

1 JOINT HEARING BEFORE THE NEW YORK STATE SENATE  
2 STANDING COMMITTEE ON CRIME VICTIMS, CRIME, AND  
3 CORRECTION; STANDING COMMITTEE ON CIVIL SERVICE AND  
PENSIONS; STANDING COMMITTEE ON INVESTIGATIONS AND  
GOVERNMENT OPERATIONS; STANDING COMMITTEE ON CODES  
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4 PUBLIC HEARING:

5 EXAMINING POLICE SAFETY AND  
6 PUBLIC PROTECTION IN NEW YORK CITY  
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8 Senate Hearing Room  
9 250 Broadway - 19th Floor  
New York, New York 10007-2375

10 February 4, 2014  
11 12:00 p.m. to 7:00 p.m.

12 PRESIDING:

13 Senator Patrick M. Gallivan  
14 Chairman, NYS Senate Standing Committee on  
Crime Victims, Crime, and Corrections

15 Senator Martin J. Golden  
16 Chairman, NYS Senate Standing Committee on  
Civil Service and Pensions

17 Senator Carl L. Marcellino  
18 Chairman, NYS Senate Standing Committee on  
Investigations and Government Operations

19 Senator Michael J. Nozzolio  
20 Chairman, NYS Senate Standing Committee on Codes

21 PRESENT:

22 Senator Leroy Comrie

23 Senator Thomas Croci

24 Senator Ruben Diaz

25 Senator Ruth Hassell-Thompson

1 PRESENT (continued):

2 Senator Andrew Lanza

3 Senator Bill Perkins

4 Senator James Sanders

5 Senator Daniel Squadron

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Commissioner

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12 Benjamin Tucker  
First Deputy Commissioner  
13 New York City Police Department

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of New York City

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1           SENATOR NOZZOLIO: Good afternoon.

2           I would like to call this joint legislative  
3 committee of the New York State Senate to order.

4           I am Senator Mike Nozzolio, Chairman of the  
5 New York State Senate Committee on Codes.

6           I'm very honored to be part of a  
7 distinguished panel of legislators who are  
8 experienced in law-enforcement matters, and are  
9 engaging in a statewide inquiry to examine the --  
10 every aspect of the criminal justice system.

11           That I -- as Chairman of the Codes Committee,  
12 as former chairman of the Crime Victims, Crime, and  
13 Corrections Committee, I am seated between two of  
14 those individuals who have had in the Senate -- a  
15 career prior to the Senate in law enforcement.

16           To my right is Senator Martin Golden, who has  
17 served in the New York City Council, and also, with  
18 great distinction, as a New York State Senator.

19           His first career, though, is as a  
20 New York State police -- New York City police  
21 officer.

22           And, Senator Golden, thank you for your  
23 participation, and for your service to the public in  
24 all those capacities.

25           SENATOR GOLDEN: Thank you.



1 Senator Marcellino is a very active participant.

2 With that, we're honored today to have a  
3 number of law-enforcement experts.

4 First and foremost, the Commissioner of the  
5 New York City Police Department, that we're very  
6 honored and pleased that William Bratton is  
7 testifying today and helping to elucidate very  
8 important issues that this Committee and the  
9 State Legislator will be addressing in the very near  
10 future.

11 We also have two district attorneys from the  
12 city of New York who will be testifying.

13 We have the head of the police union,  
14 Pat Lynch, who will be testifying.

15 But we ask the Commissioner, if he would be  
16 so kind to step forward, and thank him for his -- in  
17 advance, for his generous time and effort to help us  
18 in this inquiry.

19 Good afternoon, Commissioner.

20 COMM. WILLIAM J. BRATTON: Good afternoon.

21 I'm going to be joined, if you don't mind, by  
22 my first deputy commissioner, Ben Tucker, as well as  
23 chief of the department, Jim O'Neill.

24 I've also brought with me additional  
25 executive-staff personnel that would be in a

1 position to answer in more specific detail some of  
2 the anticipated questions that you might have.

3 So, first off, we thank you very much for the  
4 opportunity to speak to you on these very important  
5 matters.

6 I have a brief prepared statement, if I may,  
7 that I might read to you, that you've been provided  
8 copies of that statement.

9 And, I thank you for, again, the opportunity.

10 First, let me express the thanks of the men  
11 and women of the NYPD and the people of  
12 New York City for the unwavering support that the  
13 State Senate has given us throughout the years,  
14 through good times and in bad.

15 New York City, with regard to crime control,  
16 we have just finished another banner year.

17 Crime was down 4.5 percent from 2013.

18 Murders, burglaries, and robberies saw lower  
19 numbers than in generations.

20 Since 1993, there's been a staggering  
21 75 percent drop in major felony crime in  
22 New York City. This represents hundreds of  
23 thousands of people who do not become the victims of  
24 crime. It also represents similar numbers of people  
25 who were saved from committing crimes and suffering

1 the consequences of acts that are often rash or  
2 intemperate.

3 I might point out that this was also a  
4 significant driving factor in the reduction of the  
5 state prison population which is significantly fed  
6 from the city crime situation.

7 Yet despite this achievement, there are many  
8 who question the role of the police and the fairness  
9 of our criminal justice system.

10 American policing is going through a  
11 difficult time right now. I think we're all aware  
12 of that.

13 It's a time of great challenge, but also  
14 great opportunity; the opportunity to reevaluate the  
15 fundamental manner in which we do our work.

16 The national dialogue about a great divide  
17 between the police and the community has been  
18 heartfelt and passionate, and has led police  
19 departments across the country to recognize, and  
20 some of those we serve feel as if they're  
21 underserved.

22 But the dialogue has contained significant  
23 misconceptions also, because, in many ways, our  
24 public approval is quite good.

25 A recent Siena poll showed that 75 percent of

1 New York City residents had a favorable view of  
2 their local police department: us, the NYPD.

3 We've done a lot to foster that.

4 Our community affairs bureau is tremendously  
5 active with outreach in nearly every neighborhood  
6 and group in the city.

7 And at the beginning of my administration,  
8 I also created the "deputy commissioner for  
9 collaborative policing" position, to prioritize  
10 providing services to underserved populations, such  
11 as at-risk youth and the homeless.

12 And we also have the 35,000 dedicated men and  
13 women of the department who have committed each day  
14 to protecting and serving.

15 Nevertheless, public approval is not uniform  
16 across the city.

17 Crime is down throughout the city, but in  
18 some places it's down less than others.

19 In those neighborhoods where citizens need us  
20 most, our approval rating, according to our own  
21 polling, is much lower than the 72 percent.

22 Part of this stems from the fact that both  
23 sides of the equation, the police and the community,  
24 oftentimes don't see each other. Both sides see  
25 only what the other represents instead of who the

1 other is.

2 If they could, each would learn that each is  
3 the other.

4 If you remember what Sir Robert Peel, who  
5 I often reference, described nearly 200 years ago:  
6 The police are the public and the public are the  
7 police.

8 The national dialogue has led to a new focus  
9 on an old maxim, another of Sir Robert Peel's  
10 principles, which says: That the ability of the  
11 police to do their job is dependent upon public  
12 approval.

13 Here in New York City it's inarguable that  
14 the police have helped to make the city and its  
15 people safer, but safety without public approval,  
16 ultimately, is not public safety.

17 There's also another major concern among  
18 American police, my colleagues, the police chiefs in  
19 America. It is a sense that they are not supported  
20 by those they serve, and that both their livelihoods  
21 and their lives are at risk.

22 In December, in Brooklyn, we saw a nightmare  
23 become real when two of our officers, Detective Liu,  
24 Detective Ramos, were assassinated without warning  
25 or provocation.

1           The threat of being targeted has always been  
2 a reality for the officers, but the assassinations  
3 of Detectives Liu and Ramos have brought it to the  
4 fore.

5           As a department, we still feel their loss, we  
6 still grieve with their families, even as we remain  
7 true to their memories and move forward to do our  
8 duty.

9           As we do our duty, the opportunity to improve  
10 police-community relations, and the chance to make  
11 our citizens and our officers safer as we do so, has  
12 never been so close to our grasp.

13           The greater the sense of partnership and  
14 trust between the police and the community, the  
15 better the police and the people can work together  
16 to prevent crime and disorder.

17           In making the city safe in this way, the  
18 police make themselves safer too, because, after  
19 all, the police are the public and the public are  
20 the police.

21           This is the definition of "public safety."

22           So I would like to describe for you some of  
23 the things the NYPD is doing already to address the  
24 challenges we face; both the external issues with  
25 community relations and the internal concerns about

1 officers' support and safety.

2 We've begun several initiatives to improve  
3 community relations and assist officers in doing  
4 their jobs more safely.

5 One of the foremost is an unprecedented  
6 three-day in-service training course.

7 We are starting with the 20,000 police  
8 officers and supervisors who routinely serve on  
9 patrol, and we call the program the "20K training."

10 This will be the beginning of an  
11 institutionalization of three additional training  
12 each year for our personnel, in addition to the  
13 two days of firearms training that they have  
14 historically received for many years.

15 The remaining 15,000 officers out of our  
16 35,000 will also receive this instruction as part of  
17 the new annual in-service training program. And, of  
18 course, it has been incorporated into the recruit  
19 training for our oncoming police officers.

20 The training includes a highly-praised  
21 workshop called "Blue Courage." It is nationally  
22 recognized and taught in law-enforcement agencies  
23 across the country.

24 The workshop is designed to instill the  
25 leadership, cultural sensitivity, and personnel

1 values essential to policing our diverse and  
2 democratic society, but the main focus of this  
3 training is engagement.

4 The 20K training instructs officers on  
5 effectively and safely engaging suspects verbally,  
6 and, if necessary, physically. It helps officers  
7 take suspects into custody safely by using various  
8 escalating levels of force.

9 I would point out that, the NYPD, we are  
10 quite proud of this, that our officers have one of  
11 the lowest use-of-force rates in America, both in  
12 terms of firearms, but also in effecting arrests.  
13 It's something we're very proud of, that the  
14 training that they've already received is being used  
15 effectively.

16 So in addition to Blue Courage, the three-day  
17 course emphasizes two core priorities.

18 First, how to talk to a person who is  
19 initially uncooperative, with the goal of avoiding a  
20 physical confrontation;

21 And, second, how to physically restrain a  
22 suspect who continues to resist arrest without harm  
23 to that individual or the officer.

24 We believe this training gives officers  
25 additional tools for communicating with the people

1 they serve.

2 We are constantly, as a department, a  
3 professional agency, watching to see who might be  
4 doing something better than we currently do, so we  
5 are attempting to ensure that we stay abreast of  
6 modern and changing systems that might be of benefit  
7 to us and to our officers' safety.

8 I believe that this will help address both  
9 our internal and external challenges by  
10 reinvigorating officer pride and by promoting  
11 effective collaboration with the community.

12 Technology also offers a way to make both the  
13 community and our cops safer; and to that end, with  
14 the significant help of Manhattan District Attorney  
15 Cy Vance, and our mayor, Bill de Blasio, we are  
16 making a \$160 million investment, asset-forfeiture  
17 funds, in making the NYPD, this year, the most  
18 technologically-advanced department in the nation.

19 Our information-technology bureau --  
20 Jessie Tisch, our deputy commissioner, is here with  
21 me -- will soon begin distributing a smartphone to  
22 nearly every cop and a tablet to nearly every car.

23 Here, too, as with our training, we'll start  
24 with patrol officers and patrol vehicles.

25 The smartphones will contain mobile apps,

1 giving officers in the field a wealth of information  
2 they can currently only access from their desktop  
3 computers.

4 The tablets will ultimately replace the  
5 mobile digital terminals currently mounted in most  
6 patrol vehicles. Like the smartphones, these  
7 tablets will contain mobile versions of many NYPD  
8 applications currently only available at the  
9 precinct station house.

10 Unlike [unintelligible] computers, they have  
11 the advantage of being removable from the patrol  
12 car. Officers can bring them along as they respond  
13 to calls for service, and eventually be able to use  
14 them to complete necessary paperwork.

15 Between the smartphones and the tablets,  
16 officers in the field will be able to access vital  
17 information about the situations and people they may  
18 encounter no matter where the officers are; a truly  
19 lifesaving development in our profession. But,  
20 also, it will allow us to keep our officers in the  
21 field rather than having to return to the precinct  
22 station house as they so frequently now have to do.

23 We also routinely keep our officers informed  
24 of threats to police officers, whether from  
25 terrorist sources or otherwise, through advisory

1 messages distributed currently to the precincts.

2 Those messages are then related at roll  
3 calls, or, as necessary, to each daily tour of duty,  
4 or, sometimes, on radio transmissions.

5 Soon, with the mobile digital platform,  
6 distributing advisories and intelligences briefs to  
7 officers in the field will be instantaneous and  
8 ubiquitous.

9 Beyond the field, all of the department's  
10 computers are being upgraded or replaced if their  
11 useful life has ended.

12 Currently, some forms are still required to  
13 be typed, so we still do have typewriters, a few.  
14 But the vast majority of the department forms are  
15 now digitized.

16 As of December 2014, over 10,000 desktops  
17 have been upgraded or replaced, representing  
18 approximately 50 percent of the department's supply.

19 We expect to complete the process of total  
20 refurbishing and replacement by December 2015.

21 To go with these mobile devices, new  
22 desktops, every police officer will be getting an  
23 e-mail address, finally, in the twenty-first  
24 century.

25 Our information-technology bureau has tested

1 a new cloud-based e-mail system. The first  
2 [unintelligible] of department-wide e-mail began  
3 this past Monday.

4 I truly believe that the new mobile digital  
5 technology will change our department and  
6 significantly improve the safety of our personnel.

7 There's another technology that also promises  
8 to change how we police, how we work with the  
9 public, and how we work with the courts.

10 Body-worn cameras will permanently alter how  
11 credibility is weighed in the criminal justice  
12 process.

13 They will enable the full account of an  
14 instance to be recorded and reviewed, rather than  
15 the out-of-context videos we sometimes see on the  
16 Internet or the nightly news, and, they may minimize  
17 the conflict of unreconciled testimony.

18 But, body-worn cameras result in many  
19 complicated questions, both technological and  
20 otherwise. They are not a panacea that they are  
21 oftentimes represented to be.

22 We are examining issues like storage  
23 capacity, guidelines when the cameras are turned on,  
24 how long the data is stored, chain-of-custody  
25 issues, whether the images would be available under

1 the Freedom of Information Law (FOIL), and, of  
2 course, cost. That, for a department the size of  
3 the NYPD, it could potentially run into the hundreds  
4 of millions of dollars each year.

5 In collaboration with other agencies that  
6 already use this technologies, we are working to  
7 resolve these issues, and are looking forward to the  
8 benefits that the technology will provide.

9 Based on those agencies' experience, we  
10 expect we will significantly reduce the number of  
11 false claims about police encounters, whether such  
12 claims come from the citizen or from the officer.

13 We also think it will improve how the  
14 community appreciates our role.

15 At the same time, we believe it will ensure  
16 that our officers act responsibly and appropriately,  
17 which will ensure and further improve the  
18 community's confidence in police legitimacy.

19 The department has just completed the first  
20 month of the body-worn-camera pilot program.

21 Currently, 54 officers are wearing the  
22 devices in a number of our precincts, and we are  
23 looking forward to commencing a wider rollout.

24 While body cameras may help officers keep  
25 safe from -- keep them safe from false allegations,

1 a crucial item for their physical safety is the  
2 bullet-resistant vest.

3 Contrary to what you may have heard, our  
4 vests are not past their replacement cycles. Vests  
5 do have a five-year warranty period from the  
6 manufacturer, but similar to other pieces of  
7 equipment, warranty periods do not determine an  
8 item's life cycle.

