for a second set of boots to operate with at
5 a fire. You know, obviously, a dangerous condition.
6 A wet set of boots which is encountered in the winter
7 months or in the summer months from sweat or just
8 operationally in any type of water leak or any fire
9 for that matter, which obviously we use water to put
10 out the fires. When the boots are wet, they have a
11 thermal barrier and a liner made up of multiple
12 layers inside the boot. It's constructed in such a
13 way that it's a separate entity from the boot. It's
14 a bootie that's used-- that's placed in the boot with
15 an adhesive. When the boot is wet it becomes very
16 difficult to get your foot in and out of the boot.
17 In that process that adhesive sometimes will break
18 down. The inside bootie will turn inside out, and
19 you can't get your foot in and out of the boot in any
20 kind of great speed, which we often need to get into
21 our gear and out of our gear. The wet boots will
22 take often times up to two weeks to dry. Wet boots
23 lead to wet socks, lead to a cold fireman, and lead
24 to also a much heavier piece of gear that we have to
25 work with. When you have an extra couple of pounds

2 on your feet you begin to feel it. Our members are
3 often asked to work to exhaustion at fires, and every
4 little bit of effort to be saved for that critical
5 time when God forbid there's somebody to grab onto,
6 we could use that extra energy. So, we went over the
7 cost. You know, every number is a big number in the
8 way of the budget, I understand that, but the members
9 have been asking this for quite a while to get a
10 separate set of boots just to be able to operate a
11 little bit more efficiently, and you know, also avoid
12 such things like rashes and bacteria builds up in the
13 boots which come from wet boots. We have a much
14 larger incidence of that happening in Probie [sic]
15 school where they wear them wet pretty regularly in
16 training because they're there five days a week. So
17 we can take a look at that and see that it's a-- it's
18 been an ongoing problem. And I would just-- those
19 would be the key points. So I would appreciate any
20 consideration in finding some budget in there to.

21 CHAIRPERSON CROWLEY: When asked about
22 the boots, the Commissioner seemed to think they were
23 essential, so we'll work together over the next
24 couple of months to get-- to hopefully get them in
25 the budget.

2 GEORGE FARINACCI: Very much appreciated.

3 CHAIRPERSON CROWLEY: Thank you for
4 testifying today.

5 GEORGE FARINACCI: Thank you. Thank you
6 very much.

7 CHAIRPERSON CROWLEY: We will move into
8 the second part of the hearing, the Department of
9 Probation. I would ask Commissioner Bermudez and her
10 team to please-- [off mic comments] So, I would thank
11 Commissioner Bermudez for being here today, for the
12 work that she does on behalf of the City. The
13 Department's Fiscal 2018 Preliminary Budget totals
14 1.6 million dollars, a decrease of less than one
15 percent compared to the Fiscal Year 2017 Adopted
16 Budget. The Department budget focuses on headcount
17 of approximately 1,051 personnel. The budget
18 includes the Department's efforts to reduce
19 recidivism through initiatives such as mentoring and
20 the Next Steps Program. The Committee looks forward
21 to learning more about the Department's new
22 initiatives, the Department's ongoing efforts to
23 create programs that reduce recidivism and the budget
24 priorities for 2018. In addition, the committee
25 looks forward to receiving an update on the Council's

2 anti-gun violence initiative. Before we hear from
3 you, Commissioner, and anybody else on your team, we
4 must swear you in. If you could raise your right
5 hand? Do you affirm to tell the truth and nothing
6 but the truth in answering the committee with the
7 questions that you're posted and also in your
8 testimony? Thank you.

9 COMMISSIONER BERMUDEZ: Good morning.
10 Good morning, Chair Crowley and members of the Fire
11 and Criminal Justice Services Committee. I am Ana
12 Bermudez, Commissioner for the Department of
13 Probation. I'm joined by my cabinet, Deputy
14 Commissioners Michael Forte, Gineen Gray, and Sharun
15 Goodwin, and General Counsel Wayne McKenzie. Thank
16 you for the opportunity to testify about the critical
17 work of the Department of Probation and its
18 Preliminary Fiscal Year 2018 Budget. Our department
19 occupies a unique position in the Criminal and
20 Juvenile Justice systems as we help to reduce crime
21 through a carefully calibrated balance of structure
22 and support. This balanced approach allows those on
23 probation to create what we refer to as their "new
24 now" while developing deeper community connections
25 and engagement in their neighborhoods. New York City

2 continues to see a decline in overall crime and a
3 decrease in arrest for minor offenses which helps
4 reduce the number of people entering the justice
5 system. This allows law enforcement agencies
6 including ours to better and more strategically focus
7 resources on those that pose a greater risk to public
8 safety. Last year the Department provided intake
9 investigation and supervision services in more than
10 57,000 cases and directly supervised 27,000 adults
11 and 2,600 juveniles. On any given day, the
12 Department supervises 22,000 people, which is more
13 than double the city's current jail population. For
14 Fiscal Year 2018 the Department has a Preliminary
15 Budget of 100.6 million dollars as compared to our
16 Fiscal Year 2017 Adopted Budget of 100.7 million
17 dollars. Notable changes in the Preliminary Budget
18 include an expansion of mentoring programming, a
19 reduction in Center for Economic Opportunity funding,
20 and recognition of State Juvenile Prevention funding.
21 When compared to our current budget of 100.6 million
22 dollars, the Fiscal Year 18 Preliminary Budget of
23 100.6 million is four million or nearly four percent
24 less, which is primarily attributable to intercity
25 funding that historically has added to our budget

2 post-adoption. Of the 100.6 million allocated to our
3 Preliminary Budget, 73 percent or 73.8 million is
4 allocated personnel services, and 27 percent or 26.8
5 million is allocated to other than personnel
6 services; 79.4 million are city tax levy funds; 14.8
7 million are state funds; 6.3 million are inner-city
8 funds, and 74,000 are federal grant funds. State
9 funding, which previously reimbursed nearly 50
10 percent of local probation costs now provides only 14
11 percent of our operating costs and is expected to
12 remain flat the 2011 funding level. Our budget
13 priorities reflect critical investment in sustaining
14 and expanding our continuum of structured
15 accountability, opportunity and support services, and
16 our community-focused model of working to meet the
17 unique needs of those on probation. In other words,
18 we're striving for a one-size-fits-one model. In
19 terms of expanding structure and accountability, our
20 Department continues to be a key partner in the Cease
21 Fire initiative with the NYPD, District Attorneys and
22 other key stakeholders dedicated to reducing violent
23 crime. Last October, Cease Fire expanded to the
24 Bronx with the first call-in yielding 100 percent
25 participation from those identified. We have also

2 expanded the role of our Intelligence Unit which in
3 Fiscal Year 16 completed 956 Field Enforcement
4 Actions, an increase of 48 percent. Those include
5 NYPD Domestic Incident Report Notice follow-ups,
6 gang-related investigations, bench warrant
7 enforcement, failure to report home visits, and
8 transporting individuals to and from other
9 jurisdictions. We're also in the process of
10 overhauling and revamping our case planning process,
11 known as the Individual Action Plan, or IAP. The IAP
12 serves as a behavior change guide to successfully
13 complete one's probation sentence, as it is the
14 agenda for each probation meeting between the
15 probation officer and the person on probation, but it
16 also ensures accountability within the agency as it
17 allows the chain of command to evaluate whether or
18 not we're effectively guiding the people we supervise
19 toward that change. One of my goals as commissioner
20 is to ensure that all probation offices are well-
21 versed and skilled in utilizing the IAP, as the
22 positive effects of addressing each client's specific
23 criminogenic needs will last throughout future
24 probation practice. At the beginning of last year
25 with support from a US Department of Justice grant,

2 we launched Anyone Can Excel, or ACE, a new
3 supervision model for our young people age 16 to 24.
4 ACE officers completed an unprecedented six months of
5 training on new and additional tools to effectively
6 engage young adults on the issues of violence, peer
7 relations and decision-making. I'm pleased to share
8 with you preliminary data. Over the past year, 23
9 percent fewer young adults in ACE were re-arrested as
10 compared to a similar group of non-ACE 16 to 24 year
11 olds. Cease Fire Intel, the IAP and ACE are all
12 examples of expanded accountability at the agency or
13 system levels, but frankly the individual level is
14 often most compelling. So, I want to share with you
15 a success story of someone who recently completed a
16 three-year probation sentence. Sally was arrested on
17 a felony DUI and supervised at our Queens' Office by
18 Probation Officer Sang [sp?] and Supervising
19 Probation Officer Perez [sp?]. She told us about how
20 much of a struggle it was as it was her first offense
21 of any sort and one that nearly broke her. In her
22 own words, "I was guilty of neglect of the love of my
23 life, my then 12-year-old son whom I could have
24 killed or severely hurt had I not been arrested. I
25 also lost my job, which I loved, all savings, my

2 home, and honestly my will to live at times. I was
3 skeptical I would ever recover, but Officers Perez
4 and Sang pulled me through. I will forever be
5 grateful as I know my now 16-year-old son, four
6 siblings, 87-year-old parents, and friends are."

7 Though initially not in the best frame of mind, Sally
8 attributes her success on probation to being treated
9 with respect and understanding even when as she says
10 they were delivering answers we all knew I did not
11 want to hear. "I believe it is because of their kind
12 humanity and strict procedure that I was able to
13 successfully complete probation, maintain sobriety
14 and serve as the ultimate example to a vast number of
15 people to never commit the offense that I did."

16 People like Sally also need opportunities to thrive.

17 So we've also been working hard to expand

18 opportunities for people on probation. In

19 partnership with the Center for Employment

20 Opportunities, we were awarded a grant from the New

21 York State's Division of Criminal Justice Services to

22 launch a transitional employment program that

23 combines education and training on life skills,

24 short-term paid transitional employment, full-time

25 job placement and post-placement services for high-

2 need young adults on probation. We're also seeing
3 success around employability from our Young Adult
4 Success Corps, which I've mentioned here before.

5 Launched in partnership with the New York City
6 Service, the Young Adult Success Corps matches young
7 adults on probation with stipend intern positions at
8 service locations selected by community stakeholders.

9 To date, we have had 73 corps members and they have
10 really transformed through their participation in

11 this program. Last fall, the young people were
12 interviewed by staff from the US Senate

13 Appropriations Committee, and the Committee was so
14 impressed that they wanted to explore scaling the

15 model nationwide. One corps member said, "Most of my
16 friends just have dreams and hopes, but they don't do
17 anything about them. In this program I've been

18 getting to learn the skills and make the connections
19 that I can use to make my dreams actually happen, and
20 that's cool and lets me take pride in my work."

21 This program creates a sense of agency within our
22 young people through a unique transformational

23 experience involving teamwork, leadership and

24 responsibility. Out of school time is another key

25 area we're addressing. Not surprisingly, youth are

2 more likely to be involved in problematic situations
3 when they have idle time on their hands. To address
4 this, our new Brooklyn and South Bronx PEAK Centers
5 begin operation later this month in partnership with
6 the Center for Alternative Sentencing and Employment
7 Services. PEAK stands for Pathway to Excellence,
8 Achievement and Knowledge, and provides and
9 afterschool or evening safe haven for Family Court
10 involved youth age 18 and under with a focus on a
11 variety of things: educational, skill building,
12 employability, community engagement, peer support,
13 artistic expression, and recreation. Young people
14 and their families will also have access to case
15 assist wrap around services including state license,
16 mental health treatment, monthly family forums,
17 weekly outings, and a daily hot meal. As you just
18 heard, we cannot and do not do this work in a vacuum.
19 Cross-agency partnerships such as co-chairing our
20 working group on the New York City Taskforce on
21 Domestic Violence and expanded work in behavioral
22 health are critical to our success. In conjunction
23 with ThriveNYC, the Department of Health and Mental
24 Hygiene, the Mayor's Office of Criminal Justice, and
25 NYC Health & Hospitals, we're working to ensure to

2 those on probation are receiving proper behavioral
3 healthcare. We're also providing ongoing Naloxone or
4 Narcan training for probation officers, and given the
5 high usage of opioids in the borough of Staten
6 Island, we partnered to conduct a joint training with
7 Richmond County District Attorney Michael McMahon.
8 As we continue to address these issues, the use of
9 Adolescent Portable Therapy or APT, a flexible in-
10 home family substance abuse and mental health therapy
11 model for at-risk youth and their families is even
12 more critical to our department. To that end, we are
13 hopeful that Council funding for this program can be
14 revisited. In our work, it is not only the services
15 and resources that we offer, but how they're offered
16 and by whom that makes the most difference. The life
17 experiences of credible messengers make them
18 particularly competent in connecting with people and
19 families involved in the justice system. Often from
20 similar backgrounds, Credible Messengers seek to
21 reduce justice system involvement and recidivism by
22 improving one's ability to make better, less
23 impulsive decisions and develop safer means of
24 resolving conflicts, thereby enhancing public safety
25 and strengthening communities. Our Arches

2 Transformative Mentoring Program which relies on
3 credible messenger mentors is now a proven success.

4 A forthcoming impact evaluation of Arches and its use
5 of Credible Messengers conducted by the Urban
6 Institute looked at felony reconvictions for Arches
7 participants versus non-Arches participants.

8 Evaluation found a significantly lower level of
9 felony reconvictions for those involved in Arches.

10 The program model is already being replicated in
11 targeted NYCHA developments in the form of next steps
12 as well as in other jurisdictions across the country.

13 We also work with Credible Messengers as parent
14 coaches in our Family Court Parent Support Program.

15 Parent coaches whose own children have been justice-
16 involved provide individual support to parents,

17 guardians and families in navigating the juvenile

18 justice system and in taking an active role in their

19 children's cases. Since it began in 2014, over 830

20 families across New York City have participated, and

21 as a result we have seen both increased parental

22 involvement and understanding of the system. Most

23 importantly, we have seen a reduction in violations

24 of probation based on parental report of non-

25 compliance as parents have developed outlets for

2 their own needs and means of supporting and managing
3 their children. Having seen the profound impact that
4 Credible Messengers have on the work that we do, I am
5 pleased to share with you the establishment of the
6 New York City center for Credible Messengering.

7 Across disciplinary collaboration between DOP,
8 Community Connection for Youth and the Silverman
9 School of Social Work at Hunter College, the Center
10 will serve as the coordinating hub for Probation's
11 existing and future Credible Messenger Mentoring and
12 Peer Support programs. Other city agencies and
13 jurisdictions across the country regularly reach out
14 to us to learn from and replicate the credible
15 messenger mentoring approach. This center will serve
16 as a clearing house of Credible Messenger best
17 practices, and it'll enable development and
18 enhancement for other Transformative Mentoring and
19 Credible Messenger initiatives. Finally, what would
20 my testimony be without mentioning our NEONS, our
21 Neighborhood Opportunity Networks, as they continue
22 to break new ground in community corrections, leading
23 the way nationally and providing critical services
24 throughout our city. NEONS provide those on
25 probation with necessary structure. They are first

2 and foremost local probation supervision sites, but
3 they're also a place of support where we provide
4 resources and services to both those on probation and
5 other members of their community. This includes not
6 only the issuance of IDNYC, enrollment in health
7 institution, HSC [sic] classes and more, but also our
8 signature initiatives, the NEON Nutrition Kitchens,
9 NEON Clothing Closets, NEON Arts, and NEON Sports.
10 The NEON model of working with and within a community
11 is truly transformative for both those on probation
12 and others. Late last year, our Probation Officer
13 Rodney Smith who co-chairs our South Bronx NEON
14 Stakeholder Group received a letter from a community
15 resident about a young man who we will call Pablo.
16 Let me tell you a little bit more about Pablo to set
17 the stage. Pablo entered the school system as a non-
18 English-speaking student, extremely shy, withdrawn,
19 and he hardly ever spoke. His family of seven has
20 moved several times in search of affordable housing,
21 and all they can ever afford is a one-bedroom
22 apartment such as the one they live in today. Each
23 time they moved, Pablo is forced to change schools.
24 Pablo's mother in turn is so depressed that she is
25 regularly hospitalized and requires a home attendant.

2 His father works 24/7 in a pizza shop in order to
3 make ends meet. So, as you can imagine, Pablo
4 suffered from constant bullying and harassment by
5 peers, developed no friendships with classmates, and
6 repeatedly came home in tears. Although he rarely
7 said more than two or three words, he's actually
8 quite bright. When he failed two classes and was
9 sent to evening high school for an additional
10 semester, he had no trouble completing them in
11 February of last year. However, he then had seven
12 months to wait in an attempt to enter college, but he
13 was expressing no ambition, no motivation, no goals,
14 and no dreams. The letter talks about how college
15 wasn't even on Pablo's radar until Probation Officer
16 Smith stepped in and connected him to NEON Arts. To
17 quote from the letter directly now, "All I can say is
18 that your program lifted Pablo out of his malaise and
19 depression, gave him hope and a voice. During the
20 NEON Arts presentation Pablo stood with a group of
21 peers, spoke to an audience and answered questions.
22 He spoke more words on that day than in the 14 years
23 I've known him. During his entire life Pablo
24 literally hid underneath a mop of thick curly hair
25 with bangs so long he had to tilt his head slightly

2 backward to see. NEON Arts was the start of
3 something big, permitting a butterfly to emerge from
4 a cocoon where he appeared to be trapped. He is now
5 enrolled in Bronx Community College majoring in
6 mathematics and has cut that mop of hair that enabled
7 all of us as well as himself to see him in more ways
8 than one. Most of all, NEON, which I have dubbed the
9 Miracle Program, enabled Pablo to find his voice
10 which has emerged loud and clear and it continues to
11 strengthen with each passing day. For that, I thank
12 you, as well as Pablo's father who exclaimed, 'They
13 saved my son. Look at the change.'" I thank you for
14 the opportunity to testify about the critical work
15 and very significant accomplishments of this
16 department. As always there's more to be done. At
17 the beginning of this year, in fact, you and your
18 City Council colleagues received funding request in
19 regards to expanding NEON Arts and sports so that
20 more New Yorkers like Pablo have access to arts and
21 culture, health and fitness, and stronger community
22 connections in their neighborhoods. As you've heard,
23 probation is singular in its role of providing
24 community-based accountability and support for those
25 who would otherwise be incarcerated. As host of this

2 summer's American Probation and Parole Association
3 Conference, New York City Probation is a leading
4 voice on the role of community supervision in
5 strengthening communities and changing lives. Thank
6 you again for your time and we're pleased to answer
7 any questions you may have.

8 CHAIRPERSON CROWLEY: Thank you,
9 Commissioner. Thank you for the work that you do in
10 your agency, all the team at Probation, and for
11 sharing the story about Pablo. My first question is
12 how many of the young adults or teens that you serve
13 have yet to get involved in criminal justice system?

14 COMMISSIONER BERMUDEZ: Well, we don't--
15 well, through NEON Arts is the only time that we--
16 the only program that we have that directly engages
17 with young people who are not in the justice system.
18 Although, justice scholars-- I mean, justice
19 community and the Justice Plus, which you fund, the
20 Council funds, also work with young people who are
21 not on probation. Next Steps, which is an adaptation
22 of our Arches program, also works with people not on
23 probation. So, we have not because of-- you know, we
24 don't necessarily track those outcomes, because
25 they're not, you know, within our database system,

2 but they all have ongoing evaluations at that time.

3 So we will be seeing some of those results.

4 CHAIRPERSON CROWLEY: Do you know how many
5 New Yorkers are served?

6 COMMISSIONER BERMUDEZ: So, in NEON Arts,
7 about 50 percent of the people who participate are
8 not on probation, and that's not counting-- that's
9 participation in the direct program, but then there's
10 the audiences. Every NEON Arts cycle ends in a
11 community presentation. We've had more than 7,000
12 people attend and participate.

13 CHAIRPERSON CROWLEY: Oh, wow, that's a
14 lot.

15 COMMISSIONER BERMUDEZ: And at least half
16 of those are not on probation. So, our reach is
17 quite deep.

18 CHAIRPERSON CROWLEY: Question about your
19 staff. How many work actually within the Department
20 of Probation? How many are contracted out, and how
21 many work with other city agencies, like the Mayor's
22 Office of Criminal Justice?

23 COMMISSIONER BERMUDEZ: Well, all our
24 employees are-- the thousand as you cited are-- you
25 know, work directly with us, and then we have some

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2 subcontracts that we have through the-- oh, yeah. So
3 we have 14 staff at MOCJ, at the Mayor's Office of
4 Criminal Justice, sorry about that, and we have--

5 CHAIRPERSON CROWLEY: [interposing] Sorry,
6 can you repeat that? How many?

7 COMMISSIONER BERMUDEZ: Fourteen.

8 CHAIRPERSON CROWLEY: Fourteen.

9 COMMISSIONER BERMUDEZ: Positions at the
10 Mayor's Office of Criminal Justice. Due to the
11 partnership that we have and the overlap of the work
12 that we do, we fund those positions, but they're
13 physically housed at the Mayor's Office.

14 CHAIRPERSON CROWLEY: Your testimony you
15 mentioned that 75 percent of your budget is PS and 25
16 is OTPS. The OTPS is not contracted out, right?

17 COMMISSIONER BERMUDEZ: The OTP-- some of
18 it is.

19 CHAIRPERSON CROWLEY: So, it is actually
20 paying for people to do work?

21 COMMISSIONER BERMUDEZ: Yes, it's for the
22 CBO's that run-- so the Arches program is an RFP.
23 So, that-- so Arches, Justice Plus and all those
24 programs are--

25 CHAIRPERSON CROWLEY: [interposing] So--

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2 COMMISSIONER BERMUDEZ: part of that.

3 CHAIRPERSON CROWLEY: So, the budget
4 technically is more than 75 percent personnel
5 services.

6 COMMISSIONER BERMUDEZ: Yes.

7 CHAIRPERSON CROWLEY: When you break down
8 the--

9 COMMISSIONER BERMUDEZ: [interposing] Yes.

10 CHAIRPERSON CROWLEY: the contracts.

11 COMMISSIONER BERMUDEZ: Ultimately, yes.

12 CHAIRPERSON CROWLEY: And you can provide
13 that for the Executive Budget?

14 COMMISSIONER BERMUDEZ: Absolutely.

15 CHAIRPERSON CROWLEY: How many people are
16 working and--

17 COMMISSIONER BERMUDEZ: [interposing]
18 Sure.

19 CHAIRPERSON CROWLEY: various different
20 contracted out offices. I did see an increase in
21 number of violations of probationers for adults and
22 also for juveniles. Do you see these same increases
23 in rates, first four months of Fiscal 17 compared to
24 first four months of 16?

25

2 COMMISSIONER BERMUDEZ: So, yes. So we
3 are always watching those, those numbers. When the
4 violations-- violation rates fluctuate because it
5 depends on the population of people that we have
6 etcetera, and we have however, reduced the number of
7 technical violations quite a bit so that when we're
8 filing violations those violations are for public
9 safety issues, right? So, in-- and when you look
10 back at calendar years, which is what we tend to look
11 at on a consistent basis, the Calendar Year 15 rate
12 for example was three percent, and we are you know,
13 we just constantly watch those numbers to make sure
14 that we're using the violation process correctly.
15 Sometimes it's a wake-up call for people, right? And
16 so that's why we always do case reviews, because a
17 violation of probation does not always mean a failure
18 of either the person or us and the work that we're
19 doing.

20 CHAIRPERSON CROWLEY: Could it be the
21 population you're working with is changing, even if
22 you have fewer probationers you're watching? They
23 could be more likely to revisit the system.

24 COMMISSIONER BERMUDEZ: Some, yeah. Some
25 is accounted for that, absolutely, and that's-- like

2 I said, we're always evaluating that internally
3 because we have to know what the trends are, right,
4 and why the violations are being filed. So, it's an
5 important tool of our practice, and you know, we try
6 to learn from each time we have to file one.

7 CHAIRPERSON CROWLEY: I'm going to
8 recognize Council Member Gibson for questions.

9 COUNCIL MEMBER GIBSON: Thank you, Chair
10 Crowley. Good morning, Commissioner--

11 COMMISSIONER BERMUDEZ: [interposing] Good
12 morning.

13 COUNCIL MEMBER GIBSON: to you and your
14 team. Good to see you once again. Always want to
15 give credit and acknowledge the amazing work you do
16 with a multitude of programs in the Bronx. I'm
17 excited. Had an opportunity recently to meet with
18 both Osborne Association and Carnegie Hall, and I
19 didn't know the work that Carnegie Hall was doing
20 with the South Bronx NEON program, but now I do.

21 COMMISSIONER BERMUDEZ: Yeah.

22 COUNCIL MEMBER GIBSON: And it's
23 impressive. I wanted to ask a couple of questions on
24 some of the specific programs. So, I'm aware that
25 Cease Fire has now began in the 4-0, 4-2, 4-4, I

2 believe, and maybe PSA Seven, I believe. What is the
3 role that probation plays in Cease Fire? Can you
4 help me understand in terms of the partnership?

5 COMMISSIONER BERMUDEZ: Oh, absolutely.
6 Yes. This is an important partnership that we have as
7 we've been very successful in Brooklyn. How Cease
8 Fire works is that the NYPD identifies the various
9 crews that are operating in the borough or in those
10 areas that you mentioned, the precincts, and they
11 first target the ones that have been most active in
12 engagement and in violent behavior, right? There is
13 a call-in to representatives of those groups. When
14 there's-- so then our partnership is that any member
15 of those groups who is on probation gets a letter
16 from me saying you're being requested-- of course,
17 it's not really voluntary-- to attend this meeting,
18 right, this call-in meeting, and you know, they're
19 told where to go, etcetera. Our officers then work
20 with those people to make sure that they attend, and
21 then Cease Fire, the way it works is that there's a
22 law enforcement voice, a moral authority of the
23 community voice, and that's a very important piece to
24 get right, you know, because we in Brooklyn at first
25 we didn't have the right person and that made a

2 difference. So, who the moral authority of the
3 community is to be saying violence has to stop. We
4 cannot live like this. This is-- we don't believe
5 you want to live like this either, right? And then
6 there's community-based organizations present saying,
7 "And if you want to get out of that, we're here."
8 Right? You can engage with us. We have all these
9 opportunities, right? And so what happens is that we
10 are conduits to the message. We then work with the
11 people who are called in to make sure that they're
12 abiding by their commitments and promises, and if
13 they don't, then there's enhanced, you know,
14 consequences within probation, right? And we have
15 been very successful in containing behavior that way.

16 COUNCIL MEMBER GIBSON: Okay. So in terms
17 of the ongoing and the consistent contact, many of
18 the clients that are engaged in, you know, the crew
19 operations, we have attempted and responded in such a
20 way where, you know, there are more youth jobs.
21 There's more opportunities. So how do we deal with
22 many of the societal factors? The community-based
23 organizations that are a part of this network, I
24 imagine not knowing everyone that's at the table, but
25 each of the organizations should be able to provide

2 some level of services to address maybe an
3 immigration issue that could potentially be a DV
4 issues. Some of the other factors that we're dealing
5 with that we know are prevalent and obviously can
6 play a role in young people's ability to either not
7 enter the criminal justice system or have an
8 alternative of a positive interaction.

9 COMMISSIONER BERMUDEZ: Right. So
10 there's planning meetings in the Cease Fire groups.

11 COUNCIL MEMBER GIBSON: Okay.

12 COMMISSIONER BERMUDEZ: And I think those
13 are the important things to bring into those meetings
14 is what are the needs holding people back, you know,
15 from making the choice not to engage in violence,
16 right, aside from what we already know of either, you
17 know, employment programs or education, etcetera, but
18 the particular communities are, you know-- have
19 immigration issues, as you raised, or housing or
20 whatnot, and what are the connectors. We-- part of
21 our role is that connective tissue, right, of
22 connection the people on probation do those things,
23 but you're right that the people who are not on
24 probation need that as well, and how Cease Fire can

2 try to make that happen would be an important
3 component in the Bronx.

4 COUNCIL MEMBER GIBSON: Okay. I'm looking
5 forward to having a discussion about it. The Public
6 Safety hearing is on Tuesday, so Commissioner O'Neill
7 will come before us, and what I also know that with a
8 lot of the roll-outs, I think about JRIP [sic], a
9 program that Chair Crowley is very passionate about
10 that looks at robbery--

11 COMMISSIONER BERMUDEZ: [interposing] Yes.

12 COUNCIL MEMBER GIBSON: intervention
13 services for individuals that may be accused of
14 robberies, and it focuses on some of the similar
15 factors that Cease Fire seeks to do, but we are
16 looking obviously at crime in that particular
17 precinct. Is crime being reduced? But I also look
18 at other factors. Like for me, a performance
19 measurement is how likely are young people able to
20 stay in school to graduate to go to college to get a
21 job? I mean, that to me is a performance indicator
22 that to me measures success as well. I think we can
23 do it simultaneous. We can keep crime down and also
24 make sure that some of the positive interactions are
25 also proving successful as well.

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2 COMMISSIONER BERMUDEZ: Yes, absolutely.

3 COUNCIL MEMBER GIBSON: Okay. I wanted to
4 a little further understand-- so you talked about
5 some of these NEON programs, I'm not familiar with
6 all of them. I know about the Nutrition Kitchen. I
7 had a chance to visit the kitchen at the south NEON
8 office. Clothing closets, I don't know about that.
9 NEON Arts, I think that-- is that the program with
10 Carnegie Hall?

11 COMMISSIONER BERMUDEZ: The Carnegie
12 Hall, yes.

13 COUNCIL MEMBER GIBSON: Okay. And NEON
14 Sports?

15 COMMISSIONER BERMUDEZ: So, let me tell--
16 so part of what's happening with the NEONS is that we
17 believe that we have a very unique structure that
18 allows an ability to channel opportunities to people
19 at the most core level of a community or a
20 neighborhood, right? So each NEON has a stakeholder
21 group, right? And so the stakeholder groups decide
22 which NEON Arts, for example, providers-- which
23 providers are going to give the NEON Arts
24 programming. So, the same-- so we thought, okay, so
25 we got the arts, what other things do people need,

2 right? And so we decided that, you know, as we
3 looked at our data and saw that the unstructured use,
4 the unstructured leisure time that the young people
5 have is terrible for them, and sports is a natural
6 connector to young people that we would start NEON
7 Sports. So what we have is that we've piloted a
8 little bit right now with some funds that we were
9 able to repurpose to then give that money to the NEON
10 stakeholder groups and say, okay, you guys decide
11 what kind of sporting opportunities are needed and
12 leisure time activity opportunities are needed in
13 your community? So, each-- I think we've had, what,
14 two cycles? Two cycles so far. We've got everything
15 from what, Sharun, fencing to-- DC Goodwin can
16 address that a little bit.

17 COUNCIL MEMBER GIBSON: You're microphone
18 not's on.

19 COMMISSIONER BERMUDEZ: Turn on your mic.

20 DEPUTY COMMISSIONER GOODWIN: So, under
21 NEON Sports they've done fencing, swimming. They've
22 done of course basketball. So we're looking to
23 really expand. A lot of them love the basketball, so
24 that's like really major in a lot of different
25 boroughs, but we've been, you know, experimenting

2 with other sports like lacrosse and trying to get
3 more people in the room to introduce our community to
4 different kind of sports, but right now they're
5 grasping on. They love the fencing. They loved, of
6 course, basketball and swimming, which is unique.

7 COMMISSIONER BERMUDEZ: So, then the
8 Clothing Closet happened similar, in a way similar to
9 the NEON Kitchens, the Nutrition Kitchens, which was
10 that our probation officers were essentially feeding
11 our clients, probation clients, as they came in and
12 were hungry, which was fairly prevalent. Same thing
13 with clothing. People, you know, people either who
14 had spent time in Rikers and came out and were put on
15 probation and their clothing was not great, or people
16 who were now trying to get jobs and didn't have
17 business attire.

18 COUNCIL MEMBER GIBSON: Right.

19 COMMISSIONER BERMUDEZ: So, it covers--
20 each Clothing Closet has a different flavor, if you
21 will, but basically it's so that people can actually
22 get clothing help if they need it to improve their
23 lives. And so having it as a hub we already have a
24 track record of having community members come in for
25

2 the food pantry on, you know, one day is always
3 community day.

4 COUNCIL MEMBER GIBSON: Right.

5 COMMISSIONER BERMUDEZ: And so that's--
6 we've been expanding. What else? NEON Health, NEON-
7 - whatever it is that we can just bring to the actual
8 community directly.

9 COUNCIL MEMBER GIBSON: Right. Thank
10 you. So I know we have other committees, I'm sorry,
11 other agencies coming after us. So, I thank you for
12 your time. Thank you, Chair Crowley, and I certainly
13 want to recognize Deputy Commissioner Goodwin for the
14 long relationship we've had, and Kate Spalding who
15 does amazing work. I call her all the time day and
16 night and she always answers, because I get very
17 unique cases that I just can't handle. So, thank
18 you, Kate, and thank you, Commissioner, to you and
19 your team. I appreciate it.

20 COMMISSIONER BERMUDEZ: Thank you.

21 CHAIRPERSON CROWLEY: I have no further
22 questions. Thank you, Commissioner, for being here
23 today to testify and for the work that you and your
24 agency does.