9 The life cycle for a vest is significantly  
10 longer than the warranty period, assuming proper  
11 maintenance, care, design, and manufacturing,  
12 something that the department assiduously adheres to  
13 currently.

14 There are approximately 22,000 members of the  
15 department whose vests are over 5 years old.

16 Even though all of the vests are currently  
17 within our standards, the Mayor and the City Council  
18 have indicated, and will be allocating shortly, an  
19 additional \$7.3 million in this year's budget to  
20 replace all vests that are out of warranty within  
21 this calendar year. The money will also facilitate  
22 the creation of a replacement cycle.

23 We are grateful for this commitment to the  
24 safety and continued support of our officers; in  
25 that, that we will be in a position within a year

1 that, within the expiration of the warranty, we will  
2 be able to replace the vests.

3 I have an example of the new vests that we  
4 are moving toward.

5 [Holds up a vest.]

6 They are lightweight. They have detachable  
7 additional panels.

8 The vests, all custom designed. Each officer  
9 is custom-fitted for the vest.

10 So as you might appreciate, to do the initial  
11 22,000 officers, including about 6,000 officers who  
12 have a vest that does not have a side panel, that's  
13 of great concern to us. So those 6,000 officers  
14 will be the first to be fitted and given the new  
15 vests.

16 But the idea is, that we will be in a  
17 position to replace all of them with the newer,  
18 lighter-weight vests, but it cannot happen  
19 instantaneously.

20 They are manufactured after they are fitted.  
21 And talking with the various manufacturers, it will  
22 take us almost a full year to fully outfit the  
23 department with these new vests.

24 SENATOR NOZZOLIO: Is every line officer,  
25 Commissioner, in possession of a vest?

1           COMM. WILLIAM J. BRATTON: All 35,000 of our  
2 uniformed officers are.

3           We also have additional heavyweight vests,  
4 tactical vests, for our emergency-service personnel  
5 and other officers who may have to go into  
6 active-shooter-type situations, for example.

7           So, again, we are very grateful to the  
8 City Council and to the Mayor for the quick  
9 turnaround on this item when it was raised by our  
10 unions recently.

11           Now that we have discussed some of the ways  
12 in which the City and police department are working  
13 to enhance police safety and public protection, we  
14 would like to discuss some of the ways that our  
15 elected officials, yourselves, might be able to help  
16 in this effort, and I thank you for your attention  
17 to this.

18           First, there's a proposal currently being  
19 discussed that would require police vehicles to be  
20 retrofitted with bulletproof glass.

21           While we appreciate the concern for officer  
22 safety that has inspired this proposal, we do not  
23 believe that it would be prudent or workable to do  
24 so.

25           It would cost [unintelligible], we

1 understand, approximately \$50,000 per vehicle to  
2 retrofit with bulletproof glass. With approximately  
3 8300 vehicles in our fleet, 2800 of which are  
4 marked, costs, as you might appreciate, are of  
5 significant concern.

6 Two additional significant concerns are that  
7 the bulletproof window would only be able to be  
8 opened a few inches, and the glass would not be in  
9 compliance with the current highway safety  
10 standards.

11 A police vehicle must have breakable,  
12 crash-tested glass which is actually safer for the  
13 officers.

14 Bulletproof glass is not crash-tested, and an  
15 officer trapped in a vehicle would not be able to  
16 get out by breaking the vehicle.

17 Reality is, also, our officers are in and out  
18 of those vehicles. They're out of vehicles more  
19 than they're in.

20 When they're in the vehicles, oftentimes,  
21 they have the windows are down so they can hear  
22 what's going on around them as they interact and  
23 engage with citizens.

24 So, while it's a -- what would appear to be  
25 an excellent idea, cost-wise it's not feasible.

1 But, also, day-to-day police work would just not  
2 warrant its practicality.

3 And, so, we would respectfully discourage  
4 moving too far along in that direction.

5 Alternatively, if State funding were made  
6 available, it might be worthwhile to explore  
7 installing ballistic panels inside vehicle doors to  
8 provide an additional measure of protection.

9 My seven years with the LAPD, every marked  
10 LAPD vehicle have these ballistic panels, so that  
11 when officers do traffic stops, they can open the  
12 door, and, from the waist, down, they have that  
13 additional protection available to them, and it has  
14 frequently helped.

15 There's also the ability to also put  
16 ballistic panels on the dashboard of a vehicle to  
17 help if a round is coming through the windshield of  
18 the vehicle.

19 We've also discussed the possibility of  
20 retrofitting the vehicles with air-cooled seats,  
21 somewhat easing the discomfort of officers wearing  
22 bullet-resistant vests which can be become  
23 uncomfortably hot as one sits in the car.

24 I recently had a vehicle, before coming back  
25 into the public sector, that had those type seats,

1 and they are really quite an enhancement.

2 We would further be pleased -- we would be  
3 pleased to discuss these alternatives further.

4 Second, there are many gaps in the law which  
5 need closing, and many opportunities for new  
6 legislation that would help protect law enforcement,  
7 many of these you're already aware of.

8 Our primary goal is not punishing offenders,  
9 but deferring dangerous and problematic conduct. We  
10 are really focused on the prevention aspect of it.

11 We would like to offer a few thoughts for  
12 your consideration, and then I will close for your  
13 questions.

14 This is by no means comprehensive, but it  
15 does provide several ideas we believe deserve  
16 further attention.

17 We recommend increasing penalties related to  
18 violence and threats against our law-enforcement  
19 officers.

20 For example, it's a Class C felony to cause  
21 serious physical injury to a police or peace officer  
22 with the intent to prevent the officer from  
23 performing a lawful duty, but there is no higher  
24 penalty if the officer dies.

25 We believe that, in such a case, the crime

1 should be Class B felony.

2 We also recommend that assault against a  
3 school safety agent or an auxillary police officer  
4 should be upgraded from a misdemeanor currently, to  
5 a felony, as has been done for other public  
6 servants, such as traffic-enforcement agents, train  
7 conductors, and social workers.

8 Regarding the unlawful wearing of a  
9 bullet-resistant vest, it is currently an E felony,  
10 but only if the offender wears the vest while  
11 committing a violent felony offense and being armed  
12 with a firearm.

13 We believe this prohibition should apply  
14 under other circumstances as well, where the  
15 offender has had a prior conviction for a violent  
16 E felony offense, or, where the offender possesses a  
17 deadly weapon, ammunition, or imitation firearm, or,  
18 where the offender is committing any degree of  
19 assault or reckless endangerment with a dangerous  
20 instrument.

21 With respect to general issues of officer  
22 safety, we have four specific proposals.

23 We recommend making it a Class A misdemeanor  
24 to disclose personal identifying information about a  
25 police officer or a peace officer for no legitimate

1 purpose, knowing that such conduct may cause  
2 reasonable fear or material harm. This would  
3 address the posting of officers' home addresses and  
4 details about their lives on the Internet as a  
5 threatening or harassing tactic.

6 We also recommend making the identity of an  
7 undercover officer confidential, under the  
8 Civil Rights Law, in creating a presumption that  
9 disclosure of an undercover officer's identify would  
10 endanger the officer or compromise the officer's  
11 effectiveness.

12 This would protect the under cops --  
13 undercover officer's identify, and ensure that the  
14 officer would be able to testify under his or her  
15 shield number rather than having to provide his or  
16 her name.

17 One of the most dangerous aspects of  
18 conducting a car stop occurs when an officer cannot  
19 see inside the vehicle because of blacked-out  
20 windows. This is a particular pet peeve of mine.

21 We propose that the law prohibit the  
22 installation of window-tinting on vehicles exceeding  
23 lawful limits, with a further requirement that  
24 measurement of window-tinting be made part of the  
25 annual vehicle inspection.

1           I know there's concerns about, the inspection  
2           stations, presenting another burden on them, but  
3           from an officer-safety standpoint, the millions of  
4           car stops that are conducted by the thousands of  
5           officers in this city and this state, we owe them an  
6           additional level of security as they approach these  
7           vehicles. It increases their danger, increases  
8           their fear, significantly when they cannot see into  
9           that vehicle.

10           Also relating to vehicles, we recommend that  
11           the law be changed to eliminate the monetary  
12           threshold, currently \$250, for a felony charge of  
13           criminal mischief when the vehicle damage is an  
14           emergency vehicle. Any intentional damage done to  
15           an emergency vehicle should receive a serious  
16           penalty, notwithstanding the cost of repairs.

17           And our last legislative proposal is a  
18           suggestion to protect not only law enforcement, but  
19           the general public.

20           We recommend enacting a law specifically  
21           protecting the confidentiality of information  
22           relating to the security or protection of critical  
23           infrastructure.

24           Blueprints and other information about iconic  
25           buildings and critical infrastructure should be

1 protected from disclosure.

2 Beyond these legislative proposals, we have  
3 identified several instances in which additional  
4 funding could help support our officers and enhance  
5 public safety.

6 As you work through the budget process, we  
7 would appreciate you considering these initiatives.

8 We are -- in the interest of time, I have  
9 additional testimony, but it has been provided to  
10 you in written form, and so I will close my remarks  
11 prior to reading the full content, and in the  
12 interest of allowing you to get to the questions I'm  
13 sure that you would seek to ask.

14 Thank you so much for the opportunity to  
15 present before you this morning.

16 SENATOR NOZZOLIO: Thank you for this  
17 outline, Commissioner.

18 Senator Golden.

19 SENATOR GOLDEN: Thank you, Commissioner, and  
20 thank you my colleagues, for being here today, and  
21 all in attendance in this room today.

22 This is going to be more of a dialogue  
23 between us and you, and how we can effectively help  
24 to move our departments here in the city and across  
25 the state, and give them opportunities, whether it

1 be on equipment, whether it be manpower, whether it  
2 be morale, whether it be some of the issues that  
3 have been pointed out in the different cases across  
4 the country where we have a divide within our city,  
5 or a perception of a divide within our city.

6 Within the New York City Police Department  
7 itself, where we have an inspector general, we have  
8 internal affairs, department of investigations.

9 And now we understand the opportunities in  
10 the Governor's package to put in a moving away from  
11 an area that would cause some, I think, a two-tiered  
12 system here in the state of New York: one for the  
13 cops and one for the bad guys.

14 But I understand we're moving closer to a  
15 monitor that is being talked about, that would be  
16 another area of oversight on [unintelligible] in the  
17 police department.

18 COMM. WILLIAM J. BRATTON: We have a lot of  
19 cooks in the kitchen.

20 SENATOR GOLDEN: Pardon me?

21 COMM. WILLIAM J. BRATTON: We have a lot of  
22 cooks in the kitchen.

23 SENATOR GOLDEN: Yes.

24 And, how do you build morale?

25 How does morale continue to build?

1           And if we have, the stop-and frisk is down,  
2 we see the racial-profiling bill, we see all of the  
3 cooks in the kitchen, how are we to build that  
4 morale?

5           And, how are we to build the community, and  
6 bring that divide together?

7           How are we to do that, Commissioner?

8           COMM. WILLIAM J. BRATTON: Morale is always  
9 of importance to our -- any police leaders.  
10 Certainly, it has always been foremost in my mind in  
11 my 40-some-odd-year career.

12           And, there's no denying that, for a wide  
13 variety of reasons, morale in the department, in  
14 general, is not where we would like it to be.

15           It does vary, officer to officer, assignment  
16 to assignment, that, the issues of the impending  
17 increased oversight.

18           The inspector general, who is already on  
19 board, has already begun to start working with us on  
20 policy-and-procedure review; the federal monitor  
21 relative to the "stop, question, and frisk" issues;  
22 some of the increased role of responsibility of  
23 CCRB; my policy, and that of the leadership team of  
24 the department, has been to work collaboratively  
25 with each of these entities, understanding that they

1 exist, they're not going away, and better to try to  
2 work with them so that the work that they do ends up  
3 beneficial to the men and women of the department  
4 and to the public we serve.

5 Those relationships at this time are actually  
6 very good. We have spent a lot of time over the  
7 last year working with them, giving them access to  
8 the department. And, I believe that there is the  
9 ability to work with them.

10 It's a fact of my life. I cannot change it.

11 I come to this position with the experience  
12 of the LAPD where I did have an inspector general.  
13 I had a police commission that I reported to.

14 I also had a federal monitor; the  
15 largest federal monitorship in the history of the  
16 United States for a police agency.

17 And those seven years ultimately ended up  
18 with significant benefit, although also significant  
19 cost, in terms of dollar cost, for the department.

20 So we will attempt to work with that  
21 oversight in a way that it builds morale rather than  
22 works against it.

23 To that end, I think that we are clearly  
24 seeing that, in recent days, that the city  
25 government is conscious of the need to support our

1 officers and the risks they put themselves to.

2 On Friday there was an article in one of the  
3 local papers reporting on a case, in which an  
4 officer who had been attacked by an individual with  
5 a machete, shot the individual.

6 Our internal investigation showed no  
7 wrongdoing. If nothing else, exceptional work  
8 performance on the part of the officers involved.

9 But the City, continuing a policy that had  
10 been in place for many, many years, the City Law  
11 Office, was considering that as a nuisance  
12 complaint, and settled it for \$5,000.

13 I was outraged when I read that article.

14 The Mayor also what was.

15 And working together very quickly with the  
16 City attorney, the Mayor changed that policy very  
17 quickly; that there will be the hiring of  
18 20 additional attorneys in the City Corporation  
19 Office, very specifically, to fight every suit  
20 that's levied against a New York City police  
21 officer.

22 SENATOR GOLDEN: We think that should have  
23 been done a long time ago, Commissioner.

24 COMM. WILLIAM J. BRATTON: It should have  
25 been done 20, 30 years ago.

1           SENATOR GOLDEN: We applaud you on that.

2           COMM. WILLIAM J. BRATTON: I addressed this  
3 issue 20 years ago.

4           SENATOR GOLDEN: It's cost this city already,  
5 and the State, it's just unbelievable, and it  
6 shouldn't have been to this point.

7           COMM. WILLIAM J. BRATTON: I'm using that as  
8 an example, Senator, of, I'm finding that, as we're  
9 going forward, that with the mayor I'm working for,  
10 hopefully, as we start dealing more with the  
11 City Council, as they mature, that we will be able  
12 to address a lot of the issues that are of great  
13 concern to our personnel relative to their  
14 indemnification --

15           SENATOR GOLDEN: The morale issue, though,  
16 going back to that for a second, Commissioner, we do  
17 have a problem, because we see a -- and I don't  
18 think it's the morale that's doing it. I just think  
19 you just see an increase in crime.

20           And I think the last 28 days on the CompStat  
21 show there's an increase in crime.

22           Now, if murder is going up, rapes are going  
23 up, robberies are going up, there's a problem. And  
24 it's not just in the morale, but it's also on our  
25 streets, whether it's the gangs or in our

1 communities.

2 But we have a definite problem.

3 Maybe you can expand on that a little bit.

4 COMM. WILLIAM J. BRATTON: We actually don't  
5 have a crime problem in New York City, I beg to  
6 differ with you, sir.

7 I know you represent the city, but we don't.

8 The murder and shooting increase that we  
9 experienced in January, as we're going into  
10 February, that increase is already decreasing; and,  
11 so, the figures that we reported as recently as last  
12 week are already down.

13 Crime in the city is at historic low levels.  
14 Has the potential to go even further.

15 So crime is not a significant issue in this  
16 city. Certain areas of the city it is.

17 But I think that would be -- to make that  
18 statement, it's a detriment to the hard work of the  
19 men and women of this department over the last  
20 20-some-odd years.

21 SENATOR GOLDEN: That wasn't the intent of  
22 it.

23 COMM. WILLIAM J. BRATTON: No, I understand  
24 that. But the --

25 SENATOR GOLDEN: The intent of it was, the

1 last 28 days, the CompStat has gone up. Your crime  
2 has gone up, Commissioner.