25 COMMISSIONER BERMUDEZ: Thank you.

2 CHAIRPERSON CROWLEY: We're going to take
3 a two-minute break before we hear from Department of
4 Correction.

5 [break]

6 CHAIRPERSON CROWLEY: Good afternoon.
7 Welcome, Commissioner. I am going to read my opening
8 statement, and then we're going to hear testimony
9 from you and your staff. We will review Fiscal Year
10 2018 Preliminary Budget and Fiscal Year 2017
11 Preliminary Mayor's Management Report. The
12 Department's Fiscal 2018 Preliminary Budget totals
13 1.4 billion, a 48 million increase from last year
14 which will support the increasing number of
15 correction offices hired. In addition, the
16 Department of Corrections Capital Budget includes 2.1
17 billion dollars for Fiscal Year 2017 through 2020,
18 including major capital projects such as adolescent
19 facility and a new jail in Rikers Island which has
20 been in the budget since the last Administration.
21 The Department's headcount increased by 74 positions
22 for Fiscal Year 2018 and its current class size of
23 929, the largest class size to date. Although the
24 expense budget includes funding to support personnel,
25 I am concerned that the capital budget still does not

2 support a new training facility that is so
3 desperately needed. During Fiscal Year 2017
4 Preliminary Budget hearing I addressed the issue for
5 a new training facility. This has not trained. The
6 current training facility is substandard and pales in
7 comparison to other uniformed agencies like the FDNY
8 and the NYPD. It cannot provide the level of
9 professionalism that is expected of our correction
10 officers and new recruits. In the reform agenda the
11 Administration identified improved training as a core
12 tenant in changing the culture of violence on Rikers
13 Island. I am concerned that proper training facility
14 needs have not been addressed, even with the
15 expensive consulting contract of the McKinsey Group.
16 I am under is also-- it is also understood the
17 department awarded the McKinsey Group and other
18 contracts to help with the implementation of the 14-
19 point Violence Plan Reduction. The Committee would
20 like to know more information as to the scope of
21 services that McKinsey is to provide under this
22 contract. The committee would like to know why
23 violent inmate-on-inmate incidents and injuries
24 continue to increase on Rikers Island despite the
25 Department of Corrections ever-growing budget and

2 what the Department plans to do to address these
3 issues. I welcome the Commissioner and his staff
4 here, and I would ask you to take the oath before you
5 start your testimony. If you, Commissioner, and
6 anyone on your team expects to answer questions that
7 are posed by the committee or testify in any way, if
8 you could raise your right hand? Do you affirm to
9 tell the truth and nothing but the truth in answering
10 questions this committee poses and in your testimony?
11 Thank you. Commissioner, please begin your
12 testimony.

13 COMMISSIONER PONTE: Well, good morning,
14 Chair Crowley and members of the Fire and Criminal
15 Justice Services Committee. I am Joseph Ponte,
16 Commissioner of the New York City Department of
17 Corrections, and thank you for the opportunity to
18 testify today. As you are all well aware, I have
19 dedicated my time here in NYC to transforming the
20 Department of Corrections and how it operates. Early
21 on in my tenure, we concluded thorough assessment of
22 the Department's strengths, shortcomings, and needs.
23 From this assessment, we created that 14-Point plan,
24 Anti-Violence Agenda, which is holistic-- It's the
25 first holistic approach to reducing violence,

2 encompassing everything from improving search
3 procedures, reducing overtime, improving supply
4 distribution, providing meaningful programming, and
5 reforming our behavior management model. I am proud
6 to inform the Council that we are seeing real impacts
7 of our reforms. We have substantially driven down
8 critical violence indicators, even while reducing the
9 use of punitive segregation by approximately 90
10 percent and eliminating punitive segregation
11 altogether for individuals 21 and younger. We have
12 also been successfully implementing new and better
13 models of housing, programming, and healthcare for
14 our inmates, while managing to reduce staff overtime.
15 The Mayor's Management Report indicates that several
16 critical violent indicators went down in FY 16
17 compared to FY 15. These violent reductions-- these
18 violence reductions were even more significant
19 through December. When we compare calendar year 15
20 to 16, use of force with serious injury decreased by
21 35 percent. Use of force with minor injury decreased
22 by 18 percent. The total number of use of force
23 decreased by three percent. Serious injury to
24 inmates stemming from fights or assaults decreased by
25 eight percent. Assaults on staff with serious injury

2 decreased by 31 percent. Assaults on staff with
3 minor injury decreased by 19 percent. Total number
4 of assaults on staff decreased by 11 percent. These
5 reductions are significant and demonstrate that our
6 reforms are having real impact on violence. However,
7 we still have a long ways to go. Most importantly,
8 stabbings and slashings increased again in 2016. One
9 factor contributing to this uptick is the prevalence
10 of weapons that we cannot consistently recover. We
11 found 37 percent more weapons in 2016 than in 2015,
12 but found 20 percent fewer scalpel blades, which are
13 a common weapon used in slashing incidents. As the
14 Council is aware, we are currently unable to use the
15 ionizing body scanners that are the most effective
16 tool to find these types of weapons. We continue to
17 pursue a change in legislation to obtain the use of
18 these scanners, and I thank the Council for their
19 continued-- to continue to support us in that
20 endeavor. While we are seeing a reduction in most
21 violence, we still have too many incidents of
22 violence, particularly incidents of violence against
23 staff. We are working closely with the Bronx
24 District Attorney to combat violence on Rikers Island
25 by ensuring that those who hurt someone, staff,

2 visitor, or inmate, while in custody are prosecuted
3 for that assault. Recently, we've had two
4 convictions by the Bronx District Attorney that added
5 consecutive time to inmate sentences based on
6 assaults committed on staff. The impact of reforms
7 is perhaps most-- seem most amongst our seriously
8 mentally ill inmates. The programs that we and
9 Health + Hospitals have established to treat these
10 inmates have brought about remarkable change in
11 behavior and reductions in violence. Overall we are
12 seeing trends that suggest that there has been a
13 decrease in inmate involvement in serious use of
14 force by 67 percent in CAPS Unit and 74 percent in
15 our PACE Unit. Most importantly, once placed in CAPS
16 and PACE, inmates showed less aggression towards our
17 officers. They commit fewer assaults on staff,
18 physically resist staff less, and make fewer threats
19 against staff. In PACE and CAPS, health and
20 correctional staff work hand-in-hand to address
21 inmates' mental health needs in a clinical
22 environment. To date, these units have served over
23 1,000 inmates, most of whom had previously been very
24 difficult to manage. In 2016, we opened our fifth
25 PACE Unit and will be diligently working to create

2 more of them, including a unit dedicated to young
3 adults, so that these individuals in custody can
4 receive the treatment they need. Our focus on
5 treatment of mentally ill inmates is not limited to
6 those in the PACE Units. All uniformed staff receive
7 training in Mental Health, First Aid, Basic Crisis
8 Management, Conflict Resolution, and Crisis
9 Intervention in the academy as part of the regular
10 in-service training. Recruits receive training in
11 mental illness, drug identification, interpersonal
12 communication, suicide prevention, safe crisis
13 management, and crisis intervention. Those are all
14 new in our Academy classes. Many members of DOC and
15 H+H staff also receive Crisis Intervention Team
16 training. Crisis Intervention Teams have been
17 successful throughout the facilities in responding to
18 incidents and deescalating situations without using
19 force. CIT training is provided twice each month.
20 Health and correctional staff attend training
21 together to develop, in partnership, the skills
22 needed to assist patients in crisis. Expanding on
23 these initiatives, the Department has received a
24 federal grant, along with H+H and the Vera Institute
25 of Justice, to create support teams in our clinics

2 and intake areas to assist inmates with mental health
3 needs and to support officers. As stated, when the
4 grant was announced, the team-- when the grant was
5 announced, the teams, which consist of mental health
6 staff and correction officers, will offer support to
7 correctional staff by providing skill refreshers and
8 reinforcement of Mental Health First Aid training and
9 techniques. Through their emphasis on mental health
10 first aid and de-escalation, the support teams will
11 strengthen the efforts of the agency's 14-Point Anti-
12 Violence Agenda, aiming to reduce uses of force in
13 these historically volatile areas. The support teams
14 will be present during times when uses of force in
15 the intake areas tend to peak, such as mornings and
16 during such as evenings and morning court production.
17 We believe that the presence of these targeted teams
18 to support our staff during these times will reduce
19 the uses of force in these areas. In addition, as
20 part of the ThriveNYC program, we are providing
21 Mental Health First Aid training to many of our
22 inmates in custody, so that when they return to our
23 communities they will be equipped to help friends,
24 family members, and other members of the community to
25 help and stay safe. The Department has emphasized

2 managing different populations with distinct
3 different approaches. Our programming housing have
4 been directed in that regard. We treat adolescent
5 inmates as adolescents. We set up separate systems
6 for young adults, provide unique programs and
7 services to women, and, as mentioned before, provide
8 specialized services for the seriously mentally ill.
9 Our reforms are seeing impacts. Due to our
10 adolescent reforms that started in 2014, there were
11 had fewer uses of force in RNDC. In January and
12 February of this year, they've seen the lowest level
13 of uses of force in that facility for the past three
14 years. That goes back to January of 2014. This same
15 philosophy of targeted management strategy applies to
16 managing inmates who are persistently violent. High
17 custody inmates comprise 25 percent of our
18 population, but are involved in 75 percent of our
19 incidents. Inmates in Security Risk Groups comprise
20 less than 13 percent of our population, but are
21 involved in 70 percent of our incidents. Management
22 and programming must be tailored to this population
23 in a different way than we do to low custody, non-
24 violent inmates. To target the most problematic
25 inmates, we created Enhanced Supervision Housing in

2 2015. This replaces long-term punitive segregation
3 to manage persistently violent inmates. Having units
4 dedicated to the safe management of problemed [sic]
5 inmates is one reason we have been able to reduce our
6 daily punitive seg by nearly 90 percent. Unlike
7 punitive seg, ESH is designed to change behavior by
8 offering meaningful programming and incentivizing
9 positive behavior. In 2016, we improved on the ESH
10 model by implementing a level system. Now, the
11 inmates in ESH can progress through a level system,
12 earning more out-of-cell time and additional
13 incentives by maintaining good behavior and
14 participating in programming. The programming
15 provided in this unit is designed to prepare these
16 problematic inmates to safely return to general
17 population housing, and to be better prepared-- and
18 to better prepare them to eventually return to our
19 communities. So far, we have seen great success in
20 these units. The Department continues to roll out
21 reforms facility-by-facility, creating model
22 facilities within the agency. GRVC became the first
23 model facility in September 2015. In late April
24 2016, AMKC became the second model facility, and OBCC
25 was recently announced as our third. Model facility

2 transformations include infrastructure upgrades,
3 reclassification of inmates using a Housing Unit
4 Builder, introduction of unit programming, and
5 implementation of Incident Command System response.
6 Critically, staff are steadied and increased where
7 necessary. The effect of the reforms in these areas
8 has already been notable, as the number of incidents
9 are significantly lower than expected, compared to
10 historical baselines in housing areas of similar
11 classified housing. In GRVC, AMKC, and GMDC, which
12 is the young adult facility, and also restart units
13 overall. Use of force in our restart units have 69
14 percent lower than expected use of force, 76 percent
15 lower assaults on staff, and stabbing and slashing
16 have been lowered by 69 percent in these areas. Some
17 aspects of the model facility are being expanded
18 Department-wide, including staff training, camera
19 installation, and expanded programming. We are
20 working to offer five hours of programming to each
21 inmate each day in our facilities. These significant
22 reductions in violence have been achieved while we
23 reducing our reliance on punitive seg. Today, we
24 often have fewer than 100 people in a punitive
25 segregation unit, which is more than a 90 percent

2 decrease from a few years ago. The Department
3 reached a monumental milestone in 2016 when we
4 eliminated punitive segregation for all inmates under
5 the age of 21. No state in the country has done
6 this. We began working toward this goal in 2014,
7 when we removed all adolescents from punitive
8 segregation. Throughout 2015 and 2016 we developed
9 and refined therapeutic-based alternatives to
10 punitive segregation to address problematic behavior
11 in young people. Eighteen-year-olds were removed
12 from punitive segregation in June 2016 and 19, 20,
13 and 21 year olds were removed in October of the same
14 year. We are also working to modernize the
15 Department by introducing new tools and technology.
16 We have installed more than 10,000 cameras to date.
17 All of our housing areas on Rikers Island are now
18 camera covered. While we pursue state legislation to
19 renew use of ionizing body scanners, we are in the
20 process of procuring another TSA-style scanner that
21 will be critical in help us finding contraband. New
22 search tools have already increased the amount of
23 contraband we have found on visitors. Visit drug
24 contraband finds are up by 45 percent in Calendar
25 Year 16. Visit weapon contraband finds are up 538

2 percent, and those scanners, some of which will be
3 installed in visit areas, will help us further in our
4 effort to reduce the introduction of contraband.

5 Starting in 2016, staff in our Emergency Services
6 Unit have been trained in the use in carrying of
7 tasers. Tasers are important tools and that are used
8 in correctional settings around the country. As part
9 of the 14-Point Anti-Violence Reform Agenda, the
10 Department has adopted a comprehensive plan and
11 response protocol called Incident Command System.

12 This system is based on the National Incident Command
13 System that's built by the Federal Government. This
14 system utilized in most jail systems in the country
15 is a way for staff to respond to violent incidents by
16 empowering staff to make decisions on the response
17 both by number and the amount of officers necessary
18 to respond to a particular incident. The deployment
19 of tasers is critical to the implementation of our
20 ICS framework. The DOC has developed a strategic
21 deployment plan that incorporates appropriate
22 safeguards, protocols, and training, which is founded
23 on an international escalation-based response
24 approach to ensure proper usage. Furthermore, the
25 authorized users of tasers has been trained in the

2 new use of force policy and received 16 hours of
3 taser training, double the training duration
4 recommended by the manufacturer. To date, there have
5 been no taser used in our facilities, but the mere
6 presence of tasers as in several occasions reduced
7 any force necessary. The Department is also piloting
8 the use RFID technology tracking system to manage
9 inmate movement, will be put in place at RNDC this
10 year in order to better document inmate movement in
11 facility and programming. Staff are the most
12 important component of our model facilities and our
13 operation and are critical to the success of all of
14 our efforts. We continue to hire at a record pace,
15 adding more than 1,500 uniformed officers and staff
16 since 2015, and another 900 more entered the academy
17 in December. These new recruits help us to reduce
18 overtime, which is critical to maintaining a healthy,
19 capable workforce and a safe environment for our
20 jails. Furthermore, they receive the most up-to-date
21 training tools in the academy, including new mental
22 health training, the use of force-- new use of force
23 policy, and these new officers contribute to the
24 Department's cultural change. As I have detailed in
25 previous hearings, our new recruitment emphasis does

2 not simply emphasize numbers. We have completely
3 revamped our Applicant Investigation Unit, raised our
4 hiring standards. We have a capable, diverse
5 workforce, which now is better equipped to do the job
6 due to new training and hiring tools that we put in
7 place. We are proud of the significant progress that
8 we have made to reduce assaults on staff and uses of
9 force, address overtime reform,-- address overtime
10 reform, our use of punitive segregation, and
11 transform our management philosophy. We recognize
12 that we still face significant challenges. We need
13 new, modern facilities. We need a new academy. We
14 need to look at other options in managing problematic
15 inmates. But we believe the changes we have
16 implemented to-date create a strong foundation on
17 which to continue to build our reforms. Thank you
18 for your time today, and we'll be available to answer
19 questions. Frank Doka [sp?] will then talk about the
20 budget for FY 18. Thank you.

21 CHAIRPERSON CROWLEY: Thank you for your
22 testimony, Commissioner. On the first page of your
23 testimony you show violence reduction numbers that do
24 not correlate with the numbers that we have. This is
25 an exercise that we go into year after year. Today's

2 hearing is going over the 2017 Mayor's Management
3 Report, and that's where I get my numbers from. And
4 when it comes to serious injury on inmates as a
5 result of inmate-on-inmate incidents, your rates are
6 not decreasing, and in fact, they're up significantly
7 since 2014. So, do you believe inmates are any safer
8 today due to these numbers increasing and staying
9 very high?

10 COMMISSIONER PONTE: So, yes, I believe
11 many of the reforms we have in place have reduced the
12 safety risk of inmates, that's correct.

13 CHAIRPERSON CROWLEY: But why if they're
14 getting seriously injured at a higher rate? How
15 could they be safer if your chances of getting
16 seriously injured are higher?

17 COMMISSIONER PONTE: So, our data does
18 not agree with what you have there.

19 CHAIRPERSON CROWLEY: This is the data,
20 it's right here. It's the Mayor's Management Report.
21 We have plenty of copies.

22 JEFF THAMKITTIKASEM: Yes, and I think
23 what we're trying to provide is up-to-date data, and
24 the trends show in the up-to-date data--

2 CHAIRPERSON CROWLEY: [interposing] You
3 say this every year, but this is up-to-date. This is
4 what we're reviewing today.

5 JEFF THAMKITTIKASEM: We have not
6 actually--

7 CHAIRPERSON CROWLEY: [interposing]
8 Violent inmate-on-inmate incidents, the monthly
9 report Fiscal Year 2014, 32; Fiscal Year 2015, 37;
10 Fiscal Year 2016, up to 47. That's a significant
11 increase, a nearly 25 percent. Your stabbings and
12 slashings, they're up as well from 135 to 155. And
13 so it's hard for me to believe what you're saying in
14 most of your testimony. When it comes to scanners,
15 I've heard your testimony over and over again. We're
16 trying to procure new scanners, TSA-style ones. Why,
17 if it's good enough for the airports to use those
18 scanners, why is not good enough for the jails?

19 COMMISSIONER PONTE: So, the airport
20 scanners we can use. It's a procurement process that
21 we need to go through in order to get those scanners.
22 The ionizing scanners is a law change that has to
23 occur. We have said that.

24 CHAIRPERSON CROWLEY: Yeah, but your Chief
25 of Staff testified a few months ago that you were in

2 a procurement process, that you were purchasing
3 state-of-the-art technology that was going to detect
4 contraband.