3 COMM. WILLIAM J. BRATTON: You're making a  
4 representation that is not accurate, that this  
5 city --

6 SENATOR GOLDEN: Well, we had don't have --  
7 the latest date that I have here is the last  
8 28 days --

9 COMM. WILLIAM J. BRATTON: We have it as of  
10 this morning.

11 SENATOR GOLDEN: -- 1/25.

12 So we're going to be back here in March, so  
13 we'll -- hopefully, we want you to be right. We  
14 don't want you to be wrong. We don't want the crime  
15 to go up.

16 COMM. WILLIAM J. BRATTON: Well, believe me,  
17 on this stuff, I'm always right.

18 SENATOR GOLDEN: We want to make sure that  
19 the crime continues to come down.

20 COMM. WILLIAM J. BRATTON: And it will.

21 SENATOR GOLDEN: And that's why we're  
22 thinking and focusing on these different issues.

23 And another one is going to be your baby  
24 which was created, and that's the actual, you know,  
25 broken-windows theory.

1           The -- I don't know whose office that is, the  
2           IG or the -- is coming out with a report, that was  
3           supposed to come out in December, on the  
4           twenty-first-century broken-window theory.

5           Is there going to be a change in the  
6           broken-window theory, do you think? Or is the  
7           broken-window been a tremendous success over the  
8           years?

9           COMM. WILLIAM J. BRATTON: The mayor and  
10          I are both strong advocates and supporters of it.

11          The amount of it that's utilized varies,  
12          neighborhood to neighborhood, time to time,  
13          depending on circumstances.

14          I think some of the issue is, it's been  
15          confused with the "stop, question, and frisk" issue.

16          They're two very different areas of the law.

17          Stop, question, and frisk is reasonable  
18          suspicion.

19          Quality-of-life, "broken-windows," is  
20          probable cause, where an officer actually sees an  
21          offense being committed and takes a police action;  
22          summons, or arrest for that action.

23          Stop, question, and frisk is a lesser  
24          evidentiary standard.

25          So, there are those that were leading the

1 charge against stop, question, and frisk, that would  
2 like to co-join it with broken-windows, but they're  
3 two different issues, totally.

4 And the Mayor has been demonstratively  
5 supportive of continuing that.

6 And as long as I'm Police Commissioner of the  
7 city of New York, it will be a priority of this  
8 department to enforce broken-windows.

9 SENATOR GOLDEN: Stop-and-frisk does work,  
10 and you agree to that.

11 Stop-and-frisk, when you believe there is  
12 somebody that may endanger and give certain  
13 [unintelligible] or certain signs to a police  
14 officer that this person may be dangerous to him or  
15 to others in the community.

16 With the dropping in the stop-and-frisk, do  
17 you see a problem with that?

18 COMM. WILLIAM J. BRATTON: I do not.

19 I was one of those that, prior to my  
20 appointment, criticized the level of it. I felt it  
21 was too high --

22 SENATOR GOLDEN: We agree.

23 COMM. WILLIAM J. BRATTON: -- for the crime  
24 situation in the city.

25 I think my predecessor also supported that;

1 in that, during his time, Commissioner Kelly,  
2 starting in 2010, from when it peaked at 700,000.

3 Prior to his leaving last year, the numbers  
4 of stop, question, and frisk had declined by several  
5 hundred thousand already, while crime continued to  
6 go down.

7 Last year we had fewer than 50,000 stops.

8 Crime went down once again to historic low  
9 levels.

10 But interestingly enough, with fewer stops,  
11 the number of summonses and arrests that were being  
12 made increased, the percentage; so that we were  
13 stopping fewer people, but we were more frequently  
14 stopping the right people, as evidenced by the  
15 arrests and summonses we were creating.

16 SENATOR GOLDEN: Okay, I want to move over to  
17 one other area, because I want to give opportunity  
18 for my other colleagues here: the protests.

19 We talked about communities that believe they  
20 might be disturbed as well; and others that believe  
21 that our policy on allowing these protests is to  
22 leave the permanent area and to march through the  
23 streets, without being arrested, without being  
24 stopped.

25 There is a concern in communities that we

1 represent, that this is just going to be a practice  
2 that's going to continue.

3 Or, are we going to, under -- I understand,  
4 an announcement you made the other day, there's  
5 going to be a new unit established. There will also  
6 be a separate unit that will deal with the  
7 protesters.

8 Are we going to have a practice within NYPD  
9 that's going to, you know, keep these people within  
10 their permitted area?

11 And if they get outside of that permit area,  
12 are they going to be arrested?

13 And, if they cause injury to civilians and to  
14 police officers after they leave that permanent  
15 area, should we be looking at legislation that would  
16 increase penalties for people that would leave the  
17 permitted area and cause these injuries to  
18 civilians, and shut these businesses down, and shut  
19 down the city of New York?

20 COMM. WILLIAM J. BRATTON: I'll ask  
21 Chief O'Neill, chief of the department, that -- who  
22 was out every day during the period of time when the  
23 protests were very active, the various  
24 demonstrations, to speak to you relative to your  
25 question about the policies of the department, and

1       how we monitor and deal with demonstrations; the  
2       various demonstrations that are occurring in the  
3       city at any given time.

4               So, Jim, if I could ask you to speak to that?

5               POLICE CHIEF JAMES O'NEILL:    Sure.

6               SENATOR GOLDEN:    Thank you, Commissioner.

7               POLICE CHIEF JAMES O'NEILL:    Hello, Senator.

8               SENATOR GOLDEN:    Chief.

9               POLICE CHIEF JAMES O'NEILL:    I was intimately  
10       involved in the process from November 24th, forward,  
11       and the policy we had was, we did use restraint.

12               It was our opinion that these protests were a  
13       little bit different.

14               I have handled many protests in the past.

15               I did the World Economic Forum.  I did the  
16       RNC.  I did some OWS.

17               But these protests, a lot of it was directed  
18       towards the police department, so we didn't want to  
19       be the flashpoint.

20               We did show a tremendous amount of restraint.

21               And we did have tremendous resources that we  
22       put towards these protests every night; upwards of  
23       3,000 police officers on the very busy days.

24               The idea was, that people have an absolute  
25       right to protest.  And as long as they were not --

1       there was no civil disorder, we were going to let  
2       them march. And then, at the end of the day, they  
3       would dissipate and people went home.

4               Absent a few -- a few: Staten Island Ferry,  
5       Brooklyn Bridge, and I think at 14th and 8th --  
6       absent a few incidents, I think we did remarkably  
7       well. And there were no injuries -- very few  
8       injuries to police officers and very few injuries to  
9       the people involved in the process.

10              SENATOR GOLDEN: Should we look at  
11       legislation, though, that if they break outside of  
12       that perimeter and they cause physical injury, or  
13       serious physical injury, to a civilian or to a  
14       New York City police officer or other  
15       law-enforcement official, should we look to enhance  
16       penalties?

17              POLICE CHIEF JAMES O'NEILL: I think the  
18       penalties that we have with -- when we're dealing  
19       with assaults on police officers are fine, but they  
20       have to be -- the district attorneys have to fully  
21       prosecute them.

22              SENATOR GOLDEN: The last question, and then  
23       to my colleague: What is manpower on the street?

24              What is the actual number of police officers  
25       in uniform on the streets in the city of New York

1 today in any given --

2 COMM. WILLIAM J. BRATTON: I'll ask Jim to  
3 give you specifics on that.

4 There are not enough, being quite frank with  
5 you.

6 SENATOR GOLDEN: What is enough?

7 I remember when you were the commissioner, we  
8 had forty-something-thousand police officers, and  
9 that's not including rank.

10 COMM. WILLIAM J. BRATTON: Something that's  
11 not widely known or appreciated, that, right after  
12 9/11, that the department was at a record high:  
13 41,000.

14 When I was commissioner back in '95, we had  
15 38,310. That was a direct result of Mayor Dinkins'  
16 Safe-Streets Initiative.

17 I'm currently looking at a workforce of under  
18 35,000.

19 So something not widely recognized, was the  
20 department declined by over 6,000 officers over the  
21 last 12 years, even as 911 calls increased by a  
22 million, even as the new threats of terrorism  
23 exploded after 9/11.

24 We now have over a thousand officers. And  
25 I'm about to put 350 more into

1 counterterrorism-specific issues.

2 311 was not in existence prior to 9/11. That  
3 generates a significant number of calls for the  
4 department.

5 So we are in discussions that -- as we always  
6 are, with the political leadership of the city, the  
7 Mayor and the City Council, as to what a more  
8 appropriate staffing figure might be.

9 Chief O'Neill has been working, along with  
10 his people, on a very fine-tuned CAT scan, if you  
11 will, of the department.

12 We've already begun summary organization to  
13 maximize people we already have.

14 Before I go hat in hand looking for more,  
15 I need to be in a position to justify what I'm doing  
16 with what I already have. And I think we are in  
17 that position.

18 But, again, these are always ongoing  
19 discussions, and concerns with budget.

20 And at the same time, with the workforce we  
21 have, as we clearly saw last year, that we were able  
22 to continue the 21-year trend of reducing crime  
23 every year in the city. And we fully expect that  
24 will occur again this year with what we have.

25 SENATOR GOLDEN: So how many men do we have

1 on the street on a given day?

2 COMM. WILLIAM J. BRATTON: Jim, if you could  
3 speak to that, please?

4 POLICE CHIEF JAMES O'NEILL: At any one time,  
5 on any one tour, it's approximately 400 cars out.

6 We have 77 precincts, and each precinct turns  
7 out, roughly, between 5 or 6 cars.

8 SENATOR GOLDEN: If we have a protest, we  
9 pull from those precincts?

10 How -- what do we do with those --

11 POLICE CHIEF JAMES O'NEILL: There are  
12 other -- Senator, as you know, there are other  
13 personnel in the precinct besides the people that  
14 are assigned to sector cars.

15 So, if we do have a protest, we do pull  
16 people from the precincts, we do pull people from  
17 narco.

18 SENATOR GOLDEN: It's important that the  
19 protestors know that they're going to be arrested,  
20 so we don't keep on dragging this manpower into the  
21 city of New York or around the city, and that we get  
22 the ability to police the city in an appropriate  
23 manner.

24 I think you've done a great job, and you  
25 continue to do a great job, and I applaud you for

1 that, Commissioner, and your rank-and-file, but, we  
2 need to get more accomplished.

3 And I want to thank you for being here today.

4 I hope I get another chance to go around, but  
5 there's a lot of colleagues here today.

6 SENATOR NOZZOLIO: That's the concern that  
7 we've had: As you have to deploy more and more  
8 people to manage -- or, more officers to manage  
9 protesting, what does that do to dilute the strength  
10 of the police department?

11 I think that's certainly a concern.

12 One of the issues that I would like your  
13 opinion on is, currently before, let's say  
14 Legislature, discussions about upping the penalties  
15 for resisting arrest.

16 It's one aspect of protesting, certainly, to  
17 be arrested as part of the official protest.

18 Then it's another aspect of resisting arrest.

19 And, of course, we've had other issues  
20 regarding resisting arrest.

21 We're considering raising, currently, from a  
22 Class A misdemeanor, to a felony, for resisting  
23 arrest.

24 What's your opinion of that?

25 POLICE CHIEF JAMES O'NEILL: You know,

1 anything we can do to prevent our police officers  
2 from being assaulted I would definitely be in favor  
3 of.

4 We are in a process of doing a study on  
5 people we've locked up for resisting arrest and  
6 assaulting police officers, to see, actually, how  
7 they progress in the court.

8 SENATOR NOZZOLIO: It will be interesting to  
9 see how this training that the Commissioner  
10 mentioned, particularly the training for 20K and  
11 other types of other instruction to police officers,  
12 will be effective in encouraging people not to  
13 resist arrest, and, I guess, the issue of the cost.

14 Commissioner, do you have an idea of the cost  
15 of that additional training?

16 COMM. WILLIAM J. BRATTON: The training  
17 budgeted for this year, 2015, calendar 2015, is  
18 approximately \$35 million, that will allow for the  
19 training of the approximately 22,000 officers who  
20 routinely work in the field.

21 Going back to your question about laws  
22 relative to resisting arrest, I'm very supportive of  
23 the idea of increased penalties; that there is no  
24 right to resist arrest.

25 The Mayor stated that. I've stated it quite

1 clearly.

2 And, we have many -- too many instances in  
3 which arrests are, in fact, resisted.

4 In 2014, out of 388,000 arrests, we had 1839  
5 complaints of assaults on police officers, virtually  
6 the same as 2013.

7 I am going to be meeting with the district  
8 attorneys of -- the five district attorneys,  
9 however, that we're going start CompStat'ing that  
10 particular situation, because, in the vast majority  
11 of these instances, there are no charges filed. In  
12 some respects, it's a "get-out-of-free-jail card" to  
13 assault an officer.

14 We need to do a better job on our end, giving  
15 the district attorneys the evidence they need to  
16 help going forward with the prosecution, which we  
17 will attempt to do.

18 But at the same time, we are hoping that with  
19 that additional support from us, they are able to  
20 move forward on these approximately  
21 2,000 individuals who, each year, assault our  
22 officers.

23 I'd point out that, in 2014, there were  
24 7,058 instances of force used during arrest. That's  
25 a 16.5 percent drop from 2013. That force is

1 oftentimes to deal with people who are resisting us.

2 And, in 2014, there were 2892 officers  
3 injured during arrest, which was also a 15 percent  
4 drop from 2013.

5 So, we have several things going for us.

6 The officers are using less force when they  
7 are making arrests. They are being injured less  
8 frequently. But we still have too many people that  
9 are resisting arrest, potential of injury to  
10 themselves, as well as our concern of injury to our  
11 officers.

12 So an enhancement of penalty, and, on our  
13 part, an increased effort to work with our district  
14 attorneys to make better cases to protect our  
15 officers.

16 SENATOR NOZZOLIO: Commissioner, the numbers  
17 you cited earlier regarding crime statistics, in  
18 your response to Senator Golden's questions, if you  
19 would be so kind as to share those numbers with the  
20 Committee, and so that they can review.

21 Senator Marcellino in particular wanted those.

22 Before turning this over to Senator Gallivan,  
23 I want to thank the additional Senators who have  
24 arrived since your testimony began.

25 On my far left is Senator Andrew Lanza. He

1 represents Staten Island. He is Vice Chairman of  
2 the Senate Codes Committee.

3 Senator Croci is Chair of the  
4 Homeland Security Committees.

5 Senator Ruth Thompson --  
6 Ruth Hassell-Thompson.

7 Always nice to see you, Ruth.

8 And, Senator Diaz.

9 Question, Senator Gallivan.

10 SENATOR GALLIVAN: Thank you, Senator.

11 Good afternoon, Commissioner.

12 Thanks for being here, and thanks for the  
13 work that you and, of course, your entire department  
14 does.

15 The Governor recently had several  
16 "criminal justice reform" proposals that he put out  
17 in his State of the State.

18 And early on in your testimony, you talked  
19 about, and the phrase I think is a very appropriate  
20 one, is "there are too many cooks in the kitchen."

21 One of the Governor's proposals, though, adds  
22 another level of review: an independent monitor that  
23 would review all cases where a police officer uses  
24 deadly force against an unarmed person.

25 And I would like to hear your thoughts about

1 that proposal.

2           COMM. WILLIAM J. BRATTON: Well, in the case  
3 of the city of New York, we already have, as you've  
4 clearly articulated, a significant level of review.

5           We have five very highly qualified district  
6 attorneys who, in instances of this matter, are not  
7 shy about investigating.

8           We have two U.S. attorneys who also, if it  
9 rises to the level of a federal offense, are not shy  
10 about entering into it.