5 COMMISSIONER PONTE: Correct.

6 CHAIRPERSON CROWLEY: But where are you in
7 the process? I asked for the, you know, records of
8 what you were doing back then. It's never been
9 produced to the Committee or the Council.

10 JEFF THAMKITTIKASEM: So, as I think I
11 stated to make sure that I said it, that we were in
12 the process--

13 CHAIRPERSON CROWLEY: [interposing] Can
14 you just state your name for the record?

15 JEFF THAMKITTIKASEM: of working with
16 GSA, with--

17 CHAIRPERSON CROWLEY: [interposing] Please
18 state your name for the record.

19 JEFF THAMKITTIKASEM: Sorry, Jeff
20 Thamkittikasem, Chief of Staff. I did state and am
21 still stating that we are working with the GSA
22 schedule, because we have to procure it off of
23 federal schedule that is not a city contract. We
24 have to procure it off of the federal contract, and
25 we are in the process of doing so. We can show--

2 CHAIRPERSON CROWLEY: [interposing] What's
3 the timeline?

4 JEFF THAMKITTIKASEM: We hope that with
5 one Vendex review, that things can happen within
6 April and May for the purchasing of the equipment,
7 and then another federal schedule is required for the
8 training.

9 CHAIRPERSON CROWLEY: And what was the
10 schedule a few months ago when you testified to this
11 committee?

12 JEFF THAMKITTIKASEM: we were told that
13 the company that was providing the equipment had been
14 bought, and so therefore at a federal level need to
15 change the contract.

16 CHAIRPERSON CROWLEY: So you thought back
17 then you would have them already?

18 JEFF THAMKITTIKASEM: We did not know
19 that the company was being bought, that's right.

20 COMMISSIONER PONTE: Yes, I thought we'd
21 get them sooner than what we did.

22 CHAIRPERSON CROWLEY: The frustration
23 comes from a number of announcements by either the
24 Department of Investigation or the Mayor's Office
25 about progress, and saying that these types of

2 machines were going to be implemented right away back
3 then, going back to 2014, and each year you see your
4 indicators going up. More people are getting stabbed
5 and slashed, and violence is out of control. It's
6 not getting better despite what you've testified.
7 Our numbers don't lie. So, Commissioner, I want to
8 talk to you specifically about the McKinsey contract.
9 Now, our records show this contract is over 25
10 million dollars. This Administration, our Mayor, was
11 very critical of the previous Administration and the
12 contracting out that they did. This seems like high-
13 priced consultants, and I want to know what they're
14 doing for you day-to-day at the cost of 25 million
15 dollars.

16 COMMISSIONER PONTE: So, this contract
17 has been in place for probably two and a half years
18 now, there about. So, there's a lot that's been done
19 in that two and a half year period. I'd be more than
20 happy to give you a detailed outline of what's been
21 done for the duration of the contract.

22 CHAIRPERSON CROWLEY: Yet again, this is
23 something that the committee has asked for. Do you
24 reports, evaluations? What kind of findings should I
25

2 expect to see that this consulting agency has done
3 for the Department of Corrections?

4 COMMISSIONER PONTE: It's a whole host of
5 things. Again, we can lay that stuff out for you.
6 It's two and a half years' worth of work that's been
7 accomplished.

8 CHAIRPERSON CROWLEY: Commissioner, we
9 have routinely asked for information about this
10 contract. We've asked, you know, for what type of
11 evaluations they've been giving you and what type of
12 work, and each time the Finance Division of the City
13 Council asks we don't get it.

14 JEFF THAMKITTIKASEM: We believe that we
15 have provided kind of the scope of the work several
16 times. We have described in our testimony several
17 times also the work that McKinsey has done starting
18 from their assessment overall on the violence that
19 was prevalent before the Commissioner officially
20 started, moving towards implementing several pieces
21 of the Violence Reform agenda, particularly in
22 building kind of the housing, helping us to construct
23 the housing and classification unit, and also helping
24 us to kind of manage through the creation of our
25 model facilities through which we have shown several

2 successes in each of the unit that have been stood
3 up. So, that progression of McKinsey's efforts--

4 CHAIRPERSON CROWLEY: [interposing] We
5 need to see those successes, because your total
6 numbers--

7 JEFF THAMKITTIKASEM: [interposing] Again-

8 -

9 CHAIRPERSON CROWLEY: are not showing
10 any--

11 JEFF THAMKITTIKASEM: we have asked the
12 Council to come to it. We've shown some of the-- in
13 the Commissioner's testimony we've read through the
14 violence indicators specifically related to those
15 restart and model facilities. If I can refer to the
16 documentation, the testimony the Commissioner
17 provided, in those units specifically we've reduced
18 use of force by 69 percent over the expected.

19 Assaults on staff were down 76--

20 CHAIRPERSON CROWLEY: [interposing] But
21 those don't-- those numbers don't show me that an
22 inmate is any safer today. The numbers that we look
23 at, your violence indicators show that inmates are
24 more at-risk of violence today than ever before.
25 What your numbers are telling me is that correction

2 officers are taking on more of a hands-off approach,
3 and that may be good or may be bad in certain
4 situations. When you have the rates of fights
5 increasing and the number of serious injuries
6 increasing, then you don't have success in reducing
7 violence. No matter which way you'd like to dress it
8 up. So we want to see more information about those
9 contracts, and I think that this is an exorbitant
10 amount of money for the Department, especially an
11 Administration that has been very critical of prior
12 Administration's contracting out. Now I'm going to
13 move to questions about your capital budget. Which
14 first, there's a 500 million dollar expense that has
15 also been within your capital budget for a number of
16 years. It hasn't moved, and this is for a new jail,
17 is that correct?

18 DEPUTY COMMISSIONER DOKA: Yes, that is
19 correct.

20 CHAIRPERSON CROWLEY: So, is it just
21 sitting in the budget, or do you actually have a plan
22 to build a new jail on Rikers Island?

23 COMMISSIONER PONTE: So, there are plans.
24 You know, still some site work being done. You know,

2 I think we're proceeding under the belief that we
3 will build a new jail on Rikers Island at some point.

4 CHAIRPERSON CROWLEY: Given the fact that
5 this council has consistently pushed for the closure
6 of Rikers Island, why is the DOC moving forward with
7 this plan to build a new jail? Right now we have a
8 commission studying the closure and putting together
9 a plan to close Rikers Island.

10 COMMISSIONER PONTE: Right. So the work
11 that's being done is site work. Some of the
12 demolition of old buildings had to get done. So
13 that's the work that's being done at this point.
14 Most of that work was done well before the Council
15 moved the committee forward on closing Rikers Island.
16 So, a lot of that stuff was started--

17 CHAIRPERSON CROWLEY: [interposing] But
18 that work is ongoing. People are doing some type of
19 construction.

20 COMMISSIONER PONTE: Not construction,
21 site work.

22 CHAIRPERSON CROWLEY: Site work, what is
23 site work?

24 COMMISSIONER PONTE: Just the piping,
25 tearing stuff down, leveling the ground. It's a--

2 CHAIRPERSON CROWLEY: [interposing]

3 Demolition.

4 COMMISSIONER PONTE: There's no-- right.
5 There's no building of anything.

6 CHAIRPERSON CROWLEY: In the capital
7 budget you have a plan for a new adolescent facility?

8 DEPUTY COMMISSIONER DOKA: Yes, that's
9 correct.

10 CHAIRPERSON CROWLEY: Can you speak to
11 that, please? Is it on the island or is it somewhere
12 else?

13 COMMISSIONER PONTE: It's not.

14 CHAIRPERSON CROWLEY: So is it right to
15 have it in your budget? Will it be a DOC facility or
16 will it be an ACS--

17 COMMISSIONER PONTE: [interposing] If the
18 law does not change, which you know, to raise the age
19 which is in state legislation, if that does not
20 change it will be a DOC facility off-island.

21 CHAIRPERSON CROWLEY: So, there's the 170
22 million dollars in the budget, but when can we, you
23 know, cut the ribbon on a new facility and finally
24 get 16 and 17-year-olds off the island?

25 DEPUTY COMMISSIONER DOKA: So--

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2 COMMISSIONER PONTE: Go ahead.

3 DEPUTY COMMISSIONER DOKA: So, DDC is
4 taking the lead on this, and I believe the last
5 estimate we have is that the population will be moved
6 out within the next six years.

7 CHAIRPERSON CROWLEY: Can you say that
8 again?

9 DEPUTY COMMISSIONER DOKA: Next six
10 years.

11 CHAIRPERSON CROWLEY: Six years? The
12 Department of Justice clearly stated that you should
13 remove your 16 and 17-year-olds off the island in its
14 investigation and lawsuit back in 2014.

15 COMMISSIONER PONTE: Yes.

16 CHAIRPERSON CROWLEY: Didn't it-- it
17 recommended you do that back then.

18 COMMISSIONER PONTE: Yes.

19 CHAIRPERSON CROWLEY: And so since 2014,
20 nearly three years ago, you have a plan somewhat in
21 place that might take six years from now?

22 DEPUTY COMMISSIONER SAUNDERS: So if I
23 may--

24 CHAIRPERSON CROWLEY: [interposing] Please
25 identify yourself.

2 DEPUTY COMMISSIONER SAUNDERS: Winette
3 Saunders, Deputy Commissioner for Youthful Offender
4 Programming. So, if I may, Chair, I just wanted to
5 share with you some of the work that has been done
6 over this timeframe to really prepare and work in
7 collaboration with the city agencies to develop a
8 plan for movement of young people off Rikers Island,
9 specifically 16 and 17 year olds. Over for more than
10 a year now, DOC, the Mayor's Office of Criminal
11 Justice, the Administration for Children Services, as
12 well as the Department for Design and Construction
13 and consultants have been developing a feasibility
14 study. We have traveled across the country to take a
15 look at different state-of-the-art facilities, and we
16 have worked together very closely to figure out what
17 the new facility for this target population would
18 look like. We have developed a feasibility study,
19 and with that being said, there are a number of steps
20 that need to be taken to really make sure that it
21 meets the needs of both DOC and ACS--

22 CHAIRPERSON CROWLEY: [interposing]
23 Understood, but do you have a timeline.

24 DEPUTY COMMISSIONER SAUNDERS: Yes.

25 CHAIRPERSON CROWLEY: When can we expect--

2 DEPUTY COMMISSIONER SAUNDERS:

3 [interposing] The timeline--

4 CHAIRPERSON CROWLEY: the building to be
5 actually under construction and complete?

6 DEPUTY COMMISSIONER SAUNDERS: The
7 timeline is exactly what DC Doka mentioned to you.
8 However--

9 CHAIRPERSON CROWLEY: [interposing] You
10 said 2000-- he said six years. Six years until it
11 starts or six years until it's completed?

12 DEPUTY COMMISSIONER SAUNDERS: Right now
13 at this-- we think it's completion, but right now
14 because it's a feasibility study you have to wait
15 until the results of those studies are done.

16 CHAIRPERSON CROWLEY: Do you have a copy
17 of the feasibility study with you today?

18 DEPUTY COMMISSIONER SAUNDERS: Oh, no, it
19 is an expansive document. I think we should discuss
20 on how to share that with you moving forward.

21 CHAIRPERSON CROWLEY: I think that would
22 be good. We would like to see it. Committee would
23 like a copy of the feasibility study. So, until that
24 building is constructed there's no plans to move
25 adolescents off Rikers Island?

2 COMMISSIONER PONTE: That's correct.

3 CHAIRPERSON CROWLEY: Commissioner, is
4 there any capital in the plan for a new training
5 facility?

6 MARTIN MURPHY: Yes, there is, ma'am.

7 CHAIRPERSON CROWLEY: There is?

8 MARTIN MURPHY: We're--

9 CHAIRPERSON CROWLEY: [interposing] Sorry,
10 Chief, you're going to just have to identify
11 yourself.

12 MARTIN MURPHY: Martin Murphy, Chief of
13 Department. So, the City has committed to working
14 with--

15 CHAIRPERSON CROWLEY: [interposing] Can
16 you speak into the microphone, please?

17 MARTIN MURPHY: So, the City has committed
18 to working with the Department, and we are currently
19 right now in the capital project scope development
20 looking at a site for a new academy.

21 CHAIRPERSON CROWLEY: So, at the rate you
22 complete projects to get that your juvenile facility,
23 after its feasibility study, will take six years.
24 You think maybe what 10 years?

25 MARTIN MURPHY: I couldn't say.

2 CHAIRPERSON CROWLEY: Probably not. It's
3 not in the budget. How could we realistically
4 believe you in a realistic way that there's a plan to
5 put a training facility together if it's not in the
6 budget?

7 JEFF THAMKITTIKASEM: I think, as most of
8 the budgets, we've got to go through the feasibility
9 studies and then to design and then to build. So, I
10 think these are the processes that all of the
11 buildings go through.

12 CHAIRPERSON CROWLEY: So, what is the
13 timeline for that building to take shape?

14 JEFF THAMKITTIKASEM: Unfortunately, I
15 can't answer until they're done with the feasibility
16 study, so--

17 COMMISSIONER PONTE: [interposing] That's
18 correct.

19 CHAIRPERSON CROWLEY: Commissioner, in
20 your testimony you spoke to uniform overtime and the
21 hiring of new staff has allowed you to reduce
22 overtime, but isn't it true overtime is increasing
23 continuously every year?

24 COMMISSIONER PONTE: So, we've made great
25 strides with this last class that graduated. So our

2 overtime numbers since November have reduced
3 dramatically.

4 CHAIRPERSON CROWLEY: Is your overtime
5 going up or is it decreasing?

6 DEPUTY COMMISSIONER BRANN: Good
7 afternoon. Cynthia Brann, Acting First Deputy
8 Commissioner. Our overtime, our daily use of overtime
9 has decreased from the pre-recruit average of almost
10 12,000 hours to a daily average of approximately
11 8,000 hours, 1,500 hours better than our anticipated
12 savings with the class of 700 hitting the facilities
13 in November.

14 CHAIRPERSON CROWLEY: How much DOC expect
15 to spend in overtime in Fiscal Year 2017, the year
16 we're in right now?

17 DEPUTY COMMISSIONER DOKA: This fiscal
18 year, approximately 255 million.

19 CHAIRPERSON CROWLEY: How much did you
20 spend last year?

21 DEPUTY COMMISSIONER DOKA: Two-hundred
22 and 75 million.

23 CHAIRPERSON CROWLEY: So, you're think
24 you're going to lower that number?

25 DEPUTY COMMISSIONER DOKA: By 20 million.

2 CHAIRPERSON CROWLEY: You're confident?

3 DEPUTY COMMISSIONER DOKA: Oh, yeah,
4 we're--

5 COMMISSIONER PONTE: [interposing] We're
6 confident.

7 DEPUTY COMMISSIONER DOKA: Yes.

8 CHAIRPERSON CROWLEY: And then next year
9 you're planning on lowering that even more?

10 COMMISSIONER PONTE: Correct.

11 CHAIRPERSON CROWLEY: So, Commissioner,
12 I'm going to go through some other statistics. Non-
13 natural deaths of inmates in custody. According to
14 the Mayor's Management Report, in Fiscal 16 there
15 were zero. Do you categorize it as a non-natural
16 death when somebody is in need of medical attention
17 and even though they are asking for a doctor and
18 medical and they don't get it, and then they die, you
19 consider that a natural death?

20 COMMISSIONER PONTE: I'm not sure how
21 that's classified. Doctor Adams, you?

22 DEPUTY COMMISSIONER ADAMS: Good
23 afternoon, Doctor Adams, Deputy Commissioner of
24 Health Affairs. So, if someone is requesting medical
25 attention and requests it and still passes away, it

2 really depends on what was the cause that generated
3 the medical request.

4 CHAIRPERSON CROWLEY: So, the numbers are
5 not accurate.

6 DEPUTY COMMISSIONER ADAMS: What numbers
7 are you speaking to?

8 CHAIRPERSON CROWLEY: I'm speaking to non-
9 natural deaths of inmates in custody. If somebody is
10 asking for medical attention and it's being reported
11 and they don't receive the medical attention and then
12 they die, you're considering that a natural death?

13 DEPUTY COMMISSIONER ADAMS: It really
14 just depends on the cause. We have--

15 CHAIRPERSON CROWLEY: [interposing] Or
16 maybe you need to have another column there for--

17 MARTIN MURPHY: [interposing] Chair--

18 CHAIRPERSON CROWLEY: [interposing] people
19 who--

20 MARTIN MURPHY: I could just-- so the
21 Department, any death in custody, we rely on the
22 medical examiner to make a determination on the cause
23 of death, and that's how we report our statistics.

24 CHAIRPERSON CROWLEY: Well, that's
25 disingenuous, because someone could die of natural

2 causes, but you could have saved their life before
3 they died if they had medical attention.

4 COMMISSIONER PONTE: There's also an
5 investigation. Any death investigation is done by
6 the State Department,--

7 CHAIRPERSON CROWLEY: [interposing] Right,
8 but then do you change your numbers to reflect that
9 or you just go by the non-natural deaths that you
10 keep track of?