11           We now have the inspector general who has the  
12 ability to review all of our policies and procedures  
13 in all of these instances.

14           And, in the case of the federal monitor, that  
15 federal monitor has a pretty wide purview relative  
16 to issues arising out of our "stop, question, and  
17 frisk" practices.

18           So, what the Governor is appropriating, I'm  
19 not intimate with some the details of the initial  
20 proposal, but, for the case of the city of New York,  
21 that it would seem to me, initially on its face,  
22 that it's another level on top of what I would  
23 describe as already sufficient levels.

24           I also have a very aggressive and very  
25 skilled internal affairs and disciplinary system

1 within the department to handle a lot of these types  
2 of matters.

3 SENATOR GALLIVAN: Another proposal of the  
4 Governor's would require a municipal police-training  
5 council to establish a model policy on use of force,  
6 and then mandate that all departments, statewide,  
7 including NYPD, follow their use of force.

8 Of course, you can impose further  
9 restrictions, according to the Governor's proposal.

10 Do you have thoughts on that?

11 COMM. WILLIAM J. BRATTON: Once again, that  
12 those levels of oversight, each of them has that  
13 responsibility currently.

14 So what I would worry about is the dueling  
15 recommendations, even with the idea of the provision  
16 that the state one would be the overriding or  
17 compelling one. The feds may have some issues of  
18 concern with that.

19 I also think that the idea of, you need to  
20 leave some room for individual discretion at the  
21 local level; that one size does not necessarily fit  
22 all issues of all types of incidents.

23 SENATOR GALLIVAN: If we can go back to  
24 broken-windows, I know that you talked about it a  
25 little bit previously, but I'd like to talk about

1 it, and look at, in the past, and compare it to now.

2 So if we can go back in time to your first  
3 tenure as commissioner.

4 Of course, we all know the problems that  
5 New York City faces related to high levels of crime:  
6 people afraid to come here, people to walk across  
7 the street, the "squeegee men," and all of those  
8 different things.

9 So can you just talk about what the theory  
10 is. Go a little bit further than you did before.

11 Talk about what that was, and how you came to  
12 implement it in your first tenure 20 years ago.

13 COMM. WILLIAM J. BRATTON: The theory is  
14 pretty simple.

15 It's, oftentimes, we use the idea of a weed  
16 in a garden.

17 You have a beautiful garden. If you neglect  
18 to pull the weeds, eventually the weeds will kill  
19 even the strongest tree.

20 I would describe New York City as the perfect  
21 example of that.

22 In the '70s and '80s, that, as the city  
23 went through numerous fiscal crises, social-policy  
24 changes; in the '70s and '80s, reductions --  
25 significant reductions in the size of the police

1 force.

2 For a period of time in the 1970s, the size  
3 of this police force was 19,000 officers.

4 I don't know how Bob McGuire, the police  
5 commissioner at that time, managed to deal with the  
6 craziness that was going on in that city at this  
7 time.

8 But just take one example: the subway car.  
9 6,000 subway cars in the system.

10 Starting back in the late '60s, 1970s,  
11 somebody made the decision they were no longer going  
12 to deal with graffiti. And by the end of the  
13 decade, every one of those 6,000 cars was totally  
14 covered, inside and out.

15 Didn't make the passengers feel too safe or  
16 secure, the idea that nobody was protecting against  
17 that graffiti.

18 Bob Kiley, when he became head of the MTA, he  
19 and Ben -- Mr. Gunn, head of the transit authority,  
20 made it a very visible effort to get rid of that  
21 graffiti, and succeeded.

22 And to this day, you will almost never see  
23 graffiti on our subway cars.

24 If you do, by the time the train gets to the  
25 end of the line, it's pulled out of service so it's

1 cleaned.

2 They even went so far in the 1980s of having  
3 a 10-car train that was painted totally white as an  
4 example that you could, in fact, do that.

5 I can remember the sanitation trucks in the  
6 city in 1990, many of them which are painted white.  
7 You wouldn't know it because they were totally  
8 covered with graffiti.

9 So even the city entity responsible for  
10 cleanliness had succumbed to broken-windows;  
11 neglect.

12 And the one I dealt most effectively with, as  
13 an example, fare evasion.

14 250,000 people in 1990 not paying the fare.

15 A buck fifteen, theft of service, who cares?  
16 Why bother with it?

17 Well, that was \$80 million of tax revenue  
18 lost to a desperately-starved-for-funding transit  
19 system, that could be used for station improvement  
20 or equipment purchase.

21 But just the sense that that gave, that  
22 nobody's in charge, nobody cares.

23 And the idea, technically, it's a victimless  
24 crime? A buck fifteen, theft of service --

25 I remember when the fare was a buck fifteen.

1 Now it's a lot higher.

2 -- who's the victim?

3 Well, it's the authorities, so who cares?

4 Well, the problem is, the community ends up  
5 the victim.

6 So that's why I'm such a strong proponent of  
7 it.

8 And something that needs to be understood, is  
9 the vast majority of the broken-windows policing  
10 that we do in this city, that I did in Los Angeles  
11 or Boston, is we are responding to calls for  
12 service; somebody who calls, "A group of kids  
13 hanging in my hallway, smoking dope," "There's a guy  
14 urinating in my front doorstep," "There's a  
15 prostitute working on my corner every night."

16 When you look at our 911 workload, and you  
17 look at the calls for service, the significant  
18 majority of them are quality-of-life incidents.

19 And if we don't take care of it, the police,  
20 who's going to take care of it?

21 So we go where people ask us to go. We  
22 address the issues they ask us to address.

23 And, ironically, where do we get the bulk of  
24 our quality-of-life calls?

25 In the poor minority communities that,

1 unfortunately, are afflicted most frequently by  
2 those broken-window types of crimes and offenses.

3 SENATOR GALLIVAN: Is the application of that  
4 theory the same now, 20 years later, or are there  
5 things different about it now?

6 COMM. WILLIAM J. BRATTON: Well, if you're --

7 SENATOR GALLIVAN: I'm sorry.

8 As practiced by the department.

9 COMM. WILLIAM J. BRATTON: -- if you're  
10 successful at it, there's less need to do it.

11 For example, we no longer have 250,000 fare  
12 evaders every day.

13 Actually, the transit authority stopped  
14 counting the number of fare evaders because it cost  
15 more to count them, because they became so few.

16 So that, today, you may see fare evasion in  
17 the subway system, but not like lemmings rushing to  
18 the sea, as we saw in the early 1990s.

19 So that the level ebbs and flows; that,  
20 depending on the complaints we receive or the  
21 conditions we're addressing.

22 The squeegee pests, for example, when we went  
23 after them in the 1990s, it took us all of about  
24 2 days to get rid of them. There were about 90 of  
25 them, and there were 38,000 of us, so the odds were

1 in our favor.

2 You might occasionally see one on the front  
3 page of the "New York Post" that pops up from here  
4 to there. But, basically, as fast as they pop up,  
5 we're able to get rid of them; and, so, you don't  
6 see a tolerance for them that, eventually, they're  
7 all over the place once again.

8 SENATOR GALLIVAN: So you'd agree, I believe,  
9 and correct me if I'm wrong on that, that, if not  
10 the police, who?

11 So it becomes necessary to respond to the  
12 quality-of-life issues; whether it is the squeegee  
13 men, whether it is the selling of individual  
14 cigarettes, whether it's people yelling and  
15 screaming on the street, whether it's graffiti.

16 In the first instance, that's a call that  
17 goes to nobody but the police.

18 COMM. WILLIAM J. BRATTON: It has to go to  
19 the police.

20 There's a -- one of the City Council members  
21 had an editorial in the "Daily New" the day before  
22 yesterday.

23 I had a response today.

24 And one of his suggestions was that: Well,  
25 the police don't have to enforce this. Why don't we

1 have somebody else do it?

2 Well, the reason we have to enforce it is the  
3 nature of the offenses. That, you put an unarmed  
4 person, they're trying to correct that behavior, or,  
5 somebody that doesn't have the authority of power of  
6 arrest, you can imagine the response that they're  
7 going to receive.

8 The reason the police are asked to enforce  
9 these laws is, you are very familiar with it, you're  
10 lawmakers.

11 When you pass a law, you criminalize it, or,  
12 you make it something the police have to respond to,  
13 for the purpose that we have the authority, the  
14 power, the training, to enforce it, and to enforce  
15 it appropriately within the law.

16 If you don't like something, well, then, get  
17 rid of the law.

18 I'd like to have to do a lot fewer things  
19 than we currently do; but, since they are laws, and  
20 since people complain, we have to go and we have to  
21 deal with it.

22 SENATOR GALLIVAN: Should there be a time  
23 that the police do not enforce the law?

24 COMM. WILLIAM J. BRATTON: No.

25 There's a time -- if I may expand on that,

1 there's a time when, at all times, police discretion  
2 can be used.

3 In some instances, we cannot use discretion  
4 when mandated.

5 Domestic-violence incidents, for example;  
6 drunk driving; you would not want us to utilize  
7 discretion, which we did utilize in the past and  
8 oftentimes abuse.

9 So one of the reasons that a lot of our calls  
10 for domestic violence, the increase in arrests in  
11 that category is because it has been mandated that  
12 we make arrests there, which you would want us to do  
13 to try and deter that problem.

14 But what we give our officers is discretion.  
15 And quality-of-life, oftentimes, can be dealt with  
16 with an admonition.

17 Guy drinking the beer on the corner, you  
18 know, "Get rid of it."

19 But, you come back two hours later, he's back  
20 drinking again, well, you can move it then up to  
21 summons.

22 And if that doesn't work, well, then, you can  
23 move it up to arrest, eventually.

24 So we empower our officers, within the law,  
25 to use discretion.

1           And, effectively, I think a lot of what  
2           you're seeing at the moment, some of our summons  
3           activity is lessened. I think a lot of our officers  
4           are, in fact, using discretion to not address an  
5           offense always with the summons or an arrest.

6           We have a saying that I'm very fond of: That  
7           you kind of arrest your way out of every problem.

8           Arrest is appropriate.

9           Fare-evasion arrest was very appropriate back  
10          in the '90s when we were making tens of thousands  
11          of them.

12          Now we make thousands of them, but we have to  
13          make many fewer of them because the offenses are  
14          occurring much less frequently.

15          SENATOR GALLIVAN: The last area I wanted to  
16          touch on was the New York City municipal ID card;  
17          and I'm curious about it's ultimate impact on public  
18          safety.

19          The cop on the street being handed this, and  
20          concerns that you might have as it relates to public  
21          safety, with procedures that had to be put in place  
22          to ensure it doesn't compromise public safety or the  
23          safety of the cop on the beat.

24          COMM. WILLIAM J. BRATTON: We were very  
25          actively engaged in the many discussions and

1 meetings leading up to the issuance of that card.

2 Our concerns were addressed, to the extent  
3 that we were able to support the issuance of the  
4 cards, which are now in process. Not as quickly as  
5 it was initially hoped.

6 But those cards, eventually, will be helpful  
7 to us, in that, in many instances where an  
8 individual does not have identification on them, our  
9 officers have to make an arrest; versus, with the  
10 municipal ID card, now they will have the ability to  
11 accept that as an appropriate form of identification  
12 for a lot of the offenses that they would seek to  
13 cite someone for.

14 So I think, over time, it will be a great  
15 benefit to our officers in the sense of not  
16 requiring that they have to resort to arrest.

17 And it will be a great benefit to the  
18 hundreds of thousands of individuals who are  
19 applying for those cards that would not be subjected  
20 unnecessarily to an arrest.

21 SENATOR GALLIVAN: Thank you, Commissioner.

22 SENATOR NOZZOLIO: Senator Marcellino.

23 SENATOR MARCELLINO: Thank you.

24 Commissioner, thank you for coming, and  
25 I appreciate your time. I know you are extremely

1 busy.

2 I taught school in the city of New York for  
3 20 years.

4 COMM. WILLIAM J. BRATTON: That's where the  
5 gray hair came from, I guess, huh?

6 SENATOR MARCELLINO: Yeah. A lot of it.

7 I had a mustache, it was dark. The hair was  
8 darker. The whole thing.

9 In that school was assigned a police officer:  
10 Officer Frank Martins.

11 I am sure Frank, he's an African-American  
12 man, I'm sure he is probably retired, and I've lost  
13 contact with Frank.

14 But Frank was an integral part of the staff  
15 of our school.

16 Our school was built for 3200 youngsters. At  
17 one time, we had 6600. We were on triple  
18 overlapping sessions in the city, and that was a  
19 problem.

20 Frank was an invaluable asset to keeping  
21 control, to handling the youngsters.

22 The school was predominantly White in a  
23 predominantly White area of Middle Village in  
24 Maspeth. And as a Black man walking the streets of  
25 that neighborhood 20 years ago, he was, I would not

1 excessively use the term "beloved."

2 The community loved him. The kids respected  
3 him and loved him. He was an asset to us all, on  
4 that.

5 I'm just wondering -- and I mention this  
6 because a lot of people don't understand it, and may  
7 not know, that police officers are in -- or were in  
8 high schools.

9 And I'm wondering, still are?

10 Are there still police officers assigned on a  
11 regular beat to the high schools, or other schools?

12 COMM. WILLIAM J. BRATTON: We have almost  
13 5,000 uniformed school agents in our schools  
14 throughout the city.

15 We additionally have, I'm not sure the exact  
16 number, about 300-some-odd, I believe, police  
17 officers that are assigned to school-related  
18 functions; some of them in some of the schools.

19 But the bulk of the work that you're  
20 referring to -- trying to ensure public safety in  
21 the schools; ensure, in some instances, that weapons  
22 are not brought into the schools -- we rely on the  
23 school safety agents who are unarmed but in uniform,  
24 and are members of the NYPD.

25 SENATOR MARCELLINO: The asset of having a

1 police officer in the building, and around the  
2 billing, especially one of size. Our high schools  
3 are huge, compared to the ones that I represent  
4 right now on Long Island. My high school is, like,  
5 three times the size -- was three times the size of  
6 the average high school. It was bigger than some of  
7 the districts that I represent at this point in  
8 time, the school districts.

9 But Frank was there.

10 So if anybody knows of him, or still keeps in  
11 contact with him, I'd appreciate you giving him a  
12 shout-out and say "thank you" to him from --

13 UNKNOWN SPEAKER: He's in Florida.

14 SENATOR MARCELLINO: He is probably.

15 I wish him well, because he deserves it,  
16 every bit of it.

17 He made my job a lot easier in the school.

18 I am also concerned, if you would, and just  
19 to repeat what Senator Nozzolio talked about before,  
20 about the most recent statistics, if could you hand  
21 that up to us, or give that to us, when you're  
22 finished, or -- in whatever form. We could use that  
23 to look at the data that we have.

24 Can I ask you a question about the grand jury  
25 procedure that goes on?

1           Now, that seems to, in the most recent cases  
2           of notoriety that created some problems with the  
3           demonstrations, the release of grand jury data has  
4           been requested, and it hasn't been forthcoming  
5           because the law prevents, you know, that from  
6           occurring.

7           Would you like to see a change in that?

8           And if you're not comfortable with answering  
9           that, I would fully understand.

10          COMM. WILLIAM J. BRATTON: I think we could  
11          benefit by additional information being released  
12          from the grand jury.

13          I certainly would not want to interrupt or  
14          interfere with the secrecy component; particularly  
15          as it relates to witnesses, to encourage witnesses  
16          to testify freely in the grand jury process.

17          But in instances in which there would be the  
18          ability to give clarification, explanation, as to  
19          the decision that's reached, as to what the  
20          particulars of that would be, would have to be the  
21          result, I would assume, of a more significant  
22          discussion.

23          But, I think it would be beneficial, as we  
24          have seen in some instances here in New York, and  
25          some instances around the country, if we had a

1 better understanding of the decision that is arrived  
2 at by a grand jury.

3 And, oftentimes, the secrecy works against  
4 its original intent.

5 SENATOR MARCELLINO: I appreciate that.

6 Again, thank you for your time, and thank you  
7 for your service to the city of New York.

8 COMM. WILLIAM J. BRATTON: If I may just ask  
9 Chief O'Neill, just to briefly reference what we  
10 will provide to you; but also, going forward, how  
11 easy it is to access our crime-data information.  
12 That, Jimmy has a sheet in front of him that's  
13 posted each week on our department website.

14 So, Jim, could you just, very quickly, speak  
15 to how they might access that.

16 POLICE CHIEF JAMES O'NEILL: Sure.

17 COMM. WILLIAM J. BRATTON: But we can provide  
18 that information to you, in any event.

19 POLICE CHIEF JAMES O'NEILL: You can actually  
20 go on the NYPD website. And, the stats are a week  
21 behind, but I do have the stats for this week,  
22 ending February 1st.

23 So, we're down in overall crime,  
24 year-to-date, 12. -- that's felony index crime, the  
25 seven major crimes, we're down 12.3 percent.

1           If you want, I could go through each  
2           category, each one of the seven crimes?

3           SENATOR NOZZOLIO: Just submit it for us, for  
4           the record.

5           POLICE CHIEF JAMES O'NEILL: Sure.

6           Murder, we are up. We're up 6 raw numbers:  
7           18.2 percent.

8           Rape, we're up 6 numbers: 115, to 121.

9           That's 5.2 percent.

10          Robbery, we're down 5.6 percent.

11          Felony assault, we're down 17.4 percent.

12          Burglary, we're down 24.9 percent.

13          Grand larceny went down 9.1 percent.

14          And, GLA, we're down 6.9 percent.

15          We do have a rise in shooting incidents; from  
16          80 last year, to 98 this year, which is an increase  
17          of 22.5 percent.

18          So, the three categories that were up are:  
19          Shooting incidents, rape, and murder.

20          COMM. WILLIAM J. BRATTON: In reference to  
21          what Jim reported to you, our CompStat information,  
22          as of what date?

23          POLICE CHIEF JAMES O'NEILL: February 1st.

24          COMM. WILLIAM J. BRATTON: Okay.

25          Each morning I get from the Chief of the

1 department, as of midnight the previous evening.

2 So as of midnight last night, to show how  
3 quickly these numbers can fluctuate, that,  
4 homicides, we have had two more homicides this year  
5 than last year.

6 I think you just reported six.

7 POLICE CHIEF JAMES O'NEILL: Right.

8 COMM. WILLIAM J. BRATTON: But it just shows  
9 how quickly those numbers can change.

10 So last year was a record low year for  
11 homicide.

12 And the increase of two into the second month  
13 of the year is not an issue of great concern, in the  
14 sense that, as far as trending, that we are working  
15 against extraordinarily low numbers from last year.

16 Even in the area of shootings, that, as of  
17 midnight last night, we have had an increase of  
18 15 shootings, which is about a 17 percent increase,  
19 versus the 22 that Jim just referenced.

20 So the numbers ebb and flow, and we are very  
21 focused on them, so that we are continually, if we  
22 start seeing a spike, we move on that spike. And,  
23 we're very good at this.

24 I would also point out that the -- relative  
25 to the homicides and shootings, in New York City it

1 is more unusual than usual to have an individual who  
2 is shot or murdered in the city who does not have a  
3 significant criminal record. That the majority of  
4 people involved in committing the homicides have  
5 criminal records. The majority of those being shot  
6 are murdered.

7 With the singular exception of  
8 domestic-violence incidents, [unintelligible] the  
9 victim oftentimes have no record; or, in some  
10 instances, the perpetrator.

11 SENATOR NOZZOLIO: Commissioner --

12 COMM. WILLIAM J. BRATTON: When you're  
13 dealing with a population of violent people, that  
14 we're continually trying to focus on.

15 SENATOR NOZZOLIO: Commissioner, under your  
16 early watch, your first watch, your first tenure,  
17 I don't know what you call it, but your first  
18 tenure, we saw, and we watched your numbers, the  
19 most significant drop in vital crime that any state  
20 has ever experienced in the history of our country.

21 Congratulations for that. We applaud you.

22 We all, from -- Governor Pataki was governor  
23 at the time. It was a transition between  
24 administrations.

25 We just -- I was chairman of the Crime and

1 Corrects Committee.

2 We were just so pleased with the efforts.

3 And that we applaud you and everyone that was  
4 responsible for that drop.

5 It was quite a success story.

6 COMM. WILLIAM J. BRATTON: Especially the  
7 cops.

8 And, we also work with, in this city that  
9 I can I speak to --

10 SENATOR NOZZOLIO: We're just concerned --

11 COMM. WILLIAM J. BRATTON: -- the district  
12 attorneys' offices are essential to working with us  
13 on this.

14 That, can't do it without them.

15 SENATOR NOZZOLIO: Thank you for mentioning  
16 that.

17 And it -- but we don't want to see those  
18 numbers change back to where we were. We don't want  
19 to go back to the past.

20 And that's a big reason why this panel is  
21 conducting its business over the next few weeks.

22 And we have been joined by Senator Comer.

23 SENATOR COMRIE: Comrie.

24 SENATOR NOZZOLIO: And, Senator Lanza wishes  
25 to speak. After him, it will be

1 Senator Hassell-Thompson. And then Reverend Diaz.

2 SENATOR LANZA: Thank you, Chairman.

3 Thank you.

4 (Taps microphone.)

5 SENATOR LANZA: Thank you, Chairman.

6 Commissioner, it is truly great to see you,  
7 and thank you for your service to our city. I truly  
8 believe that, given these difficult times we face,  
9 you are the man for the job, and I have great faith  
10 in you.

11 You spoke briefly about the morale of the  
12 New York City Police Department, and you said that,  
13 in fact, it is a challenge, and you attributed it to  
14 a variety of reasons.

15 Is there one that stands out to you, one  
16 primary cause, for the challenging-morale situation  
17 here with the New York City Police Department?

18 COMM. WILLIAM J. BRATTON: Well, I think a  
19 significant mitigating factor in the -- December and  
20 January was certainly the demonstrations that were  
21 conducted nightly, that were directed against the  
22 police specifically. And within those larger  
23 demonstrations, some of the smaller demonstrations  
24 that were absolutely abhorrent, with demands to kill  
25 police, et cetera.

1           To police those demonstrations -- policing  
2           demonstrations -- crowd management, crowd control --  
3           is difficult at any time, but when it's being  
4           directed against you, that it can have a wearing  
5           effect.

6           And, I'm very complimentary of the men and  
7           women of the department, and the extraordinary  
8           restraint that they exhibited.

9           And, also, the concerns that we all spoke  
10          about, about the -- that the fueling of this  
11          anti-police sentiment, and the result, the murder of  
12          our two officers, which clearly was a spin-off of  
13          those demonstrations in terms of the inspiration of  
14          the murderer in this instance.

15          So it's understandable that the morale of  
16          officers was impacted by feeling it.

17          So many members of the community were so  
18          distrustful of them, so angry at them, individually,  
19          and collectively, and from my own perspective,  
20          unjustifiably, that you can understand why morale,  
21          which ebbs and flows all the time, but particularly  
22          over the last several months, that was impacted in a  
23          very negative way.

24          I think on the other hand, the rebound was,  
25          coming out of the murders, the outpouring of

1 support; not only within the police profession, the  
2 two largest police funerals ever held in this  
3 country were held within two weeks of each other in  
4 the city.

5 So support from within the profession, but  
6 support from the many communities that do respect  
7 the police, that I think that helped to, I won't say  
8 level the playing field, but certainly appreciated  
9 by the men and women of the department.

10 SENATOR LANZA: I agree with you,  
11 Commissioner. I believe that those murders were a  
12 result of this anti-police climate that was created,  
13 and has existed, and I think contributed toward by  
14 many elected officials, not just here, but across  
15 the country, who are supposed to be leading, who  
16 I think contributed toward that, and have continued  
17 to contribute toward that climate.

18 You said in your statement that there's a  
19 perception among some who we serve, that they are  
20 actually -- that they are underserved.

21 Do you think that is an accurate perception?

22 Do you believe that there's anyone in the  
23 city who is not properly served by the New York City  
24 Police Department?

25 COMM. WILLIAM J. BRATTON: No, the irony is,

1 that the bulk of police services tends to be focused  
2 on that underserved population; "underserved," in  
3 the sense of, areas.

4 In our case, New York City, they're the most  
5 economically distressed. In a city that is doing so  
6 well economically, there are still distressed areas,  
7 clearly.

8 In our areas -- in our public housing areas,  
9 and specifically with some of the conditions they're  
10 dealing with.

11 You know, unemployment issues.

12 Some of the poor-rated schools.

13 That, if you start matching all of that up  
14 against where our violent crime is still occurring,  
15 where our most significant calls for service,  
16 quality-of-life or otherwise, come from, there are,  
17 quite clearly, areas in the city where they are  
18 underserved in many respects, in the sense that  
19 the -- despite many of the best efforts of the City  
20 and government, that, you know, levels of poverty,  
21 levels of unemployment, levels of poor schooling,  
22 quality of housing, all suffer.

23 SENATOR LANZA: Commissioner, as you know,  
24 I hail and I represent -- I hail from and represent  
25 Staten Island. And we, unfortunately, lived through

1 the terrible Eric Garner tragedy.

2 When the grand jury on Staten Island decided  
3 to hand up a no-true bill, the mayor of our city  
4 held a press conference, and you were there; and  
5 I listened to him.

6 And he is a colleague and a friend of mine.

7 It seemed to me, in his statement, that he  
8 clearly disagreed with that decision from that  
9 grand jury.

10 And to disagree with that decision, you would  
11 only do so if you had already prejudged innocence or  
12 guilt in that case.

13 So, it was clear to me that the Mayor  
14 believed that that police officer was guilty of a  
15 crime, and that's why he held that press conference  
16 and expressed disappointment in the decision.

17 Do you think it's proper for -- it was proper  
18 the Mayor to express that feeling; to tell the  
19 people of the city of New York, in essence, that he  
20 had prejudged the guilt of that police officer, and  
21 that's why he disagreed with the decision?

22 And do you believe that that press conference  
23 contributed to this anti-police climate and the low  
24 morale of the New York City Police Department?

25 COMM. WILLIAM J. BRATTON: Well, it's quite

1 clear you have your belief.

2 You have your belief about what the Mayor's  
3 beliefs are --

4 SENATOR LANZA: Whoa, whoa, Commissioner --

5 COMM. WILLIAM J. BRATTON: -- and I suggest  
6 you take it up with him.

7 SENATOR LANZA: What do you mean, it's  
8 quite -- what belief?

9 COMM. WILLIAM J. BRATTON: You quite clearly  
10 believe that he had an opinion.

11 SENATOR LANZA: Well, he said he did.

12 COMM. WILLIAM J. BRATTON: So you've  
13 expressed that, and I'm suggesting to you: That's  
14 your opinion, you take it up with him.

15 I'm not going to comment on it.

16 SENATOR LANZA: So then I'll ask this  
17 question: Do you believe that the statement made by  
18 the Mayor in that press conference contributed  
19 toward the anti-police sentiment in the city?

20 COMM. WILLIAM J. BRATTON: I personally do  
21 not, no.

22 SENATOR LANZA: During the protests, you said  
23 that police officers exercised restraint.

24 Were the police officers instructed not to  
25 make arrests for certain offenses they witnessed?

1           COMM. WILLIAM J. BRATTON: I will let  
2 Chief O'Neill speak to that since he was there every  
3 night, and you were not.

4           So I will let him, who was on those lines  
5 every night.

6           SENATOR LANZA: Commissioner, that's why I'm  
7 asking the question. I was not --

8           COMM. WILLIAM J. BRATTON: But I will let him  
9 address that line of questioning.

10          SENATOR LANZA: Thank you.

11          COMM. WILLIAM J. BRATTON: He will address it  
12 very aggressively.

13          SENATOR LANZA: Chief, I wasn't there, that's  
14 why I'm asking the question.

15          COMM. WILLIAM J. BRATTON: Well, that's why  
16 I'm having the person who was there every night, for  
17 12 hours a night, address it for you.

18          SENATOR LANZA: Perfect, great.

19          COMM. WILLIAM J. BRATTON: Jimmy?

20          POLICE CHIEF JAMES O'NEILL: The instructions  
21 that were given to everyone involved in the protest  
22 and demonstrations over, again, November and  
23 December, was we were leaving it up to the field  
24 commanders on the ground. The decisions were made  
25 at a very local level.

1           If there was disorder, if there was criminal  
2 mischief, if there were assaults, obviously, we're  
3 locking people up. And we did.

4           We had, I think, and I may not have the  
5 number absolutely correct, that we made about  
6 350 arrests during the course of those protests.

7           [Inaudible/non-working microphone] -- so  
8 anything that we saw that rose to the level of  
9 crime -- [inaudible/non-working microphone].

10          SENATOR LANZA: So police officers on the  
11 street were not told to ignore certain crimes that  
12 they may have witnessed?

13          POLICE CHIEF JAMES O'NEILL:  
14 [Inaudible/non-working microphone.]

15          No, they weren't.

16          SENATOR LANZA: Staten Island is the safest  
17 part of New York City, and there are a lot of  
18 reasons for that.

19          It's because of your police department.

20          It's because of the citizens who live there.

21          It's because we have I think the best city  
22 attorney in the city, Dan Donovan, who I see in the  
23 audience.

24          It's also because, I believe, we have more  
25 police officers who live on Staten Island than just

1 about anywhere else. And these are my neighbors and  
2 these are my friends.

3 And when we talk about police morale, in  
4 talking to my friends, there's a sense to me that  
5 they feel that the City doesn't have their back, in  
6 terms of the elected officials, the Mayor, and  
7 possibly brass.

8 Do you think the City has their back?

9 Do you think the Mayor has their back?

10 COMM. WILLIAM J. BRATTON: I personally do.

11 I think, and I can speak for the Mayor, I can  
12 speak for myself, I can speak for my leadership  
13 team: We do have their back.

14 In terms of actions that we have taken to  
15 address the many concerns that were voiced to me  
16 before I took over as Commissioner, and the many,  
17 many countless meetings that we had have had with  
18 officers, with their elected officials, their union  
19 representatives, this is a police-leadership team, a  
20 police department, that does have their back; is  
21 continuing to fight on their behalf for their issues  
22 and interests and concerns.

23 I believe strongly that this mayor does  
24 support them, as evidenced by many of his actions  
25 over the past year that I've worked with him.

1           Everybody is entitled to their opinions.  
2           And -- but I don't necessarily share those opinions  
3           as it relates to the department or the Mayor having  
4           their back, if you will.

5           SENATOR LANZA:   And, Commissioner --

6           POLICE CHIEF JAMES O'NEILL:   Excuse me.

7           I was lucky enough to have the privilege to  
8           be a precinct commander for 6 1/2 years, in  
9           Manhattan North and in the Bronx.

10          I was also lucky enough to be a  
11          vice commander, a narco commander.  I was in the  
12          detective bureau.  I was the chief of patrol.

13          Now I'm Chief of the department.

14          I unequivocally have the back of all of the  
15          brave men and women of this police department; and  
16          I think they know that.

17          SENATOR LANZA:  I know you do, Chief.

18          And, I am the son of a former New York City  
19          police officer.

20          I was a prosecutor in the city, in Manhattan,  
21          in the Manhattan District Attorney's Office, for  
22          five years.

23          So, I have worked with our police department  
24          for many years.

25          And, Commissioner, the reason I asked these

1 questions, I know sometimes it's uncomfortable for  
2 all of us here, but, it's because I agree with you,  
3 that we have the best police department on the face  
4 of the earth.