11 COMMISSIONER PONTE: So, those
12 investigations are reported through the state. We're
13 required to respond to their investigation, and
14 either some cases will validate what they're telling
15 us, show improvement or whatever the course of action
16 should be. In some cases they recommend discipline
17 on staff. Some cases they'll recommend change in
18 protocols and procedures. So that's all part of the
19 process.

20 CHAIRPERSON CROWLEY: Are you familiar
21 with Eugene Castelli [sp?], 27, Staten Island man who
22 wound up on Rikers Island November 2nd. Six days
23 later he was dead. Other inmates report that he
24 asked for medical attention a number of times and he
25 was not given that attention. It was a story in the

2 Daily News about this case. Are you familiar with
3 is?

4 COMMISSIONER PONTE: I'm not.

5 DEPUTY COMMISSIONER ADAMS: Yes, the case
6 was investigated, yes.

7 CHAIRPERSON CROWLEY: And was it found to
8 be a natural death?

9 DEPUTY COMMISSIONER ADAMS: I'm not sure
10 how the medical examiner determined it, but at the
11 time he was requesting attention, attention was
12 given. I understand that that might not be consistent
13 with what you saw in the Daily News report.

14 CHAIRPERSON CROWLEY: Did he die on
15 Rikers Island or did he die in a hospital?

16 DEPUTY COMMISSIONER ADAMS: He died on
17 Rikers Island.

18 CHAIRPERSON CROWLEY: Commissioner, one
19 of your statistics shows a number of uses of force
20 that isn't violent, right? So you use a chemical
21 agent usually in those types of situations, right,
22 when if a fight breaks out and correction officers
23 want to diffuse the fight, they use chemical agents.

24 COMMISSIONER PONTE: That's a use of
25 force.

2 CHAIRPERSON CROWLEY: Do you calculate
3 the use differently? Like, I don't see in the
4 Mayor's Management Report a different column for the
5 use of chemical agents.

6 COMMISSIONER PONTE: It's not counted
7 separately. Chemical agents is a use of force. We
8 did nothing but apply a chemical. That would be
9 counted as a use of force.

10 CHAIRPERSON CROWLEY: But I understand
11 that the use of these chemicals has increased.

12 COMMISSIONER PONTE: Has increased.

13 CHAIRPERSON CROWLEY: Has increased.

14 COMMISSIONER PONTE: Yes.

15 CHAIRPERSON CROWLEY: Yes.

16 COMMISSIONER PONTE: That's correct.

17 CHAIRPERSON CROWLEY: And do your
18 correction officers have some type of gas mask when
19 they use these chemicals?

20 COMMISSIONER PONTE: So, in a high-
21 volatile, high-problematic housing areas, the
22 officers are issued chemical agent masks, yes.

23 CHAIRPERSON CROWLEY: But you could have
24 situations where you have correction officers using
25 this chemical agent without protection.

2 COMMISSIONER PONTE: That's correct.

3 CHAIRPERSON CROWLEY: And wouldn't that be
4 an OSHA violation?

5 COMMISSIONER PONTE: I'm not aware of that
6 being an OSHA violation.

7 CHAIRPERSON CROWLEY: Well I mean, it's
8 dangerous chemical exposure, and you know, if you're
9 not properly covered it could have some effects. I
10 understand that most people should shower after being
11 exposed to these chemicals and clean themselves well.

12 COMMISSIONER PONTE: Correct.

13 CHAIRPERSON CROWLEY: So does a
14 correction officer then leave? Like, at what point
15 do they after administering this chemical agent then
16 clean the chemicals off their body?

17 MARTIN MURPHY: So, anytime that we have
18 a deployment of chemical agent and staff is affected,
19 they are removed from the area. They go to the
20 locker room. They can decontaminate and change their
21 clothing and then seek medical attention.

22 CHAIRPERSON CROWLEY: Is it possible that
23 you could provide gas masks to every correction
24 officer? Do you think it would be needed?

2 MARTIN MURPHY: So, we actually-- I've
3 sked if we can look into that feasibility as a cost,
4 as a capital cost to the agency to provide chemical
5 agent masks to each individual, and also the
6 individual would have to be fit-tested and pass the
7 fit test to actually be issued the chemical agent
8 mask.

9 CHAIRPERSON CROWLEY: But the mask would
10 protect the correction officers.

11 MARTIN MURPHY: That's correct.

12 CHAIRPERSON CROWLEY: How about the
13 inmates, do they shower after they get exposed to
14 this?

15 MARTIN MURPHY: Yes, every inmate is
16 taken to the intake or the shower area and they're
17 decontaminated prior to being produced to medical
18 attention.

19 CHAIRPERSON CROWLEY: So, you don't know
20 how much it would cost to outfit every correction
21 officer with a mask.

22 MARTIN MURPHY: I believe they're 350
23 dollars apiece. I think I'm on the low end. So, you
24 need a couple million dollars.

2 DEPUTY COMMISSIONER DOKA: Yeah, a couple
3 million dollars, yeah.

4 CHAIRPERSON CROWLEY: How are you using
5 smart technology in the jails? Are you using iPhones
6 or tablets? Do some correction officers have this?
7 Do wardens, captains? In calculating incidents of
8 force or any of the type of vital statistics that you
9 captured. Is it all done manually or do you go to a
10 computer to utilize this?

11 MARTIN MURPHY: So, the data collection
12 for our violence indicators or just our indicators in
13 general, it's paper-based and then put into a
14 database of central collection.

15 JEFF THAMKITTIKASEM: And at the same
16 time we are trying to expand smart technology moving
17 towards providing RFID technology in certain
18 facilities for inmate tracking. As well, we have
19 started to provide tablets for both training as well
20 as for inmates for programming. We're looking to
21 expand several of those efforts, but yes, I mean, as
22 the Chief said, obviously with the infrastructure we
23 do also rely a lot on paper-based catalogue book
24 entries.

2 COMMISSIONER PONTE: We've also added
3 work stations in the dining area for staff. So it
4 was actually a work location where there's computers
5 that staff can log onto.

6 CHAIRPERSON CROWLEY: Have there been
7 recoveries of contraband from correction officers in
8 recent months?

9 COMMISSIONER PONTE: Yes.

10 CHAIRPERSON CROWLEY: How frequently has
11 that happened?

12 MARTIN MURPHY: It's not frequent. As
13 the Commissioner said, we have had contraband
14 recoveries on staff.

15 CHAIRPERSON CROWLEY: Do you know how
16 many arrests?

17 JEFF THAMKITTIKASEM: I'd have to get that
18 number for you. I don't have it on-hand.

19 CHAIRPERSON CROWLEY: Okay, I have no--
20 oh, you have the answer?

21 DEPUTY COMMISSIONER KUCZINSKI: Gregory
22 Kuczinski, Deputy Commissioner of Investigations. I
23 don't know how many the total number, but we just had
24 a recovery two weeks ago with canine at the front

2 gate at AMKC. That was reported in the news recently,
3 but there have been several.

4 CHAIRPERSON CROWLEY: What type of
5 contraband was that?

6 DEPUTY COMMISSIONER KUCZINSKI: It was
7 tobacco and marijuana.

8 CHAIRPERSON CROWLEY: Okay. I see that
9 the average daily number of inmates in vocational
10 skills has increased substantially.

11 DEPUTY COMMISSIONER SAUNDERS: Yes, they
12 have. Thus far, I'm happy to announce, that since
13 September 2016 we have-- young people have earned
14 over 1,000 certifications in industry-recognized
15 credentials and have participated in 20-hour
16 introductory courses in culinary arts, basic
17 electric, plumbing, carpentry, things of that nature.

18 CHAIRPERSON CROWLEY: Good. So, just to
19 wrap up today's Department of Correction part of the
20 hearing, Commissioner, I am looking forward to
21 finally seeing the McKinsey analyses and
22 understanding better why 25 million dollars has been
23 allocated. And also trying-- obviously it seems that
24 the Department needs help, more help, in trying to
25 get your equipment, new technology, your scanners

2 because it's been far too long and too much of a
3 delay, so I am committed to helping you with that,
4 but I need to better understand what you're going
5 through, and if you're saying you're going to get
6 these machines months ago and you didn't get them,
7 that's not acceptable. I'm going to recognize
8 Council Member Gibson for questions.

9 COUNCIL MEMBER GIBSON: Thank you very
10 much, Chair Crowley. Good afternoon, Commissioner,
11 to you and your team. And keeping in line with Chair
12 Crowley's remarks about the technology and the TSA-
13 style scanners, I recognize that you know, we have to
14 work with our counterparts in Albany, but it's been
15 too long that we have not passed this legislation and
16 gotten real tangible support from Albany. So, it's
17 shameful and I think we need to do better. If we're
18 looking at keeping the island and everyone that works
19 there, uniform, civil, clinical staff, detainees, and
20 everyone safe, as well as visitors, we have to do
21 better, and I know that in your testimony you talked
22 a little bit about other TSA-style equipment that
23 you're able to get. Is this allowable? Are we able
24 to use this style of equipment, or do we still need
25 to go to Albany to get that done as well?

2 COMMISSIONER PONTE: So, the type of
3 equipment that you and I would go through in an
4 airport is the type of equipment we believe we can
5 get and put in place on island and legally operate.
6 It is not as good as the body scanners that we have
7 already on site. It will not detect the smaller
8 sharp-edged weapons that we need to detect with the
9 old scans. So it's going to be helpful on contraband
10 introduction, but not on the smaller type weapons
11 that we need to detect.

12 COUNCIL MEMBER GIBSON: Okay, so I
13 certainly encourage and suggest that we try to be
14 obviously a little bit more creative. Year after
15 year we've had this conversation. The relationships
16 we have in Albany are crucial. We certainly if we're
17 not already talking to the Governor and his team,
18 Speaker Hasty and every leader in Albany, we
19 definitely should be having this conversation. I
20 think, you know, we keep having the same conversation
21 over and over again. So, understand my frustration
22 when I hear from, you know, DA Clark and she
23 outlines, you know, some of the measure that
24 individuals are using to get these, you know, these
25 razors into the island is very scary for everyone.

2 COMMISSIONER PONTE: Absolutely.

3 COUNCIL MEMBER GIBSON: I wanted to ask
4 about the crisis intervention training and how that
5 relates to the support teams in the clinics and the
6 intakes that you talked a little bit about. So, the
7 NYPD has a crisis intervention training that they
8 have embarked on, and I know there is a lot of
9 similarity as I understand with crisis intervention
10 that CO's are receiving as well. How does that
11 complement and relate to the support teams? Like,
12 what does that support team look like in terms of
13 staff? Can you elaborate a little bit on that?

14 DEPUTY COMMISSIONER ADAMS: So, the
15 Crisis Intervention Teams is a training that really
16 focuses on how do you support individuals that are
17 mentally ill in a time of crisis. It's worked on,
18 it's developed for two or three individuals to come,
19 a clinician and an officer team that respond if
20 someone's in crisis to use mental health skills to
21 help de-escalate that person through talking and
22 empathy. Since we've started crisis intervention
23 training we've trained over 400 individuals. Every
24 location where we have PACE and CAPS, those officers
25 that are steady on those units have all received the

2 Crisis Intervention training and we're looking to
3 expand the training model because it is effective.
4 We actually have two trainings every month, and the
5 training is a week-long.

6 COUNCIL MEMBER GIBSON: Okay. So, outside
7 of the two units, PACE, and what's the other unit?

8 COMMISSIONER PONTE: CAPS.

9 DEPUTY COMMISSIONER SAUNDERS: PACE and
10 CAPS, but there's several PACE and CAPS units.

11 COUNCIL MEMBER GIBSON: Right.

12 DEPUTY COMMISSIONER SAUNDERS: It's not
13 just the two.

14 COUNCIL MEMBER GIBSON: So, how do you
15 determine the next phase of officers that are a part
16 of this training? I'm assuming everyone ultimately
17 wants implemented every officer existing in the
18 Department as well as within the academy, those that
19 are graduating, will all be well-versed in this
20 particular training?

21 DEPUTY COMMISSIONER SAUNDERS: Yes, so we
22 recognize the need for that very detailed mental
23 health training that everyone receives. It's
24 something we've already incorporated into our
25 academy. We have a general mental health training

2 curriculum that is a mandatory part of training in
3 the academy right now. We also enhance and
4 supplement that with mental health first aid, but how
5 we determine like where we go next, our goal is to be
6 everywhere. It's just the training is a week-long.
7 It's very labor intensive. So, we tend to target the
8 trainings where we know that we're going to open the
9 next PACE unit or CAPS unit and also where we have
10 the higher concentration of individuals that are
11 mentally ill.

12 COUNCIL MEMBER GIBSON: Okay. And now
13 with the new healthcare provider with H&H on the
14 island and when you talked about the support teams
15 that go out and respond to a crisis, what's the ratio
16 again for every officer? How many clinicians go out?

17 DEPUTY COMMISSIONER SAUNDERS: There's
18 al-- there's a clinician a part of every single team
19 that responds.

20 COUNCIL MEMBER GIBSON: Okay. And the
21 crisis intervention training that the officers are
22 receiving, how does that parallel with what the
23 medical staff is also receiving as well in terms of
24 training?
25

2 COMMISSIONER PONTE: Succinct, they go
3 together.

4 COUNCIL MEMBER GIBSON: So, it goes
5 together hand-in-hand?

6 COMMISSIONER PONTE: Yes.

7 COUNCIL MEMBER GIBSON: Okay.

8 COMMISSIONER PONTE: Actually go to the
9 training together. So they're trained as a team
10 together, the officer and the clinicians.

11 COUNCIL MEMBER GIBSON: Okay. I think
12 Chair Crowley talked a little bit about the ESU-style
13 equipment, mobilizing in the event of, you know, some
14 sort of an emergency assistance that happens. When I
15 visited the island a couple of months ago I think I
16 saw like a room that had a number of different
17 equipment, jackets and things of that nature. Are
18 there any changes underway with the type of equipment
19 that officers have in the event of like a serious
20 emergency?

21 COMMISSIONER PONTE: Well, we have changed
22 it some, Chief. We went to new vests a year ago.
23 Some of the equipment is new.

24 COUNCIL MEMBER GIBSON: Okay.

2 COMMISSIONER PONTE: The general pro-team
3 [sic] response is about the same. That has not
4 changed.

5 MARTIN MURPHY: And so that room that you
6 had saw, ma'am, was the-- that's the facility base
7 response. So every facility has the equipment that
8 you saw in that room. It would be protective vests,
9 a helmet and a baton that they would respond with.
10 Anything beyond that we would call for the Emergency
11 Service Unit with any specialized tools that they
12 would bring into the facility.

13 COUNCIL MEMBER GIBSON: Okay. With regard
14 to H&H and the medical services, some of the feedback
15 that I've received from detainees, from some of the
16 civil legal service providers, Commissioner, you
17 talked a little bit about a paper-style industry, so
18 to speak, environment. Some of the detainees that
19 are represented by like Legal Aid and others have
20 been outlining some of the concerns about not
21 necessarily getting to medical appointments on time
22 or at all, and so as I understand there's some sort
23 of a log book where the CO is made aware of a
24 particular detainees' medical appointment. How does
25 all of that work and what are we doing to make the

2 system more efficient so that detainees can get to
3 their medical appointments on time and get there at
4 all?

5 DEPUTY COMMISSIONER ADAMS: So, that's
6 one of the things that we have also are greatly
7 concerned about, making sure people get access to
8 care in a way that's timely and comprehensive. So,
9 one of the things we've already instituted is a daily
10 communication meeting between corrections staff and
11 Health & Hospitals. At the beginning of every tour
12 in the clinic itself where the medical provider
13 discusses with the clinic captain who are the
14 individuals that we need to see who are prioritized
15 for medical treatment and for which services. So, at
16 that point right at the beginning of the tour, they
17 have a comprehensive list of who needs to be seen
18 that's given to correctional staff by the medical
19 providers, who needs to be seen, who's here, who's
20 been discharged, who's been transferred, where are
21 there, are they available to be seen, and we're able
22 to expedite bringing them to the clinic to get the
23 services that they need.

24

25

2 COUNCIL MEMBER GIBSON: Okay. But it's
3 still driven by paper, right? It's not an electronic
4 system.

5 DEPUTY COMMISSIONER ADAMS: That's
6 correct. They give us a list of individuals they'd
7 like us to bring down to the clinic.

8 COUNCIL MEMBER GIBSON: Okay. Do you see
9 any changes that may happen with that as you have
10 daily, you know, meetings, anything that you are
11 already looking at to make the system a little bit
12 more efficient? I mean, daily meetings sounds great
13 so that everyone understands and is on the same page,
14 but taking it a step further, are there any
15 technological advancements that you think would allow
16 the system to work even better?

17 JEFF THAMKITTIKASEM: Yes, Council
18 Member. I think what we're trying to do and we've
19 started at one facility, and we're trying to expand
20 it, is to have RFID technology for each inmate which
21 would then allow us to kind of match up with Health &
22 Hospitals kind of systems as well so they can track
23 where they move from the Housing Unit to the clinic,
24 where they are along the way, when they're expected

2 to arrive. So we should try to move that towards the
3 rest of the Department.

4 COUNCIL MEMBER GIBSON: Okay, is that--

5 JEFF THAMKITTIKASEM: [interposing] We
6 only have that in one facility.

7 COUNCIL MEMBER GIBSON: the arm band?

8 JEFF THAMKITTIKASEM: Yes.

9 COUNCIL MEMBER GIBSON: Okay, and what--

10 JEFF THAMKITTIKASEM: [interposing]
11 Wristband.

12 COUNCIL MEMBER GIBSON: did you call it?
13 The wristband?

14 JEFF THAMKITTIKASEM: It's RFID
15 technology.

16 COUNCIL MEMBER GIBSON: Okay, RFID
17 technology.

18 JEFF THAMKITTIKASEM: It happens to be in
19 the wristband.

20 COUNCIL MEMBER GIBSON: Okay. You guys
21 have your own language, okay. Yeah, I know it as an
22 armband, okay. And what facilities did you start
23 with, did you roll out with, which one?

24 JEFF THAMKITTIKASEM: The RNDC, which is
25 our juvenile facility.

2 COUNCIL MEMBER GIBSON: Oh, okay. Okay.

3 JEFF THAMKITTIKASEM: The adolescent.

4 COUNCIL MEMBER GIBSON: Okay. And I
5 wanted to ask a question. In my capacity as Chair of
6 Public Safety working with each of the District
7 Attorney, specifically DA Clark, came before us along
8 with the Commissioner on a previous hearing talking
9 about prosecuting cases. One of the things that came
10 out of that hearing that I know your team is working
11 on is the DA's office has instituted some level of
12 training of NYPD investigators and detectives as it
13 relates to collecting data, protecting, obviously if
14 needed, a crime scene, evidence gathering, and has
15 suggested the same type of model of training for DOC
16 investigators. So, can you give me an update of
17 where we are in that conversation, and do you find
18 that that could be beneficial for your offices if
19 there is an incident to make sure that we collect as
20 much as possible so that we could obviously have an
21 effective and efficient investigation?

22 COMMISSIONER PONTE: I'll let Greg
23 Kuczinski answer, but we've been very pleased with
24 the DA being on island and they're very helpful. At
25 the beginning event they're right there. They're

2 helpful. They give us feedback. The communication
3 now with us on any event has gotten much better.

4 DEPUTY COMMISSIONER KUCZINSKI: Hi, Greg
5 Kuczinski again. We have not only been working with
6 the DA's office in improving and increasing training
7 for the CIB offices who currently handle re-arrests
8 and things like that. We have expanded our evidence
9 collection division which we are literally one
10 program away from a full certification, which would
11 be a first. So, the whole process is getting better,
12 and we talk with them all the time about increasing
13 that even more, like 3D scanner [sic] cameras and
14 things like that which we are working on.

15 COUNCIL MEMBER GIBSON: Okay. Yeah, I
16 know, you talked in the testimony about a thousand
17 new cameras that are on the facility, but in addition
18 to that, other technology that can help collect
19 evidence?

20 DEPUTY COMMISSIONER KUCZINSKI: Yeah, the
21 cameras I'm referring to is not like a Genetec that
22 covers like a cell area. These are portable cameras
23 that within a cell area say when you have an incident
24 it does 3D picture for you--

2 COUNCIL MEMBER GIBSON: [interposing]

3 Okay, I see.

4 DEPUTY COMMISSIONER KUCZINSKI: to
5 preserve the whole scene, and it's actually very
6 helpful. We're working on getting a couple of those.

7 COUNCIL MEMBER GIBSON: Okay, and we won't
8 need state approval for that, right?

9 DEPUTY COMMISSIONER KUCZINSKI: No.

10 COUNCIL MEMBER GIBSON: Okay. Making
11 sure. I guess my final question before I turn it
12 back to Chair Crowley is the education and the level
13 of services that we are providing. The ultimate
14 goal, obviously in my personal opinion, is to do as
15 much as I can in my community so young people don't
16 have to go to Rikers or any city jail in the first
17 place, but recognizing that while they're there the
18 goal is to make them better than the way we got them,
19 right? And I know to the best of our ability, and
20 I've met with your team multiple times, and I see the
21 effort and I see the work, but I would love to know
22 are we seeing the results like the millions of
23 dollars we've investing in education, horticulture,
24 environmental, I mean, an assortment of programs?
25 Are we finding that it is successful? Is there any

2 way that we get some sort of an assessment or
3 evaluation from detainees as they leave the facility
4 to say what did you think about the program? Any,
5 you know, best practices? Anything that we could
6 learn. Like, we always talk stakeholders, but we
7 never hear from the voices of those that are on the
8 island, right? And it's a very powerful voice, but
9 have we received any feedback on the investments that
10 we're making to date, and where do you see any areas
11 where we can improve?

12 DEPUTY COMMISSIONER SAUNDERS: Yeah, so
13 as you know we are very committed with providing
14 programing and raising the bar as it relates to
15 making sure that when young people leave or even
16 arrive on Rikers they have access to programming that
17 can support them being productive citizens upon
18 return. So, one of the things that we were diligent
19 in doing is when we created our Youth Re-entry
20 Network which was the historic launch of re-entry
21 services for 16 and 17 year olds, we added an
22 evaluation component. So at the third year of the
23 component, the third year of the project we're
24 actually going to have an evaluation done to
25 determine what is the evaluation in terms of outcome

2 evaluation, but also process evaluation. In addition
3 to that, because we are committed to learning the
4 lessons based on all the resources that Mayor de
5 Blasio has provided us with as well as the Council,
6 we also partnered with Vera through a NIJ fund so
7 that they can do an evaluation on our young adult
8 strategy. So, it's too early to get the-- you know,
9 to find out the exact impact, but we do see some
10 promising-- I have anecdotal, you know, responses and
11 promising outcomes, especially as it relates to some
12 of our restarts, but also with the fact-- I'll just
13 say we added one of our programs and as a result
14 there has been nine young people who showed up in the
15 community and has connected with that provider to
16 receive additional programming. So, there's those
17 small anecdotal outcomes that I have now, but the
18 evaluations will tell us more.

19 COUNCIL MEMBER GIBSON: Okay, great.

20 Well, I certainly commit to working with you guys.
21 We have to keep doing better. I know, you know,
22 while we're having conversations about the numbers, I
23 always think about and know the people and the
24 families that are behind those numbers. So, as best
25 I can as a Council Member from the Bronx, too many of

2 my kids are on Rikers Island right now and it's just
3 not acceptable. So, I am committed during this
4 budget process to do what I can to focus on
5 alternatives and prevention and not necessarily
6 reactive, right, and detention programs, but I
7 appreciate the work that, you know, you and the
8 Commissioner and the entire team are doing and look
9 forward to more conversations ahead.

10 DEPUTY COMMISSIONER SAUNDERS: Thank you.

11 COUNCIL MEMBER GIBSON: Thank you, Chair.

12 COMMISSIONER PONTE: Thank you.

13 CHAIRPERSON CROWLEY: Thank you, Council
14 Member Gibson. We're going to wrap up the hearing.
15 I just want to point something out today that we
16 discussed, the McKinsey and Company report and back
17 in December when we were analyzing our November plan,
18 OMB said that there was going to be no more funds
19 requested, and then less than a month later in
20 January you requested another extension and nearly
21 doubled, more than doubled, the amount of money
22 expended on the contracts. So, the contract was
23 originally for 13.6 million and now you anticipate
24 spending 13.9 more million to finish the work, is
25 that correct?

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2 COMMISSIONER PONTE: That's correct, 13.9,
3 yes.

4 CHAIRPERSON CROWLEY: And will that be
5 it?

6 COMMISSIONER PONTE: That's it.

7 CHAIRPERSON CROWLEY: And you will
8 produce to this committee the results that show that
9 this contracting out is beneficial?

10 COMMISSIONER PONTE: I believe we can,
11 yes.

12 CHAIRPERSON CROWLEY: I hope so. And you
13 will break that down by facility, whatever model
14 facilities you--

15 COMMISSIONER PONTE: [interposing] Some of
16 them were across facilities. Some of them were
17 specific to facilities, but yes, we can break it down
18 in a great deal of detail, yeah.

19 CHAIRPERSON CROWLEY: Because it's
20 disingenuous your numbers. I mean, we're all sworn
21 to tell the truth, and also OMB seems to have a total
22 different number. We're going to have the Board of
23 Correction in a few minutes who said that stabbings
24 and slashings have increased significantly.
25 According to OMB and your testimony, you believe it's

2 declined. So, I want to know whether you're looking
3 at one facility--

4 COMMISSIONER PONTE: [interposing] Not
5 stabbings and slashings. They have increased [sic].

6 CHAIRPERSON CROWLEY: No. Well, right
7 here we have a letter from Dean Fuleihan saying
8 stabbings and slashings have declined 69 percent.

9 JEFF THAMKITTIKASEM: In the restarted
10 units where we actually-- it is not department-wide
11 [sic]. Oh, sorry. In the restarted units that is
12 true.

13 CHAIRPERSON CROWLEY: Right. So we want
14 to see what units,--

15 COMMISSIONER PONTE: [interposing] Yes.

16 CHAIRPERSON CROWLEY: where you're finding
17 these numbers and where you're seeing the success.

18 COMMISSIONER PONTE: Absolutely.

19 CHAIRPERSON CROWLEY: And this completes
20 the Department of Correction portion of today's
21 hearing. We'll take a two minute break before we ask
22 the Department of-- the Board of Correction to
23 testify.

24 [break]

2 CHAIRPERSON CROWLEY: Good afternoon.

3 Good afternoon. For the first time the Board of
4 Correction will be testifying in the Preliminary
5 Budget hearing. BOC is a nine-person, non-judicial
6 oversight board that regulates, monitors and inspects
7 the correctional facilities of the City. The Board
8 establishes and ensures compliance with minimum
9 standards, regulating conditions of confinement and
10 correction health and mental health care in all
11 correctional facilities. The Board's Fiscal 2018
12 Preliminary Budget totals 2.9 million, a decrease of
13 64,000 compared to Fiscal Year 2014 Adopted Budget.
14 The Board supports a budget headcount of 38 percent.
15 I'm going to ask the representatives from the Board
16 of Correction to be sworn in before you testify, and
17 if you could raise your right hand and affirm whether
18 you will tell the truth. Do you affirm you will tell
19 the truth in answering the questions put forth by
20 this committee and in your testimony?

21 MARTHA KING: Yes, I affirm so.

22 STANLEY RICHARDS: Yes.

23 CHAIRPERSON CROWLEY: Please begin your
24 testimony.

2 MARTHA KING: Good afternoon Chair

3 Crowley and Members of the Committee on Fire and
4 Criminal Justice Services. My name is Martha King,
5 and I am the Executive Director of the Board of
6 Correction. Today, I am joined by one of our Board
7 members who was appointed by the City Council,
8 Stanley Richards. This afternoon I'd like to explain
9 how the Board of Correction is using much needed new
10 resources to strengthen the Board's effectiveness and
11 independence and position the Board as a national
12 model for prison and jail oversight and as one of the
13 City's important levers in creating smaller, safer,
14 fairer, and more humane jails. We have mapped out
15 and are executing comprehensive plans to re-establish
16 the Board as a major partner in the critical work to
17 build a justice system that reflects the City's
18 values, brings dignity and respect to people held
19 within, working in, or connected to the system, and
20 brings these same people to the system's policy-
21 making table. Since it became independent in 1977,
22 the Board has played a leading role in major reforms
23 to the City's jails. These include, in 1985, making
24 New York City the first jurisdiction to voluntarily
25 require appropriate mental health staffing in its

2 jails, and, in 2015, making New York City the first
3 major prison or jail system to prohibit punitive
4 segregation for adolescents and young adults. The
5 City Charter outlines the Board's central functions:
6 To establish and ensure compliance with minimum
7 standards for the care, custody, correction,
8 treatment, supervision and discipline of all persons
9 held or confined under the jurisdiction of the
10 Department; to investigate any matter within the
11 jurisdiction of the Department to establish
12 procedures for hearing inmate and staff grievances;
13 to evaluate the performance of the Department, and to
14 make recommendations on areas of key correctional
15 planning. The Board established its Minimum
16 Standards on conditions in 1978, on mental health
17 care in 1985, on health care in 1991, and on the
18 elimination of sexual abuse and harassment in 2016.
19 When I arrived at the Board at the end of June 2015,
20 there were 16 staff and a budget of 1.6 million. It
21 had been operating for six months without any
22 management team. The Board currently has 22 staff
23 spread across its lower Manhattan and Rikers Island
24 offices. With the increased support of the City
25 Council and the Administration, a Fiscal Year 17

2 budget of approximately three million will allow our
3 staff to grow to 35. We've restructured and hired a
4 complete management team and a total of nine staff,
5 growing each of our three divisions: legal, research,
6 and monitoring. We currently have open postings for
7 a total of seven positions: an additional four
8 Monitors for the jails, a Project Director for our
9 new regulations on sexual abuse, a Deputy General
10 Counsel, and a Program Associate for Research. Today
11 I would like to update you on progress and plans in
12 three areas of our work: updated, tailored, and
13 expanded regulations; more research, analysis, and
14 public reporting; and strengthened and structured
15 monitoring. In November 2016, the Board adopted a
16 final rule designed to detect, prevent, and respond
17 to sexual abuse and harassment of people incarcerated
18 in the City's jails. New York City Public Advocate
19 James petitioned the Board to adopt rules consistent
20 with the federal Prison Rape Elimination Act
21 standards and subsequently this led to the first new
22 chapter of the Minimum Standards in 25 years.

23 Incorporating the ideas and expertise of the U.S.
24 Department of Justice, the Public Advocate, City
25 Council members, DOC and Health and Hospitals, and

2 many community stakeholders, the Board's new rules
3 are a significant contribution toward safer and more
4 humane jails. The new Standards go beyond federal
5 standards, require more reporting and monitoring, and
6 include provisions requiring that Health & Hospitals
7 will design and operate new rape crisis counseling
8 services that will serve incarcerated people who
9 report sexual abuse; that DOC must complete all
10 investigations of sexual abuse and harassment
11 allegations no later than 90 days from the date the
12 allegation is reported to DOC; that DOC will install,
13 on a pilot basis, security cameras on buses used to
14 transport inmates; and that DOC and Health &
15 Hospitals will implement new training for staff
16 working with inmates who are transgender or intersex,
17 designed to heighten awareness of their psychosocial
18 and safety needs and ensure communication and custody
19 that is respectful of gender identity. The Board is
20 currently working on new standards related to
21 restrictive housing and improving the Board's
22 variance procedures. We expect to consult with you
23 and your staffs throughout this process and intend to
24 complete rulemaking in these areas in 2017. We have
25 created a stronger research department led by a new

2 Deputy Executive Director solely dedicated to
3 analytics, evaluation, and research. This commitment
4 to evaluating and analyzing operations and outcomes
5 in the jails, increasing transparency, and sharing
6 data is crucial to maintaining compliance with Board
7 Standards and other regulations. For instance, over
8 the past year we have issued quarterly reports on
9 punitive segregation reforms, monthly reports on jail
10 visits, and completed assessments of enhanced
11 supervision housing and the inmate grievance program.
12 Monthly reports on medical and mental health care
13 access have now led to action. DOC and H&H are
14 creating a plan with remedies, timelines, and metrics
15 to evaluate progress toward increased
16 access. Collaboratively we will work together to
17 issue this plan in May. Data remains a challenge for
18 DOC, which relies heavily on paper logs to monitor
19 occurrences in the jails. While understanding of
20 these challenges, we continue to move toward a Key
21 Performance Indicator Dashboard to monitor compliance
22 with 12 Minimum Standards in the adolescent and young
23 adult housing areas. This will be an unparalleled
24 tool for transparency and understanding and improving
25 compliance over time. We have also requested

2 unprecedented access to individual-level data about
3 everyone in custody in the jails. Traditionally, the
4 BOC has not had this type of data and, with it, we
5 can conduct, robust evaluations of Standards
6 compliance and the implementation of policies and
7 programs, such as evaluating the impact of punitive
8 segregation reform or enhanced supervision. We
9 continue to grow our monitoring staff in the jails
10 and are poised to add five staff this year. These
11 staff conduct site visits, resolve and refer inmate
12 and staff complaints, monitor compliance with the
13 Minimum Standards and other regulations, investigate
14 and intervene on deviations from regulations, and
15 help to smooth the delivery of basic services and
16 calm tensions in the facilities. Increased funding
17 has allowed for several new initiatives that reflect
18 strengthened and structured monitoring. We are
19 embarking on unannounced weekend tours of each
20 facility in 2017, and we expanded our inspections at
21 the hospital prison wards and court pens to every
22 other week. BOC staff at the court pens regularly
23 check and gather data on production, appearances, and
24 court clothing issues, including a focus on the
25 implementation of the Council's recent legislation.