5 And I was very disappointed, and disturbed,  
6 that for a period of time there, the people of the  
7 city were led to believe that we did not.

8 And we've got to make sure that we do all we  
9 can, as leaders, to let the people know that they  
10 are properly served, that they do have the best  
11 police department in the world.

12 And sometimes emotions run high, but we can't  
13 lose site of that view.

14 And so one last question, with respect to the  
15 grand jury proceedings: Do any of you believe that  
16 there should be different grand jury rules for  
17 police officers than we have for anyone else?

18 COMM. WILLIAM J. BRATTON: I don't quite  
19 understand your question.

20 SENATOR LANZA: Well, there have been  
21 proposals; for instance, by the Governor, and  
22 others, that, perhaps, when police officers are  
23 involved, we should have a special set of  
24 criminal-procedure law in terms of our grand jury  
25 proceedings.

1           Do any of you believe that we should have one  
2 set of criminal-procedure law for police officers,  
3 and another one for everyone else?

4           COMM. WILLIAM J. BRATTON: Well, the way you  
5 phrased that question is slanted toward your  
6 perspective, quite obviously.

7           That, in terms of, we're very fortunate in  
8 this city that we have five very capable district  
9 attorneys who have shown no reluctance, when  
10 appropriate, to move matters into grand juries.

11           Grand juries make decisions, and we abide by  
12 those decisions.

13           And so, in terms of the debate, you're all  
14 going to be engaged, based on the Governor's  
15 proposal.

16           You'll have input as you go forward, and from  
17 those district attorneys, as well as the police  
18 officers.

19           And I will be happy to engage in that  
20 discussion when the time's appropriate, when, in  
21 fact, we have hearings relative to those matters.

22           SENATOR LANZA: Commissioner and Chief, thank  
23 you. Thank you so much.

24           SENATOR NOZZOLIO: Thank you.

25           Senator Hassell-Thompson.

1           SENATOR HASSELL-THOMPSON: Thank you,  
2           Mr. Chairman.

3           Good morning -- or is it afternoon?

4           Commissioner, first let me compliment you.

5           You came up to the Bronx a few day ago and  
6           met with many of the clergy from around the  
7           boroughs. And I understand it was standing room  
8           only, and -- but it was an extraordinary experience.

9           Many of the clergy are people that I work  
10          with, not just in my borough, the Bronx, but across  
11          all five boroughs, particularly when it comes to  
12          policing issues.

13          As the Ranking Member, and after 14 years of  
14          serving on Crime, Crime Victims, and Corrections,  
15          I have become a lot more familiar with policing than  
16          I really ever wanted to be, obviously.

17          But these are some very troubling times.

18          And some of the questions that I will ask,  
19          I think just to -- are just kind of important for to  
20          us really understand, from a policy perspective:  
21          Where do we go from here?

22          And what kinds of things we ought to be doing  
23          in the State Legislature that ensures, that while  
24          people have a right to expect to be protected, that  
25          they also don't want their constitutional rights to

1 be violated in that process.

2 And so it's a very delicate balance that all  
3 of us try to achieve in order to prevent that from  
4 happening.

5 In your testimony, I had to read, because,  
6 unfortunately, I missed the majority of it, but  
7 I quickly saw that you referenced the 20K training,  
8 where officers are taught to take suspects into  
9 custody safely by using various escalating levels of  
10 force.

11 Could you elaborate on those levels of force,  
12 and how they're applied to a street encounter with a  
13 citizen?

14 COMM. WILLIAM J. BRATTON: I'm going to ask,  
15 if you don't mind, First Deputy Commissioner  
16 Ben Tucker, who, until recently, was the deputy  
17 commissioner for our training. Was very  
18 instrumental in the creation and development of the  
19 three-day course that's now being given to our  
20 officers.

21 And now, in his first-deputy capacity, has  
22 oversight over the police academy, so he will be  
23 still intimately involved with that evolution.

24 If I could ask him to basically speak to  
25 that, and the focus of what he developed there.

1           COMM. BENJAMIN TUCKER: Hello, Senator.

2           Good morning -- or, good afternoon.

3           So, with respect to the levels of force,  
4           I mean, the three-day training that was referenced  
5           prior to your arrival, that you referenced, is  
6           designed to focus on a variety of issues; but, in  
7           particular, to focus on the issue of use of force,  
8           and, also, on the use of the officer's ability to  
9           deescalate a situation before it gets to the point  
10          where force has to be used, or may be necessary.

11          So that's really the goal, and -- that we  
12          have.

13          I mean, but let me just preface by, having  
14          been a police officer, I was a police officer for  
15          22 years, and I worked the streets in Manhattan, and  
16          also in Brooklyn, and spent some time out there, and  
17          you have to make these decisions about, you know,  
18          how you engage with the public.

19          And when you do, you do it in a manner that,  
20          always, hopeful, that if you have to make an arrest,  
21          you want to make that arrest, where the individual  
22          who has to be arrested is going to comply, and where  
23          you don't have to use force.

24          So that's always the principal goal, and  
25          that's the baseline from which I always worked, and

1       it's the baseline from which we ask our officers to  
2       work today.

3               And the training is designed to focus on it  
4       in that regard.

5               And so the training -- the three-day training  
6       focuses on the foundations of policing, as a  
7       reminder to police officers of why they became  
8       officers.

9               And, it focuses on tactics, which are  
10       important, to the extent that officers have to make  
11       those decisions. They make those decisions  
12       beginning, as I said, at the lowest level of use of  
13       force that may be necessary, and it escalates only  
14       as the circumstances might dictate.

15               And then the third day of training focuses on  
16       giving officers some tools that help them exercise  
17       their -- sort of be more resilient in the way in  
18       which they make decisions, and exercise their  
19       discretion as they take action, and determine --  
20       help determine when they take action, how they take  
21       that action, and to be aware of the traps that  
22       sometimes get you into trouble, which all have to do  
23       with your ego, and not letting your ego get in the  
24       way of dictating what's reasonable under the  
25       circumstances; which sometimes happens with our

1 officers.

2 And so, being aware of that, we want to put  
3 them through, and put them into, what we call  
4 "scenario-based situations," that remind them of  
5 what the traps are.

6 And as they walk through those exercises,  
7 they get to make those mistakes, to the extent that  
8 they make any, as they go through the exercises in a  
9 setting that is not real, and it's not during street  
10 encounters with individuals that they come into  
11 contact with when they're on patrol.

12 So that's really the framework in which we're  
13 trying to remind our officers what's needed, and to  
14 have them recognize that the citizens have a right  
15 to expect to be treated with respect and -- as they  
16 do their job.

17 And in every encounter that's the goal.

18 Of course, the realities don't always allow  
19 for that as it relates to arrest circumstances.

20 And depending on the circumstances, the  
21 officers have to make decisions in split seconds  
22 about how they have to react. And then, in reacting  
23 that way, the goal is always to use the least amount  
24 of force that they think is necessary.

25 SENATOR HASSELL-THOMPSON: Would you say,

1       then, Commissioner Tucker, that the Blue Courage  
2       program also includes sensitivity training --  
3       cultural-sensitivity training as a part of that?

4               COMM. BENJAMIN TUCKER: Well, we provide,  
5       Blue Courage focuses on that, and not specifically  
6       around cultural-sensitivity training, as much as it  
7       focuses on the exercise; putting officers in a  
8       position and having them sort of think about how to  
9       interact with any individual that they come into  
10      contact with.

11              We also teach conflict resolution as part of  
12      that discussion.

13              We also teach our officers, as they go  
14      through the academy, they get conflict resolution as  
15      well.

16              So what we want to do with Blue Courage is  
17      heighten their awareness.

18              And the other thing that Blue Courage does  
19      is, which I think is unique in terms of training for  
20      police officers, at least until recently, is this  
21      idea that we're trying to give them skills and give  
22      them information that speak to their own wellbeing  
23      as individual officers.

24              So I said, you know, I talked about  
25      foundations of policing, and why they joined the

1 police department.

2 And, typically, if you speak to officers and  
3 ask them that question, it always focuses on their  
4 ability to help the citizens that they're charged  
5 with policing.

6 That's their focus, and that's what they're  
7 interested in doing very often.

8 We try to remind them of that as they go  
9 through this training, and put them in situations  
10 where they get to test those skills and use those  
11 skills in that manner.

12 SENATOR HASSELL-THOMPSON: The question of  
13 cultural sensitivity becomes very important, because  
14 I know that the Mayor received a lot of criticism  
15 from people because of the comments that he made  
16 about his son.

17 But, you know, the world may not be aware of  
18 this, but every Black family tries to teach their  
19 Black son, and daughters, that their behavior in the  
20 street is seriously important and their life is  
21 always threatened.

22 And people think that's the anathema to what  
23 the relationship with the police department has  
24 been; but, historically, that's a place where we  
25 find ourselves.

1           And so there's not a parent who does not have  
2           those kinds of conversations with their children in  
3           terms of, how do you behave when you're confronted  
4           by the police department, and how you can behave  
5           that must be different from any other ethnic and  
6           cultural group.

7           So that's why it becomes important to us to  
8           understand how much of an emphasis is put on the  
9           cultural beliefs and biases that other ethnic groups  
10          bring to the encounter as well, which is very  
11          important out there in the field to understand.

12          COMM. BENJAMIN TUCKER: I don't disagree.  
13          I think you're right on target.

14          I mean, listen, I grew up in Brooklyn,  
15          New York. And, so, as a young African-American kid  
16          growing up on the streets of Brooklyn, I know  
17          exactly what you're talking about. You know, and my  
18          mother didn't have to have that conversation with  
19          me. I was old enough, as a teenager, and I saw it  
20          day to day.

21          So I can certainly relate to that, and  
22          understand the importance of it. It's not lost on  
23          me.

24          And we do build that into our training, and  
25          we do teach our officers about those issues.

1           Let me give you some examples of what we've  
2           been trying to do.

3           Working with -- as part of a -- in addition  
4           to our training platform, there's a program called  
5           "Cops and Kids," that you may or may not be familiar  
6           with.

7           It's -- Lenora Fulani, who is a psychologist,  
8           and who works with -- is sort of the creator of this  
9           program, recognized the point that you made.

10          And so, in 2006, she began these  
11          conversations with cops and kids; primarily, and  
12          almost exclusively, youngsters from communities of  
13          color and New York City police officers that work in  
14          their communities.

15          And it's been, I think, eyeopening for the  
16          officers.

17          And what it really is, is you have  
18          five officers and, typically, five cops, and -- from  
19          a particular neighborhood, policing a neighborhood,  
20          and five youngsters from that neighborhood, and they  
21          get together and, you know, have a conversation  
22          about the concerns that both bring to the table.

23          Cops sometimes don't understand what drives  
24          our young people, and why they make the choices they  
25          make. And sometimes the kids don't understand why

1 officers hassle them, as they say, and why they have  
2 to stop them, or tell them not to do this or not to  
3 do that.

4 So those conversations have continued.

5 And when I arrived in March of last year and  
6 learned of the project, we are -- you know, it has  
7 merit.

8 We're going to continue it, we're going to  
9 expand it, because those conversations seem to  
10 produce that understanding that you're referencing,  
11 and has an impact, I think, on those individual  
12 officers.

13 So we are seeking to expand that and make  
14 that part of the training, in addition to the  
15 training that we -- that they normally get through  
16 the four-hour recruits in the police academy.

17 And just this past Thursday, we had another  
18 session, where we take -- we had 450 of the most  
19 recent graduates of our academy, close to  
20 900 officers who just recently assigned to precincts  
21 and PSA's and transit districts around the city,  
22 half of those officers were in one of these  
23 sessions, where, up at the Apollo Theater, in fact,  
24 is where it was hosted, and went through that  
25 exercise.

1           And so they had the opportunity to witness  
2           what I just described to you: Five officers,  
3           five youngsters, engaged in that sort of an  
4           exercise, overseen by Ms. Fulani.

5           Very effective. Very effective tool.

6           And it reinforced for those new cops what  
7           they learned in the academy, and they saw it in  
8           action, and had the opportunity, at least in the  
9           case of the five officers and those five individual  
10          youngsters, to actually see it up close and  
11          personal.

12          But even that's a very powerful message to  
13          send.

14          And all of the officers witnessed it, as well  
15          as a number of community members who were in the  
16          audience.

17          So that's just an example.

18          But I would agree that that's an important  
19          factor, and it is certainly -- you can rest assured,  
20          it is certainly something that we are paying close  
21          attention to as we train our recruits; but also in  
22          the 20 day -- the 20K training that we're doing for  
23          officers who are already on the streets and in  
24          service.

25          SENATOR HASSELL-THOMPSON: Thank you.

1           Commissioner, my final question to you.

2           Currently, the District Attorney controls the  
3 presentment of evidence before the grand jury.

4           Do you think, that in the case of unarmed  
5 civilian deaths, that a representative of the  
6 deceased should be able to offer evidence at the  
7 grand jury?

8           COMM. WILLIAM J. BRATTON: I'm not going to  
9 speak to that.

10          Again, you're going to be going into  
11 discussions.

12          I understand the Governor has proposed  
13 legislation, so I think that would be the more  
14 appropriate forum to, once I've had the opportunity  
15 to understand fully what's being proposed, to speak  
16 in a more informed way to the recommendations, or  
17 recommendations I might seek to make, as you look at  
18 potential legislation controlling this.

19          SENATOR HASSELL-THOMPSON: But I think you  
20 also fail -- sometimes people fail to recognize  
21 that, while the Governor may propose, the  
22 Legislature has responsibility for policy.

23          And this is the body that actually formulates  
24 that language, so it's helpful to us also, as we  
25 review any language that comes from the Governor, or

1 any other the source, when we're developing  
2 policies.

3 We are the policymakers, and sometimes people  
4 tend to forget that.

5 I don't allow people to forget that that's my  
6 primary role. That's what I'm elected to do.

7 And so as a policymaker, it's important for  
8 me to be able to ensure that the process of the  
9 grand jury is one that there is the apparent  
10 transparency without loss of vital information.

11 Certainly, as we look at the discovery law,  
12 as we look at Brady Law, and some of the things that  
13 we've been looking at, all of these become important  
14 because we want the public to have trust in the  
15 decisions.

16 I heard the discussion between you and  
17 Senator Lanza, and part of that discussion stems  
18 from the fact that people don't have complete trust.

19 That because of the role of the DA with the  
20 grand jury, and because there is so much closure, or  
21 closed-door discussion with the grand jury, that the  
22 grand jury comes away with the decision that's  
23 already presupposed without really having all of --  
24 we believe, the kind of transparency that's  
25 necessary.

1           So not everybody is in agreement that what is  
2           being proposed by the Governor is, in fact, the best  
3           policy for the state of New York, and that's why the  
4           basis of my question.

5           I'm not asking you to get in the middle of  
6           that, but I'm trying to help you to understand why  
7           it's important for us, as the Legislature and the  
8           policy body, to ensure that as we look at  
9           legislation, we consider that transparency goes a  
10          long way toward making everybody feel much more  
11          comfortable that the process is open and in such a  
12          way, that when a decision is handed down, that there  
13          is no undue influence that is brought by any party  
14          on that decision. That it is a decision that's  
15          really predicated on all of the evidence, and  
16          everyone has the opportunity to present that  
17          evidence in a way that gives the grand jury the  
18          opportunity.

19                 Thank you, Commissioner.

20                 SENATOR NOZZOLIO: Thank you, Senator.

21                 SENATOR HASSELL-THOMPSON: Thank you,  
22                 Mr. Chairman.

23                 SENATOR NOZZOLIO: Senator Diaz is next.

24                 Commissioner Bratton and his team have been  
25                 generous with their time.

1 I ask those that have asked to speak after  
2 Senator Diaz -- that's Comrie, Sanders, and  
3 Perkins -- to summarize what you would like to say.

4 Commissioner, thank you for your --  
5 listening.

6 Senator Diaz, you have the floor.

7 SENATOR DIAZ: Thank you, Mr. Chairman, but,  
8 I have to object of what you're saying, because we  
9 in the democratic society, now you cutting our time,  
10 and you on the other side, you have all the time in  
11 the morning, so it is not fair.

12 Just for the record.

13 Commissioner, thank you for being with us.

14 I mean, we -- I heard today things talking  
15 about what started the anti-police feeling that  
16 ended with the death of two police officers.

17 I heard people say that "the Mayor said."

18 Some people asked the Commissioner, Do you  
19 agree with what the Mayor said?

20 The fact of the matter is, ladies and  
21 gentlemen, that when we all are guilty, especially  
22 also elected official, we're guilty because, when  
23 those riots started, and that rally, people  
24 chanting, "What do we want? A dead police officer.  
25 "When do we want it? Now," not one elected

1 official, including myself, not one single elected  
2 official, and I am not blaming anybody else, we were  
3 so -- we are so guilty of keeping quiet.

4 Nobody came out. No one could  
5 [unintelligible] those --

6 SENATOR GOLDEN: I was out there, sir.

7 SENATOR DIAZ: I don't know. I didn't see  
8 you.

9 SENATOR GOLDEN: I was out there. All right?

10 SENATOR DIAZ: Then I say my apologies.  
11 I stand corrected.

12 SENATOR GOLDEN: Then don't speak for the  
13 rest of us. Speak for yourself.

14 SENATOR DIAZ: I just said, I stand  
15 corrected.

16 But we cannot come here now and questioning  
17 everybody else, when we didn't do what we were  
18 supposed to do and came out.

19 If you did, congratulations.

20 SENATOR GOLDEN: Thank you.

21 SENATOR DIAZ: But the rest of us, I don't  
22 think we did. And that's something that we have to  
23 be ashamed of. And I don't come here now to try and  
24 to blame everybody else for the --

25 SENATOR MARCELLINO: No, I'm going to call

1 this one, too, because I spoke out in my community  
2 and I spoke out as much as possible.

3 I do not feel guilty --

4 SENATOR DIAZ: After --

5 SENATOR MARCELLINO: -- in any way, shape, or  
6 form in taking action after that.

7 I condemned it. I didn't like those  
8 statements. They're outrageous. They should never  
9 have been made. Cast aspersions on one of the  
10 finest police departments in the state, and in the  
11 country.

12 So I spoke out. Whether the media covered it  
13 or not, that was their choice.

14 But we certainly spoke out against it. And  
15 I heard several other Senators on both sides speak  
16 out against it.

17 So, Senator, speak for yourself, and don't  
18 cast it on anybody else.

19 SENATOR DIAZ: Not everyone is defending  
20 themselves. We are guilty of --

21 SENATOR MARCELLINO: You attack, you're going  
22 to get --

23 SENATOR DIAZ: That's okay, I live with that.  
24 I'm -- Senator, please.

25 I am grown enough that I know what I say, and

1 I always stand for what I say. And I put in writing  
2 what I say.

3 So we are guilty. Now we're going to say,  
4 Oh, I said it, I said it.

5 Okay, if you -- if you think that you said  
6 it, fine.

7 But when that demonstration came, nobody came  
8 out.

9 After the death of the police officers, we  
10 all came out.

11 But we got to be honest enough to be sure of  
12 what we're doing.

13 Okay, and next, Commissioner -- I just want  
14 to congratulate you and the -- you and your police  
15 officers; the Bronx, which I represent a section of  
16 the Bronx.

17 In 1963, '64, that was the last time when  
18 the -- [inaudible/non-working microphone] -- less  
19 than 100 homicide, two years in a row.

20 After 50 years, after 50 years, 2013, 2014 --  
21 [inaudible/non-working microphone] -- gotten two  
22 year in a row, and it's less than 100 homicide.

23 That count for something.

24 I mean, less than 100, still much. But,  
25 after 1964, the homicide rate went to 700, 500, per

1 year in the Bronx.

2 Now, for the last two years in a row, I say  
3 you are keeping down.

4 Congratulations.

5 I'm not only a Senator. I'm also a pastor of  
6 the Christian Community Neighborhood Church in the  
7 Bronx.

8 I'm the president of the New York Hispanic  
9 [unintelligible] that is composed of more than  
10 150 Hispanic minister in the city.

11 I also would like to thank you, because we  
12 had a problem that I learned because of the  
13 "Daily News."

14 The "Daily News" wrote an article, where the  
15 crime statistics in Rikers Island, committed by the  
16 inmates in Rikers Island, were being applied to the  
17 41st Precinct in the Bronx, increasing the amount of  
18 crime statistic in the Bronx.

19 I presented in the Senate a piece of  
20 legislation to do away with that.

21 My colleagues didn't do anything about it.

22 But your department, you send -- I never got  
23 that kind of response for any other commissioner  
24 before.

25 You send a high-ranking staff commissioner

1 and high-ranking [unintelligible] to my office in  
2 the Bronx, and you did something internally to do  
3 away with that problem.

4 Thank you for that, and I appreciate that, on  
5 that.

6 On the other hand, we all know that crimes  
7 are committed in our neighborhood; Black and  
8 Hispanic neighborhood.

9 Crime are not committed in White  
10 neighborhood.

11 So the crimes is committed in Black and  
12 Hispanic neighborhood by Black and Hispanic peoples,  
13 so we are committing crimes on our own people. And  
14 because of that, it is -- it is -- it would be  
15 ironic not to say, that, Why you are arresting, or  
16 why you are stopping so many people in our  
17 community?

18 We are the ones committing the crimes, we  
19 are -- we are the ones committing the crimes, so,  
20 I am not one of those.

21 But I will join saying, Why are you stopping  
22 so many people in our community?

23 However, as a minister, as a pastor also,  
24 I will say that people would not get angry to be  
25 stopped, decent people, if they are treated with

1       decency, with courtesy. People would not be --  
2       people would not get angry to be get stop, people  
3       would not object to that.

4               The only thing that people that I know are  
5       object to the searching or to the stopping is  
6       because in the way some police officers stop them  
7       and address them.

8               If they -- if there would be another kind of  
9       way in which people are addressed with decency and  
10       respect, I think that whole thing would change  
11       [unintelligible].

12               Congratulations on the issue on the ID cards.  
13       That's something to the Mayor's credit, to your  
14       credit. We welcome.

15               And to end my statement --

16               SENATOR GOLDEN: Thank you.

17               [Laughter.]

18               SENATOR DIAZ: -- let me say -- no.

19               Oh, no. I came here to say -- I also  
20       supposed [unintelligible].

21               I came here to say this: And I have to say  
22       that, every year, every year, we in my district, we  
23       do toy distribution.

24               I have to congratulate the police department,  
25       the Police Benevolent Association, with the --

1 Patrick Lynch and all his staff, because every year  
2 they come to the Bronx.

3 Every year.

4 Not now, because [unintelligible].

5 For the past, maybe five years in a row, they  
6 have been coming to the Bronx, taking care of  
7 children, bringing toys to the South Bronx, the  
8 worst part, like the people, to the South Bronx, to  
9 the Black and Hispanic children of the Bronx.

10 So I come here to say [unintelligible], thank  
11 you, Mr. Patrick Lynch; thank you, police  
12 department; and Mr. Commissioner.

13 Start again the squeegee program.

14 Thank you.

15 SENATOR GOLDEN: Thank you, Senator Diaz.

16 Thank you very much, very much.

17 Senator Comrie, please.

18 SENATOR COMRIE: Good afternoon,  
19 Commissioner.

20 I just wanted to -- I'm not going to go into  
21 a long soliloquy.

22 I want to just say that, as a new  
23 representative for the 14th District in the  
24 State Senate, I was honored to serve 12 years in the  
25 City Council in the community, and I was honored to

1 have a strong relationship with Queens South and all  
2 of the precincts that comprise Queens South. And  
3 that's the area that I still represent now.

4 I want to congratulate Chief Barrere and all  
5 of the precinct commanders in Queens South for  
6 everything that they've been trying to do to make  
7 sure that the community understands the relationship  
8 between the police and the community.

9 And I can say that our community, which is  
10 primarily a homeowner community, enjoys a respectful  
11 relationship with the police department. And as you  
12 have probably noticed, has done everything they  
13 could to show their support during these times.

14 I wanted to just bring up, and I don't know  
15 if anyone else spoke to it, but I read your  
16 statement. I'm sorry I was running late and  
17 I didn't hear the entire statement. But I would  
18 hope that we adopt all of your recommendations for  
19 additions and services and supplies that you needed,  
20 especially the upgrades to the bulletproof glass; as  
21 opposed to doing the bulletproof glass, the  
22 ballistic panels; as opposed to the other state  
23 funding that you're asking for, to make sure that we  
24 have -- just to go through your other issues that --  
25 the escape hoods that you require; the issues of

1 making sure that, also, your weaponry that you need;  
2 and, basically, all of the supplies that you need to  
3 have, to make sure that you have not only the  
4 technical support, but the enhancements to the  
5 police departments as well.

6 At one point they had increased our money for  
7 capital upgrades for police departments.

8 I hope that that is still happening, because  
9 I know some of the station houses were in severe  
10 needs of just electrical upgrades to keep up with  
11 the technology. And I hope that that's going on as  
12 well.

13 I just wanted to really ask you one basic  
14 question, and after complimenting Queens South and  
15 Chief Barrere, and letting you know that people in  
16 our community want to be supportive of a real  
17 dialogue between the police and the community.

18 And while community affairs is trying to do  
19 as much as they can, anything that I can do to help  
20 install that and improve that, you have my support  
21 to make that happen.

22 We need to make sure that there's clear  
23 community dialogue, not just between the police and  
24 the 400 people that go to all the meetings, but the  
25 community people that reach down from the barber

1 shops, to the houses of worship, to the hair  
2 salons...everywhere that we need to go to ensure  
3 that the police can have had a real dialogue with  
4 the community.

5 I have one question for your consideration,  
6 and I would hope that every rookie police officer  
7 spends at least two weeks in a community-affairs  
8 position, where they could go out and meet the  
9 community one-on-one. As opposed to just going to a  
10 training or listen to some lectures, that they could  
11 at least spend some time in their new role, actively  
12 working with community affairs, going out and  
13 meeting all of the different locations in a  
14 community that people are aware of.

15 And I would hope that you would consider that  
16 as part of your training policy for new officers  
17 when they come in as well.

18 And since we're short on time, and this is --  
19 I'm trying to be respectful of the Chair and be  
20 focused, I would hope that we had could delve into  
21 that more succinctly and more detailed at another  
22 time.

23 COMM. WILLIAM J. BRATTON: What I would  
24 suggest, sir, is probably a discussion between  
25 yourself and Commissioner Tucker would be

1 appropriate.

2           The program he's designed, that we're  
3 implementing for our new officers as they leave the  
4 academy, for their first six months out in the  
5 field, now they'll be assigned with  
6 specially-selected field-training officers, as well  
7 as working with community partners; volunteers who  
8 have volunteered to help assimilate them into the  
9 precincts.

10           They are no longer going to operation-impact  
11 assignments initially out of the academy. They're  
12 going right into precincts. And the most recent  
13 class of 900 are in all 77 precincts around the  
14 city, working with those field-training officers.

15           For two months they work days, for two months  
16 they work evening tours, and for two months they  
17 work the overnight tour, so that they do get a full  
18 feeling for all that goes on in the precincts.

19           So, effectively, what you're talk about we're  
20 already in the process of implementing. It's been  
21 designed by Commissioner Tucker.

22           So, that conversation I think would be  
23 beneficial to you.

24           I also would like to extend to the members of  
25 the Committee, this Committee, but also the other

1 elected officials, both Assemblymen and Senators,  
2 for New York City, the opportunity, as we have  
3 recently done for our City Council, two  
4 presentations:

5 One, to come out to the new academy,  
6 \$750 million academy in Queens, to see firsthand the  
7 training that's underway out in that beautiful  
8 facility, the multiplicity of training. On my given  
9 day, we have 2,000 personnel in training at that  
10 academy.

11 And, in addition, that we recently gave a --  
12 John Miller, our commissioner of counterterrorism,  
13 gave a presentation to the City Council on what  
14 we're facing currently with ISIS and other threats  
15 in the city.

16 So I would like to extend that offer to you,  
17 and we can coordinate it through the leadership, to  
18 have you come in for those two presentations.  
19 I think it would be very beneficial to all of you.

20 SENATOR COMRIE: I look forward to attending  
21 both presentations.

22 SENATOR GOLDEN: Following up on  
23 Senator Comrie's remarks there, I don't know if  
24 you've set the time to sit down and present anything  
25 to the Senate Finance Committee.

1 SENATOR COMRIE: [Unintelligible.]

2 SENATOR GOLDEN: Or have you sat with the  
3 Governor's people yet for finance for dollars for  
4 the NYPD?

5 Have you -- your finance team?

6 COMM. WILLIAM J. BRATTON: We have not.

7 Commissioner Grippo is here with me.

8 Vinny, I'm not sure if we have any of these  
9 meetings up at the state level.

10 SENATOR GOLDEN: I would do that as soon as  
11 possible, on both levels, and the Assembly level as  
12 well.

13 COMM. WILLIAM J. BRATTON: Thank you,  
14 Senator.

15 SENATOR NOZZOLIO: I serve as Chairman.

16 Senator Crocie, Senator --

17 SENATOR COMRIE: I'm sorry. I'm kind of new  
18 here. I'm not used to being cut off.

19 Is that a normal thing? Or is this --

20 SENATOR GOLDEN: No, Senator Leroy Crocie.

21 I was just adding to your comments, that I believe  
22 that the Commissioner should have the opportunity to  
23 present to the Chairs in Albany and to the Governor  
24 for help in finances for the NYPD.

25 And I don't think you got the answer to that

1 question.

2 SENATOR COMRIE: No, I think I had started my  
3 statement by saying, I would hope that everything  
4 that he has proposed here is adopted by us in the  
5 State Senate, at least, and, hopefully, adopted by  
6 the Governor in the budget.

7 I think that making sure that he has all of  
8 the -- making sure the police department has all the  
9 technical equipment and supplies, and especially the  
10 list that the Commissioner stated here --

11 SENATOR GOLDEN: Thank you, Senator.

12 SENATOR COMRIE: -- I think is important.  
13 And I think we should all commit to making sure that  
14 that happens.

15 And if you haven't given dollars to all of  
16 these issues, to the respected Finance Department or  
17 the Governor's Office, I would hope that that is  
18 done quickly, and so that we can have it adopted for  
19 the budget, which we should be starting our process  
20 now, and bringing it to the co-committees and the  
21 other committees that are important.

22 But I would hope that -- and I'm saying that  
23 I'm committed to doing everything I can, as a new  
24 Senator, to try to make sure that everything on your  
25 list is in the budget for 2016.

1           And I would also just say that, you know, as  
2 we try to work to make sure that the department has  
3 what it needs, that we also work to make sure that  
4 the department has an opportunity to communicate  
5 effectively to the entire community, as I was saying  
6 earlier. And I would welcome the opportunity to  
7 talk to Commissioner Tucker about that.

8           I was proud to be in the council when we had  
9 voted for the new police academy, and part of  
10 [unintelligible] committee that did that.

11           And as head of the Queen's delegation at the  
12 time, making sure that the College Point facility  
13 was put in place was important to the whole city.