2 Over the next three years, BOC staff will visit each
3 of the approximately 330 open housing areas to
4 conduct randomized, structured compliance checks on
5 key Minimum Standards, such as lock-out time,
6 recreation, law library, laundry, and sick
7 call. This new strategy will actualize our mandate
8 of unannounced visits and will significantly broaden
9 our reach in the jails, making sure no unit goes
10 unchecked. We are working to improve the inmate
11 complaint system. In completing an audit in 2016 of
12 the inmate grievance program, we saw a need for an
13 annual audit and a biannual interagency team of BOC,
14 DOC, and H+H to review inmate complaint data and
15 identify policies and practices that must be jointly
16 monitored or changed. This team will focus on
17 increasing the procedural justice and fairness of the
18 existing complaint system and making sure patterns of
19 individual complaints feed systemic change where
20 necessary. We have expanded and improved our visit
21 restriction appeal process and will re-start
22 accepting appeals in seven other areas, including the
23 exercise of religious beliefs, law library access,
24 and telephone rights. We responded to 209 visit
25 appeals in 2016, more than double the number of

2 appeals that we received five years ago. We denied
3 54 percent and granted or modified 33 percent. The
4 importance of independent oversight of such
5 individual restrictions and Minimum Standard policy
6 areas cannot be overstated. The appeal process allows
7 us to also work closely with DOC on improving
8 practices to make sure restrictions are appropriate
9 and fair. In the Board's 60th anniversary year, we
10 are thankful that this Administration and City
11 Council have shown increased commitment to a strong,
12 active, and effective Board of Correction. The Board
13 is now better poised to play an important role in
14 reform, and we look forward to collaborating with the
15 City Council and its many members who are engaged on
16 these issues. Thank you again to Chair Crowley and
17 the Committee for the opportunity to testify today.
18 I'm happy to take any questions.

19 CHAIRPERSON CROWLEY: Did the Board spend
20 its Fiscal 2017 allocation, in line to spend it all?

21 MARTHA KING: Have we spent everything
22 from Fiscal Year 17?

23 CHAIRPERSON CROWLEY: Are you planning on
24 meeting your budget allocation?

2 MARTHA KING: Yes, we are. We are
3 currently at 22 staff, and we are currently hiring
4 seven people.

5 CHAIRPERSON CROWLEY: When were those
6 seven people funded [sic]?

7 MARTHA KING: Seventeen, for the 17
8 budget.

9 CHAIRPERSON CROWLEY: Oh, so have you had
10 difficulty finding qualified personnel?

11 MARTHA KING: No. We were initially
12 delayed on hiring monitors in the jails because we
13 needed approval from the New York State Civil Service
14 Commission. We got that in November and then have
15 proceeded to hire in those roles. We also had some
16 attrition losing three staff in the past year, and so
17 at such a small agency to keep up when we lose staff
18 is a challenge. But we're up for it, and we think we
19 can find qualified candidates for all of these rules.

20 CHAIRPERSON CROWLEY: Do you think--
21 earlier you mentioned the paper logs. So, I imagine
22 the Board believes that the logs should be made in an
23 electronic way so that they cannot be altered, or
24 they're submitted quickly, efficiently.

2 MARTHA KING: Yes. I mean, electronic
3 data collection in the jails would significantly help
4 the Department and the Board certainly in monitoring
5 compliance.

6 CHAIRPERSON CROWLEY: And have you felt
7 like the Department of Corrections has agreed with
8 you on that? Do they have any plan that you're
9 familiar with?

10 MARTHA KING: I believe the Department
11 does agree with that point, and I know that they are
12 working to design a new inmate management system.
13 I'm not sure of the current status of that. I know
14 that the Board would like to work very closely with
15 the Department on the development of that system.

16 CHAIRPERSON CROWLEY: Are you hearing
17 from inmates that they're not getting medical
18 attention when they need it, when they ask or request
19 it?

20 MARTHA KING: That's a good question.
21 So, we do get a lot of complaints from inmates about
22 access to healthcare, quality of healthcare, and we
23 follow up on many of those complaints, and we also
24 refer a lot of those complaints to Correctional
25 Health Services to manage. We, in addition to

2 dealing with individual complaints, have tried to get
3 DOC and H&H over the past 10 months to focus on if
4 there are larger compliance issues than individual
5 complaints. And so with these monthly reports and
6 discussions that we've had about healthcare access in
7 our meetings, now DOC and H&H are coming up with a
8 proactive action plan to make sure that access is
9 increased. I will also just add that the issues are
10 very different in different facilities. So, some
11 facilities seem to be much better at getting people
12 to their healthcare and mental healthcare
13 appointments than others.

14 STANLEY RICHARDS: And I'd like to add,
15 we've seen with the monthly data collection we've
16 seen the numbers. So we're watching the numbers and
17 we're monitoring numbers. Now we want to start
18 seeing the numbers go up in terms of the percentage
19 of people who get access, who actually go and see a
20 doctor be it on island or specialty off-island.

21 CHAIRPERSON CROWLEY: Do you think the
22 jails are safer today than they were three years ago?

23 STANLEY RICHARDS: Measurement of safety,
24 I'm not-- no, I don't think jails are safe. I think
25 jails are places where really tough and dangerous

2 things happen, both in terms of peoples' ability to
3 survive in those environments. So, I don't think the
4 environment itself is conducive to safety.

5 CHAIRPERSON CROWLEY: Yeah, but it could
6 be safe, safer or more dangerous today than it was a
7 few years ago?

8 STANLEY RICHARDS: Well, here's what I
9 would say. I would say we have more programs. We
10 have more oversight than we've had in years past, and
11 those are good things, but I wouldn't define a jail
12 right now as being safe. I would say as a formerly
13 incarcerated person, jails are much different than
14 when I was in there. I think it was probably less
15 violence when I was in there than it is now.

16 CHAIRPERSON CROWLEY: Now, a report I
17 referred to earlier, the Mayor's Management Report,
18 had zero unnatural deaths reported, and then there
19 was the article I referred to in the Daily News of
20 how an inmate was only there for six days and, you
21 know, other witnesses said that this inmate asked for
22 help but never got the help. So, do you think that
23 we're recording un-natural deaths efficiently?

24 MARTHA KING: So, you're talking about--
25 let me step back and say the Board does conduct death

2 investigations, and we have an independent review
3 panel that brings together DOC and H&H with Board to
4 review each death. I'm not exactly sure which case
5 you're talking about. I'm very happy to go back to
6 the data and look through DOC's reports and our
7 reports as to un-natural causes of deaths over the
8 past few years, and maybe we can look at that data
9 together.

10 CHAIRPERSON CROWLEY: That would be good.
11 My last question has to do with diffusing violence.
12 Now that we're training more and more and retraining
13 officers, is there a way that we could accurately
14 evaluate why the violence is happening to diffuse it
15 or to stop it from happening again? Is there that
16 type of looking back that ever happens as to why and
17 how to avoid a situation like that in the future?

18 MARTHA KING: I think that's a great
19 question. The Board and the Department have
20 different roles, obviously, to play in that in
21 reviewing why violence is occurring and then what to
22 do about it. Obviously, the Board's work focuses on
23 the variances and the rules changes that we allow
24 such as enhanced supervision housing which is
25 intended to address violence and safety, the use of

2 restraint desks or other things that the Board gives
3 permission to DOC to use in response to some of these
4 issues. Separately, I will say that the Board in its
5 request for this data that I've been discussing which
6 is individual-level data, that is really the exact
7 data that we at the Board and at the Department need
8 to review to understand the answer to that kind of
9 question that you're asking. There are other types
10 of reports and surveys that I think the Board could
11 be very helpful in gathering, both in terms of
12 talking to staff and talking to inmates about the
13 violence that is occurring and retroactively looking
14 back at why some of the patterns exist in the
15 violence.

16 CHAIRPERSON CROWLEY: I would appreciate
17 that. We'll stay in touch on that. I want to thank
18 you both for the work that you do and for being here
19 to testify. We're going to conclude this portion of
20 the Board of Correction testimony, and next up we're
21 going to have the Office of Emergency Management. Do
22 we have the Commissioner or someone from that office
23 here? Okay, thank you.

24 MARTHA KING: Thank you.

25 STANLEY RICHARDS: Thank you.

2 CHAIRPERSON CROWLEY: Is either Jennifer
3 Petersen or Tracie Gardner here? Okay, Tanya, please
4 begin your testimony.

5 TANYA KRUPAT: Okay, thank you. Thank
6 you for the opportunity to speak with you today. My
7 name is Tanya Krupat. I'm the Director of the Center
8 for Justice Policy and Practice at the Osborne
9 Association. I'm here first to speak with you about
10 two exciting and important Osborne initiatives that
11 we seek City Council support for, and then as a proud
12 member of the New York City ATI Reentry Coalition,
13 and you'll hear from Tracie Gardner more about the
14 Coalition later this afternoon. Osborne's Fulton
15 Reentry Center will provide desperately needed
16 transitional housing and our Elder Reentry Initiative
17 addresses the pressing and growing crisis of those
18 aging in prison and the compelling needs of seniors
19 returning home to New York City. In 2015, as you may
20 know, Osborne acquired the former New York State
21 Fulton Correctional Facility in the Bronx, the first
22 time in the country that a prison has been
23 transferred to a community-based organization to
24 transform it into a reentry and economic development
25 center. We are currently in the architectural phase

2 of the project and are seeking 95,000 in an expense
3 request from the City Council as well as 75,000 for a
4 vehicle. We have submitted a three million dollar
5 capital request to the New York State Legislature.

6 Our aim is to open the center in 2019 with 135
7 supportive transitional housing beds as well as wrap-
8 around reentry services for residents, others

9 returning to New York City from jails and prisons and
10 members of the surrounding community, including some

11 set-aside housing options for the elderly, a fast
12 growing and historically unseen segment of our prison
13 population. Each year, some 1,500 men and women over

14 the age of 60 leave state prison and return to New
15 York City. These formerly incarcerated senior

16 citizens are at very low risk of recidivism but are
17 at very high risk of falling through the cracks in

18 our social safety net. Our Elder Reentry Initiative
19 addresses this urgent challenge. We're seeking City

20 Council support in the amount of 150,000 dollars to
21 support the community component of this initiative.

22 Just this morning one of our staff helped to navigate
23 a 61-year-old's release from Rikers. with no family

24 to return to and decades of battling addiction as
25 well as surviving childhood violence, Mr. Sampson

2 faces many barriers and also has high hopes of being
3 able to live a productive life far away from Rikers.
4 Currently, there are no specialized services to meet
5 the geriatric needs of people like Mr. Sampson who
6 also face employment discrimination, trauma, stigma
7 and isolation of a unique nature and magnitude. With
8 Council support New York City can lead in addressing
9 the growing needs of returning elders and the need
10 for transitional housing. Finally, as a proud member
11 of the New York City ATI Reentry Coalition, Osborne
12 would like to thank you, Committee Chair Crowley, the
13 Speaker and all the Council Members for prioritizing
14 reforms to the Criminal Justice System as well as for
15 bringing to the forefront discussion of the
16 feasibility of closing Rikers. We're grateful for
17 the Council's continued support and look forward to
18 continuing to work closely together to ensure that
19 communities have access to these critical programs.
20 Thank you.

21 CHAIRPERSON CROWLEY: So your capital
22 request is to the Council?

23 TANYA KRUPAT: It's to the state.

24 CHAIRPERSON CROWLEY: It's to the state.

25 TANYA KRUPAT: Yeah.

2 CHAIRPERSON CROWLEY: So it's just an
3 expense request that you have this year?

4 TANYA KRUPAT: Yes.

5 CHAIRPERSON CROWLEY: And that's for a
6 vehicle. That could be capital.

7 TANYA KRUPAT: There's-- well, we have a
8 95,000 dollar expense request in to support the three
9 million dollar capital request and then 75,000 for
10 the vehicle.

11 CHAIRPERSON CROWLEY: Oh, okay.

12 TANYA KRUPAT: So we've-- yeah.

13 CHAIRPERSON CROWLEY: So that could be
14 capital.

15 TANYA KRUPAT: The veteran can? Should
16 we--

17 CHAIRPERSON CROWLEY: [interposing] Pretty
18 sure. Let's double-check.

19 TANYA KRUPAT: Okay.

20 CHAIRPERSON CROWLEY: Okay, thank you for
21 your testimony.

22 TANYA KRUPAT: Thank you.

23 CHAIRPERSON CROWLEY: And for what you
24 do. Good afternoon. We're now moving into the final
25 phase of the Fire and Criminal Justices Services

2 Committee hearing, and we will soon hear from New
3 York City Emergency Management Fiscal 2018
4 Preliminary Budget and the Fiscal 2017 Mayor's
5 Preliminary Management Report. The agency's Fiscal
6 2018 budget totals 24 million-- 24.1 million and
7 supports a headcount of 58 positions. The budget
8 includes funding to support further developing, the
9 notify NYC application in order to disseminate timely
10 information to city residents as well as funding that
11 reflects the agency's goal of better preparing the
12 City for emergencies. The agency's budget is
13 supported by city funds, but also relies on federal
14 grants that are accounted for on a year-by-year
15 basis. Today we hope to learn more about how the New
16 York City Emergency Management-- how the agency
17 communicates, coordinates, plans, and prepares with
18 other city agencies for emergency situations as well
19 as other programs and initiatives the agency engages
20 in in order to inform and prepare the public. I want
21 to thank Commissioner Esposito and his staff for
22 being here today, and before you begin your
23 testimony, I will need to swear you in. If
24 Commissioner, yourself, and anyone else who is
25 prepared to testify or answer any questions could

2 raise your right hand? And do you affirm to tell the
3 whole truth in your testimony and in answering
4 questions honestly today?

5 COMMISSIONER ESPOSITO: We do.

6 CHAIRPERSON CROWLEY: Thank you. You may
7 begin.

8 COMMISSIONER ESPOSITO: Alright, thank
9 you very much. Good afternoon Chairperson Crowley
10 and members of the Committee on Fire and Criminal
11 Justice. I'm Joe Esposito, the Commissioner of New
12 York City Emergency Management. I'm here to talk
13 about our Fiscal Year 2018 Budget. We've had a busy
14 year. In 2016 our Emergency Operations Center was
15 activated eight times for a total of 26 days. That
16 included two winter weather events, one heat
17 emergency, one heavy rain and wind emergency,
18 monitoring and preparation for Tropical Storm Hermine
19 and Matthew, the Chelsea bombing event, and the
20 Presidential Election. During the tropical storm and
21 winter weather events we held citywide calls for
22 elected officials and continuously sent out
23 notifications for incidents in specific districts.
24 In 2016 we monitored 3,190 incidents and sent our
25 citywide coordinators to 988 events. Notify NYC sent

2 out more than 1,500 messages with a turnaround time
3 of six minutes, and we're proud to announce that we
4 have just passed the half a million mark in
5 subscribers. We held 40 interagency exercises with
6 our partner agencies to make sure plans are
7 understood and necessary protocols of plans are ready
8 to be implemented as needed. Our community outreach
9 and engagement activities have increased. Hopefully,
10 you have likely seen us out there in your
11 neighborhoods at meetings, at town halls, fairs,
12 mobile office hours, and other community events. In
13 total, we've attended 325 Community Board District
14 Service Cabinet meetings throughout the year. We
15 participated in almost 800 Ready New York events with
16 more than 91,000 people attending, and we distributed
17 close to one million emergency planning guides. We
18 graduated eight new classes from our CERT Volunteer
19 Program, taking our total to over 1,500 members
20 throughout the City. We also hosted the Mayor's
21 Clergy Council at our headquarters to discuss
22 partnering with communities and emergency planning
23 with over 100 members attending. We continue to look
24 ahead to find new ways to prepare the city and our
25 citizens for the next emergency. With that, let me

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2 now provide a snapshot of our budget for next year.

3 Our projected total Fiscal Year 2018 City Tax Levy

4 Expense Budget is 23.1 million dollars. We rely on

5 our City Tax Levy Expense Budget to support the

6 majority of the agency's administrative, technology

7 and operational cost. The projected Fiscal Year 2018

8 personnel services budget is 5.1 million dollars

9 which supports the 51 personnel lines paid directly

10 through our tax levy funds. This includes 1.4

11 million dollars in funding for 18 staff members

12 dedicated to working on increasing communications and

13 services to people with access and functional needs.

14 Our other staffing is supported through grant funds

15 and personnel on assignment for a number of city

16 agencies. Our projected Fiscal 2018 Other Than

17 Personnel Services Budget is 17.9 million dollars

18 which covers all agency operating and administrative

19 costs. There is virtually no discretionary funding

20 in our budget. These funds are designated to cover

21 our warehouse lease, utilities, telecommunication

22 costs, including the maintenance and operations of

23 our Emergency Operations Center and our back-up

24 facilities. Emergency operation-- I'm sorry. This

25 money also supports our fleet and all additional

2 equipment, supplies and materials needed to run the
3 agency. The agency receives grant funding in order
4 to support many of our core programs. In the past
5 year, we secured 25 million dollars in federal
6 funding, primarily through the Urban Area Security
7 Initiatives Grant. This funding is vital to our
8 ability to run many of our finest initiatives,
9 including our Ready New York Public Education
10 program, our Community Emergency Response Team
11 program, our Continuity of Operations program, our
12 GIS, our Geographic Information Systems, our training
13 exercises, and our watch command and response in
14 addition to our citywide incident management systems
15 planning. We work with City Hall, OMB, the City's
16 Congressional Delegation, and our partner agencies to
17 push for full Homeland Security funding in future
18 years. This money supports critical operations
19 within our agency and several other city agencies.
20 Thank you for the opportunity to testify here today.
21 I look forward to continuing working with the Council
22 on issues pertaining to emergency preparedness and
23 response, and now I'll answer any question you may
24 have regarding the budget. Thank you.

2 CHAIRPERSON CROWLEY: Thank you,
3 Commissioner. Thank you for your testimony. In your
4 November Plan, the Mayor and your agency asked for an
5 additional-- a million dollars to help with your
6 warehouse operating expenses. Can you share with the
7 committee how expanding the operating space will help
8 the Department's functions and meet its goals?

9 COMMISSIONER ESPOSITO: Sure. You know,
10 after Sandy we really learned a lot of lessons on how
11 to do things a little better, and one of it was
12 space, and we were very much in a terrific crunch for
13 space during the Sandy and after Sandy, the recovery
14 from Sandy, and one of the things we needed was more
15 space for our taskforces. City Hall came and worked
16 out of Emergency Management for a time, and there was
17 a lot of necessity for more space. So, this
18 warehouse now which is 100,000 square feet, we've
19 just taken over the half of the warehouse to make it
20 300,000 square feet.

21 CHAIRPERSON CROWLEY: What do you keep in
22 the warehouse?

23 COMMISSIONER ESPOSITO: The one we're
24 talking about now is in Bushwick section of Brooklyn.

2 CHAIRPERSON CROWLEY: And what do you
3 keep in it?

4 COMMISSIONER ESPOSITO: What do we keep
5 in it? What's in there is all the USAR equipment,
6 the Urban Search and Rescue. We manage that team.
7 So all their equipment is there. When they deploy to
8 the south--

9 CHAIRPERSON CROWLEY: [interposing] Like
10 vehicles?

11 COMMISSIONER ESPOSITO: Yeah, sure, 18-
12 wheelers, boats, all their equipment that they're
13 going to take. They're self-contained, the USAR,
14 Urban Search and Rescue team. We have New York
15 Taskforce One. When they deploy they'll come to our
16 warehouse, get in those tractor trailers, and they're
17 18-wheelers. We've got a number of 18-wheelers that
18 have all their equipment on there. They can go out
19 there and be self-contained for whatever period they
20 have to be out there. Most recently they went down
21 south during the hurricane. They went down there.
22 So all of their equipment is in there, but in
23 addition to that we have a lot of our stuff. We have
24 generators. We have trucks. We have snow plows. We
25 have--

2 CHAIRPERSON CROWLEY: [interposing] So, is
3 that equipment the Federal Government owns?

4 COMMISSIONER ESPOSITO: I'm sorry?

5 CHAIRPERSON CROWLEY: Does the City own
6 that equipment, or is it owned by--

7 COMMISSIONER ESPOSITO: [interposing]
8 That's our equipment.

9 CHAIRPERSON CROWLEY: So it's OEM's.

10 COMMISSIONER ESPOSITO: Yeah. It's all
11 our equipment. A lot of it is funded by the Federal
12 Government.

13 CHAIRPERSON CROWLEY: What happens when
14 you loan your equipment and you use it in other
15 states? Do they reimburse or it just--

16 COMMISSIONER ESPOSITO: [interposing] We
17 have an agreement with the Federal Government, the
18 taskforce. Those-- that USAR teams, the federal
19 teams, there are 20 something around the country.
20 They're funded by these grants and all of that
21 equipment is purchased through grants. So, yes, if
22 it's used it's re-supplied through the grant.

23 CHAIRPERSON CROWLEY: So, do you
24 anticipate any cuts with the new Administration,
25 talking about cutting cities like ours?

2 COMMISSIONER ESPOSITO: Well, I think the
3 Federal Government have a tough time cutting some of
4 the funding that we get. We're the number one target
5 in the nation, let's face it. So, to cut federal
6 funding for preparedness and recovery I think will be
7 tough. So, I don't think it'll come to that, but if
8 it does come to that we'll talk to OMB and the
9 Administration to see how we would overcome that.

10 CHAIRPERSON CROWLEY: How do you
11 determine where to put emergency shelters in the city
12 when you're preparing to need shelter space?

13 COMMISSIONER ESPOSITO: Well, shelters
14 naturally are out of the flood zones, evacuation
15 zones, and we put them around the city in all five
16 boroughs to-- as close to the flood zones as
17 possible. We have six flood zones, as you know, six
18 evacuation zones, as you know. So those centers will
19 be right outside of zone six as much as possible, and
20 centrally located that we can get to it as quick as
21 possible.

22 CHAIRPERSON CROWLEY: Are you visiting
23 this shelter space annually, or just-- there's some
24 report gathered to make sure that you can maintain
25 the utilization of that and the need of emergency?

2 COMMISSIONER ESPOSITO: Sure. We go out
3 to those centers on a regular basis. We check
4 especially the ones that have to be set up for the
5 people with disabilities, access needs. So we make
6 sure that they're-- we have people that are out there
7 who are actually doing inspections of these locations
8 to make sure that they're up to the standard to house
9 people with the disabilities.

10 CHAIRPERSON CROWLEY: Did you ask any
11 resources for new budget needs from the OMB and were
12 told no?

13 COMMISSIONER ESPOSITO: Not that I can
14 recall. No. No.

15 CHAIRPERSON CROWLEY: And then that would
16 complete my questions for you today.

17 COMMISSIONER ESPOSITO: Great. Thank you
18 very much.

19 CHAIRPERSON CROWLEY: Thank you for what
20 the agency does.

21 COMMISSIONER ESPOSITO: Happy to be here.
22 Thank you.

23 CHAIRPERSON CROWLEY: Okay. Hopefully,
24 it's a quiet year.

25 [gavel]

2 CHAIRPERSON CROWLEY: Sorry, that was a
3 premature gavel. Do we have anyone here from the
4 public to testify? [off mic comments]

5 [break]

6 CHAIRPERSON CROWLEY: When you're ready
7 to begin your testimony, please do.

8 JENNIFER PETERSEN: Good afternoon, Chair
9 Crowley and members of the Committee. My name is
10 Jennifer Petersen and I am the Deputy Director of
11 Bronx Community Solutions, a project of the Center
12 for Court Innovation. Thank you for the opportunity
13 to speak today. I'm here to urge the Council to
14 support continued funding for the Center for Court
15 Innovation and its groundbreaking efforts to improve
16 public safety, promote and expand the use of
17 community-based alternatives to incarceration, and
18 increase equal access to justice for vulnerable New
19 Yorkers. The Center for Court Innovation is seeking
20 700,000 dollars in City Council support which
21 includes 500,000 to support ongoing court operations
22 in communities across the city and an enhancement of
23 200,000 to expand alternatives to incarceration in
24 several key neighborhoods. The Center for Court
25 Innovation works to create a more effective and

2 humane justice system in New York City. Beginning
3 with the Midtown Community Court, the Center has
4 created 28 neighborhood-based projects in five
5 boroughs. Independent evaluators have documented the
6 success of our work in decreasing violence, improving
7 public safety, aiding victims, reducing the use of
8 jail, and transforming neighborhoods. Through
9 projects such as Bronx Community Solutions, Red Hook
10 Community Justice Center, Queens Youth Justice
11 Center, Brownsville Community Justice Center, and the
12 Crown Heights Community Mediation Center we have
13 worked to improve the lives of New Yorkers in need
14 including immigrants, the poor, women, the LGBTQ
15 community, communities of color, and young people.
16 Our programs serve more than 6,000 youth each year
17 providing them with opportunities to avoid Rikers
18 Island, and in many cases, a trip to court. Our
19 adolescent-- the Center's Adolescent and Young Adult
20 program serve misdemeanor defendants ages 16 to 24
21 across Brooklyn, Manhattan and the Bronx with the aim
22 of reducing the use of jail and preventing future
23 justice system involvement. These programs offer a
24 broad range of alternative sentencing options
25 including onsite services-- excuse me, including on

2 site services, referrals to community-based programs
3 that offer mental health counseling, drug treatment,
4 education, and employment. Our Brownsville
5 Leadership Project and Youth Courts offer
6 participants pathways away from the justice system
7 and toward academic, social and vocational success.
8 In addition to helping divert New Yorkers out of the
9 system, we are working to help people transition back
10 to community life after spending time behind bars.
11 The Harlem Community Justice together with its faith-
12 based community partners encourages both adult
13 parolees and juveniles returning from state placement
14 to become productive law-abiding citizens. Parolees
15 are linked to drug treatment and jobs and receive
16 help reconnecting with their families. Young people
17 and their parents are linked to intensive services.
18 The Brownsville Community Center is working to
19 connect men and women between the ages of 16 and 29
20 who have been in contact with the criminal justice
21 system to resources such as GED and college
22 assistance, internships and professional training.
23 Participants complete community benefit projects,
24 including several large scale mural projects and
25 assisting with the construction of a community

2 teaching garden. The City Council support has been
3 invaluable to the success of the center for Court
4 Innovation, helping us maintain core operation, and
5 expanding our demonstration projects throughout New
6 York City. We look forward to continuing to work
7 with the New York City Council to improve public
8 safety and to create new alternatives to
9 incarceration that result in a fair more accessible
10 justice system for all New Yorkers. We respectfully
11 urge you to continue to support our work, and thank
12 you again for the opportunity to speak. I would be
13 happy to answer any questions you may have. Thank
14 you.

15 CHAIRPERSON CROWLEY: You have programs
16 in each borough.

17 JENNIFER PETERSEN: Yes, that's correct.

18 CHAIRPERSON CROWLEY: And what type of
19 programs do you have in Staten Island?

20 JENNIFER PETERSEN: We have a supervised
21 release program which is about a year old now that is
22 bail reform program, and we also have community-based
23 youth programming, and I'm sure I can get you more
24 information because there's several programs that run
25 out of that office.

2 CHAIRPERSON CROWLEY: And what about in
3 Queens?

4 JENNIFER PETERSEN: In Queens we have a
5 Youth Justice Center, I believe, but I can also get
6 you more details.

7 CHAIRPERSON CROWLEY: Yeah, I visited your
8 Youth Justice Center. It's a very good program.

9 JENNIFER PETERSEN: Thank you.

10 CHAIRPERSON CROWLEY: And you receive
11 funding from the Mayor's office.

12 JENNIFER PETERSEN: That's correct.

13 CHAIRPERSON CROWLEY: And you're asking
14 for funding from the City Council?

15 JENNIFER PETERSEN: Yes.

16 CHAIRPERSON CROWLEY: Are you asking for
17 an increase?

18 JENNIFER PETERSEN: Yes, increase of
19 200,000.

20 CHAIRPERSON CROWLEY: And would that just
21 be divided evenly through what you do in each borough
22 in your various programs?

23 JENNIFER PETERSEN: I believe it would--
24 part of that would go to the core operations, because
25 we have a main central office that works with all the

2 28 project sites, and then to the expansion of
3 alternative to incarceration programming, which would
4 be throughout different project sites.

5 CHAIRPERSON CROWLEY: Do you track the
6 participation-- the participants' recidivism rate?

7 JENNIFER PETERSEN: I know we do at some
8 sites, and at Bronx Community Solutions where I work
9 we are currently undergoing an evaluation of our last
10 10 years of work to look at recidivism rates.

11 CHAIRPERSON CROWLEY: Oh, okay, that'd be
12 great if you could share that--

13 JENNIFER PETERSEN: [interposing] Yep,
14 definitely.

15 CHAIRPERSON CROWLEY: with the Council. I
16 have no further questions. Thank you for what you do
17 and for the Center for Court Innovation for doing
18 what they do.

19 JENNIFER PETERSEN: Thank you, Chair
20 Crowley.

21 CHAIRPERSON CROWLEY: Okay.

22 [off mic comments]

23 TRACIE GARDNER: Good afternoon. Good
24 afternoon. Okay. My name is Tracie Gardner, and I'm
25 Associate Director at Legal Action Center, and thank

2 you very much for the opportunity to testify today on
3 behalf of the New York ATI and Reentry Coalition.

4 It's made up of the 10 organizations that you see
5 listed. I know you know them well, and I'd also like

6 to introduce my associate, Legal Action Center's
7 Senior Policy Director, New York State Policy

8 Director Sebastian Solomon. I will relieve you of
9 having to hear me read the entire testimony even

10 though it's nice and short. But we are especially
11 appreciative to the Council for the support of our

12 work through the ATI initiative, which in Fiscal Year
13 17 allocated five million-- 5.3 million dollars to

14 the 10 current members of the New York ATI Coalition.
15 The City Council has been a key partner throughout

16 the Coalition's 20-year history. I know I look five,
17 but I'm not. I've actually been around since Gifford

18 Miller [sp?] was part of helping to establish support
19 for the ATI Coalition, and the Council funding is

20 especially crucial because of the flexibility that it
21 allows many of these organizations who are the

22 leaders or the cutting edge who've been around since,
23 you know, prior to Mario Cuomo. So, this goes to the

24 ability to be responsive to the City's evolving
25 criminal justice landscape, and the Coalition

2 anticipates that the Council funding will be more
3 critical this year. We applaud the Committee Chair,
4 the Speaker and all Council Members for prioritizing
5 reforms to the criminal justice system as well as
6 brining to the forefront discussions of the
7 feasibility of closing Rikers Island. A number of
8 Coalition members have been engaged in ongoing
9 discussion surrounding these efforts, and we believe
10 or organizations are well-positioned to support many
11 of the recommendations that we anticipate will be
12 coming forward. The need for ATI and Reentry
13 Coalition's existing services and program is
14 anticipated to be greater than ever. Obviously, the
15 cost and the demand have increased, but it certainly
16 goes without saying that this current federal
17 environment certainly and some of the positions and
18 statements that are coming forth would suggest a more
19 regressive look at criminal justice reforms instead
20 of progressive. And so New York enjoys a singular
21 position in having low crime, relatively low numbers
22 in its jails and prisons, and that we think is due in
23 part to the fact that we have an ATI and re-entry
24 network that is robust. It's older. It has existed
25 longer than most jurisdictions. So, for 2018 we're

2 hoping for a one million dollar increase in funding
3 from the City Council for the ATI initiative which
4 would be divided equally among the 10 members of the
5 Coalition. So, it's 100,000 per organization. We
6 have always played well together. We have always
7 cooperated and coordinated our services together, so
8 it's really a big bang for the buck, because we make
9 it go far. So that would bring up the total request
10 to 6.35 million-- 357 million, and it will assist the
11 Coalition in its work to partner with the City in
12 advancing shared criminal justice reforms, allow
13 Coalition members to respond quickly to anticipated
14 increased demand for the programs in the upcoming
15 year, and provide critical ongoing support for ATI
16 reentry services citywide. Again, thank you for this
17 opportunity to submit testimony today. I'd like to
18 use a little bit of the time for Sebastian to talk a
19 little bit about some of the issues that are going on
20 with Raise the Age and why in particular our
21 organizations are really well-positioned.

22 SEBASTIAN SOLOMON: So, as I'm sure many
23 of you have been following, there's a lot going on.
24 There's some real promises here around Raise the Age,
25 and a huge part of Raise the Age is diverting more

2 people out of the criminal justice system. And so
3 the need for these services will be acute, and we've
4 seen a-- the state has actually proposed for this
5 year a 5.5 percent cut to funding for alternatives to
6 incarceration. So, this is-- you know, this City
7 Council funding will really help fill that hole that
8 we're seeing at the state level, and then demand
9 hopefully will be-- hopefully, if we pass Raise the
10 Age it'll be even greater than before. And when you
11 combine that with the Littman Commission and
12 everything going on around Close Rikers, we all know
13 that closing Rikers requires a shrinking of the
14 population, and part of-- there are many elements of
15 that including various legal reforms, but a part of
16 it has got to be keeping people out, especially
17 people, you know,-- especially we're going to have--
18 we're going to have to accept the fact that some of
19 the people who sit there longest are the ones who are
20 going to need to be coming out. We need to reduce
21 the ones who are four or five days, 10 days, but also
22 the ones who are there for a year or two years really
23 are going to have to leave if we want to get to the
24 point where we can close Rikers.

2 JENNIFER PETERSEN: I think that's it
3 unless you have any questions for us.

4 CHAIRPERSON CROWLEY: The Council
5 appreciates the work the ATI Coalition does. Your
6 request is for a million more dollars to be divided
7 evenly between the 10 agencies, and your agencies
8 support the closure of Rikers Island.

9 JENNIFER PETERSEN: Absolutely.

10 CHAIRPERSON CROWLEY: Which the Council is
11 working towards, too. So, I appreciate your advocacy
12 and the work that you do and your organizations, and
13 I have no further questions.

14 JENNIFER PETERSEN: Thank you, Council
15 Member.

16 SEBASTIAN SOLOMON: Thank you.

17 CHAIRPERSON CROWLEY: Have a good day.

18 JENNIFER PETERSEN: Bye-bye.

19 CHAIRPERSON CROWLEY: [gavel] This
20 concludes the Fire and Criminal Justice Services
21 Budget Hearing of March 9th, 2017.

22 [gavel]
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C E R T I F I C A T E

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



Date March 30, 2017