14           SENATOR GOLDEN: Is there a question?

15           SENATOR COMRIE: I'm trying to wrap up, but  
16 you guys interrupted me. And I was done, actually.

17           But, I just wanted to say that, at the end of  
18 the process, we need to make sure that there's no  
19 opportunity for other entities to try to interrupt a  
20 clear communication between the police and the  
21 community.

22           I think that's really what happened over the  
23 past few months. And if we can find ways to  
24 mitigate that on a regular basis, we could survive  
25 bad media.

1 Thank you, Mr. Chair.

2 SENATOR NOZZOLIO: Thank you, Senator.

3 Senator Sanders.

4 SENATOR SANDERS: Thank you, Mr. Chairman.

5 First, let me applaud the Chairs for this  
6 meeting; Commissioner, to your worthy staff.

7 I sit before you as a person who is no  
8 stranger to a uniform.

9 I am a Marine Corps vet, infantry; and,  
10 I have friends and family who have been in the  
11 police force, so I'm very sympathetic to the police.

12 I understand what it's like to walk a post,  
13 and have the joy of going home at the end of that  
14 tour.

15 So I certainly am no stranger.

16 Yet I also am -- I must admit, I'm  
17 flabbergasted by some in the city who feel that  
18 those who are saying that we have to clean up our  
19 ranks is somehow an attack on police.

20 I'm flabbergasted.

21 I understand that in any group that you have  
22 there's going to be some bad apples.

23 If you have priests, there's going to be some  
24 bad apples in the priests.

25 If you have preachers, you're going to have

1 bad apples.

2 If you have -- believe it or not, I know  
3 people don't believe this, but if you have  
4 politicians, there's going to be some bad apples in  
5 the group.

6 I know you don't believe it, but it is true,  
7 and that we also need to clean up our ranks.

8 I feel that the same is true with the police  
9 department. And I don't think that it's any shame  
10 to say that we need to police ourselves.

11 We need to find who is not obeying and  
12 upholding the highest standards that we set forth.  
13 And that anybody who isn't needs to be disciplined  
14 severely.

15 I think that it shows a sign of strength.

16 And so I'm really confused at people who are  
17 saying that -- coming up with one a false dichotomy:  
18 you either have to be police right or wrong,  
19 seemingly, or you hate the police.

20 And that doesn't give much room.

21 The forced dichotomy pushes it so that the  
22 really question that we have to answer in  
23 New York City, and America, is a question that  
24 I believe that you guys at that table already have  
25 committed to:

1           Can we obey the Constitution and enforce the  
2           law for everyone? Or is it that the Constitution  
3           must be a guideline when policing certain  
4           communities?

5           Now, I don't believe that there's a soul at  
6           that table who will say that the Constitution of  
7           this great country is one that we should just throw  
8           away whenever it is convenient.

9           I believe that there should be one law and  
10          everyone should obey it, either side of the great  
11          divide.

12          I'd never say that we should protect any type  
13          of criminal.

14          Indeed, my officers work very hard to root  
15          out criminals in our -- whenever we can.

16          But as one who has marched, who will march,  
17          and say that there must be one law, and that we need  
18          to figure a way to clean ranks, I urge everybody to  
19          pull back from this false dichotomy; a dichotomy of  
20          splitting people and saying -- that actually  
21          protects people who are not upholding the highest  
22          standard that we want.

23          I, too, have had to have a conversation with  
24          my son.

25          May I remind you that, my son, never been in

1 any trouble, except with me. A college grad. Great  
2 guy. Better guy than I will ever be.

3 Yet I have had to have a conversation with  
4 him, and tell him, Hey, man, here is how you have to  
5 behave in a -- when the police come up to you,  
6 because I want you home.

7 And this assumes that he is not doing any  
8 wrongdoing.

9 If he is, I will have been the first one to  
10 turn him in.

11 If he isn't, I will be the first one to stand  
12 with him.

13 But everyone -- to say that this is not a  
14 real conversation that we've had to hold with our  
15 children means that we're speaking from two  
16 different worlds.

17 So I -- respecting the Chair, and respecting  
18 your time, sir, which you and your staff have done,  
19 given so generously, I end with a question that is  
20 the question of the day; and that is: Can the  
21 Constitution of the U.S., can the rules and  
22 regulations, laws of this great state and city, be  
23 observed by all, and, can we have policing of  
24 certain communities? Or, is it that those rules  
25 must be thrown away when we police certain

1 communities?

2 I end with that question, sir.

3 COMM. WILLIAM J. BRATTON: A very brief  
4 response.

5 The basic -- [inaudible] -- for our officers  
6 always has been, is, and always will remain that you  
7 cannot break the law to enforce it.

8 The laws are there to be obeyed by everybody,  
9 whether it's the enforcers/police, or the public.

10 And that's what we would seek to insist: that  
11 police behave appropriately.

12 And the public also has an obligation to  
13 behave appropriately. That you cannot resist  
14 arrest. That a resolution of that issue is in the  
15 courts.

16 But we are committed to that, that we are not  
17 lowering any constitutional thresholds. Those  
18 thresholds have to remain very high.

19 SENATOR SANDERS: Thank you very much, sir.

20 You have warmed my heart to know that there  
21 are those who say there's one law in every side;  
22 whether it be people in the community; every side  
23 should obey the same law. And if you don't, you  
24 have to take what goes with it.

25 Thank you very much, sir.

1                   SENATOR NOZZOLIO: Thank you,  
2                   Senator Sanders.

3                   Senator Perkins.

4                   SENATOR PERKINS: Good morning.

5                   And I want to thank Chairs Nozzolio, Golden,  
6                   Marcellino, and Gallivan, and for this convening of  
7                   this important hearing.

8                   I know that the Chair is pressing us to take  
9                   time into consideration, so I will.

10                  But I just want to, first, commend you for  
11                  the work you're doing so far.

12                  And I want to especially commend you for how  
13                  you handled the recent controversy, if you want to  
14                  put it that way, between the Mayor, who I think is  
15                  doing a good job and means well, and the  
16                  police-department union.

17                  You know, the Black community is not  
18                  anti-cop, but there is some concerns, historically,  
19                  and even presently, that have been raised about how  
20                  that -- the community is being policed.

21                  And so it's remarkable to me that the manner  
22                  in which the differences between the police union  
23                  and the Mayor were exercised in a way that they  
24                  turned their backs on him. And it almost, to me, is  
25                  not what I would want my child to even see.

1           I had -- like has been said by others, I had  
2           to teach my sons and my nephews, as well as other  
3           young men in the neighborhood, about how to handle  
4           themselves because of the police-community  
5           relations.

6           And that is an honest, I dare say, common  
7           concern of many folks in our neighborhoods.

8           And for us to ignore that or to assume that  
9           that is anti-cop is to miss the point entirely.

10          In fact, quite frankly, it is to aggravate  
11          the problem as opposed to addressing the problems.

12          So I want to commend you for the role that  
13          you were trying to play, to make sure that that  
14          disagreement did not get out of hand as it was  
15          heading to become, because it did get out of hand.  
16          And it wasn't the kind of thing, that no one would  
17          want to see young men, perhaps aspiring to be  
18          law-abiding, and maybe even become police officers,  
19          turning their backs on the Mayor.

20          You know, if the military turns its back on  
21          the President, that would be considered treasonous,  
22          mutinous.

23          So, I know there's a difference between a  
24          police department and a military; but, nevertheless,  
25          it seems to me that that kind of mutual respect and

1 that kind of cooperation is very, very important,  
2 especially from the perspective of the public  
3 perception.

4 We seem to be out of hand, and it was a great  
5 concern in the neighborhood that I represent to see  
6 that kind of behavior taking place.

7 It did not help police-community relations in  
8 the neighborhood. Quite the opposite.

9 And if it was intended to be helpful, it did  
10 quite the opposite.

11 So, I just want to hope that you will  
12 continue to move forthright in the direction that  
13 you're moving, and try to get that type of situation  
14 as part of our past, never to be repeated again.

15 Thank you.

16 SENATOR NOZZOLIO: Senator Squadron.

17 SENATOR SQUADRON: Thank you very much.

18 And, just briefly, thank you for all of your  
19 time, and for the tone you've been setting. I echo  
20 that.

21 We're here at a hearing on one side of this  
22 significant, sometimes tragic, sometimes horrific,  
23 issue: police safety, community relations.

24 One simple question: Do you have any advice  
25 for us, for the public, for the press, on how to

1 move this entire conversation forward, all aspects  
2 of it, productively, in a way that leads to a safer,  
3 but also a fairer city that feels better?

4 COMM. WILLIAM J. BRATTON: The suggestion is  
5 one that I have voiced the idea of -- what we all  
6 need to do is try to find some common ground, some  
7 platform, to have what you engage in, certainly as  
8 politicians and in your respective roles, the idea  
9 of, try to engage in dialogue rather than rhetoric.

10 To have the rhetoric move toward dialogue,  
11 where you actually find compromise or collaboration.

12 And so this is an issue that I think really  
13 cries out for, trying to find common ground, trying  
14 to find what I believe is, in fact, resolution of  
15 the many different points of view and perspective  
16 and life experiences.

17 And shame on us if we miss this opportunity.

18 Out of crises comes opportunity. I have  
19 always looked at it that way.

20 And, God knows, we have had a horrific crises  
21 over these last couple of months, and the peaking,  
22 certainly, with the death of our two officers.

23 So wouldn't it be wonderful if the legacy of  
24 their deaths was, in fact, to move this discussion  
25 forward to where we did find resolution, rather than

1 confusion or continued differences of opinion.

2 We in the police department are committed to  
3 that. That we are committed to fulfilling our roles  
4 and responsibilities, as difficult as they are.

5 And so the answer to your question is really:  
6 For all of us to try to find that common ground so  
7 that, as we remember Officer Liu and  
8 Officer Ramos -- Detective Liu and Detective Ramos,  
9 that their sacrifice, the sacrifice of their lives,  
10 will not have been in vein.

11 SENATOR SQUADRON: Thank you.

12 SENATOR NOZZOLIO: And with that,  
13 Commissioner, thank you very much, for you and your  
14 team. You have been extremely responsive to our  
15 questions.

16 Senator Golden.

17 SENATOR GOLDEN: One quick question.

18 You put it up earlier, Commissioner, on the  
19 ISIS.

20 Is there -- and you put a new team together  
21 only recently.

22 It would be malpractice for us to let you  
23 walk out that door and not to ask you: Is there any  
24 credible threats or credible conversations going on  
25 for, both, the creation of this new task force, and,

1 is there any chatter on -- for New York City or the  
2 country, that your office is listening or hearing  
3 to?

4 COMM. WILLIAM J. BRATTON: The continuing  
5 reorganization of the department and some of its  
6 units, which continue all the time in the NYPD, more  
7 in response to trending, and nothing at all in  
8 response to any specific threat known that's being  
9 directed against the city or any of its people or  
10 any of its facilities.

11 No, the ISIS threat is most significant in  
12 its inspirational capabilities, as evidenced by the  
13 hatchet attack on four of our young officers several  
14 months ago, that so-called "lone wolf," or, the  
15 increasing concern we have in a country that has so  
16 many firearms, the idea of the individual that might  
17 engage in use of firearms rather than a hatchet.

18 So, no, no credible threat at this time.

19 And we have, I think, as you're all well  
20 aware, a very robust counterterrorism capability.

21 SENATOR GOLDEN: Last and final quick  
22 question, we talked about the morale earlier.

23 Where is the contract negotiations?

24 Are the contract negotiations almost  
25 completed with the NYPD, or is that still ongoing?

1           COMM. WILLIAM J. BRATTON: We have, as you  
2 are aware, five unions that represent our various  
3 uniform members.

4           Three of those unions have reached agreement.  
5 One of the three has ratified.

6           The fourth is in, I believe, close to final  
7 discussions.

8           And Pat Lynch from the PBA is present here.  
9 His organization is in arbitration at the moment.  
10 He can speak more specifically to his issue.

11           SENATOR GOLDEN: Thank you.

12           SENATOR NOZZOLIO: Again, thank you very  
13 much, Commissioner.

14           COMM. WILLIAM J. BRATTON: Thank you for your  
15 attention. Appreciate it.

16           SENATOR NOZZOLIO: Members of the Committee,  
17 if I just may indicate that we have spent two hours  
18 discussing these important issues.

19           I certainly appreciate your passion and your  
20 participation.

21           We have 10 more witnesses, and that we ask  
22 you to focus your questions to the witness.

23           And with that, we welcome  
24 President Patrick Lynch, president of the  
25 Patrolmen's Benevolent Association of the city of

1 New York.

2 President Lynch, welcome to the Committee.

3 PATRICK J. LYNCH: Senator, thank you.

4 SENATOR NOZZOLIO: We have, as you could  
5 tell, a lot of questions that need to be asked --

6 PATRICK J. LYNCH: Fair enough.

7 SENATOR NOZZOLIO: -- and we appreciate your  
8 participation.

9 PATRICK J. LYNCH: And we appreciate the  
10 invitation here.

11 But before I start, let me just introduce the  
12 ladies and gentlemen that are with me as well.

13 On my right is Mubarak Abdul-Jabbar. He's  
14 our second vice president and our legislative  
15 director.

16 This is Mike Murray, from our legal division.

17 We also have Valerie Debas [ph.], behind me,  
18 also from our legal division.

19 We have Nancy Picknally with us as well.

20 And, Frank Tramontano, who's our legislative  
21 assistant as well.

22 Out of respect for them, I wanted you to know  
23 who was sitting in front of all of you.

24 And I have more extensive testimony that  
25 I passed up to each and every one of you, that you

1 can review at your leisure as you move forward with  
2 the keeping the time frame in mind here.

3 And we appreciate this.

4 But, nonetheless, I have some read testimony,  
5 and then, of course, I'll answer any type of  
6 questions that you may all have for me.

7 SENATOR NOZZOLIO: Thank you.

8 PATRICK J. LYNCH: Good afternoon.

9 I would like to thank you, Senators, and  
10 members of your respective Committees, for holding  
11 these hearings on these urgently important issues,  
12 and for considering my statement as well.

13 And I would also be submitting a more  
14 detailed version of my remarks into the record for  
15 all of your consideration.

16 New York City police officers perform their  
17 jobs today in an environment that is more difficult  
18 and dangerous than any in recent memory.

19 We recognize that today's discussion has come  
20 about because of the assassinations of  
21 Police Officers Rafael Ramos and Wenjian Liu, but  
22 their murder is only one tragic example of the  
23 recent wave of attacks on and the threats against  
24 New York City police officers, not only here in  
25 New York City, but also in our great state; but,

1 unfortunately, across the country and around the  
2 world.

3           These attacks have underscored the obvious  
4 need for the equipment, training, and increased  
5 staffing that will allow police officers to better  
6 protect themselves and the public from these  
7 threats.

8           I will share some of our specific proposals  
9 in this area with you as we move forward here today.

10           But I also believe that we must address these  
11 threats at their source, which is the current  
12 climate of hatred and violence directed at police  
13 officers.

14           So many of these recent attacks, including  
15 the murders of Police Officers Ramos and Liu, and  
16 the terrorist hatchet attack on four police officers  
17 in Jamaica, Queens, last October, have followed the  
18 same pattern.

19           The calls for violence against police  
20 officers find their way to the fanatical and  
21 unstable who, unfortunately, then carry them out.

22           We must put an end to these calls for  
23 violence. To do that, we must put an end to the  
24 anti-police climate in which they are able to  
25 circulate and, unfortunately, gain traction.

1           In New York City, as in many places around  
2           the country, some elected officials and activists  
3           have advanced the narrative that depicts police  
4           officers as racially biased and habitually abusive.

5           While we strongly disagree with this and the  
6           conclusions that have been drawn from it, police  
7           officers understand why this perception exists.

8           It is at least partially the result of  
9           policing policies that police officers have no role  
10          in creating, and many times we have actively opposed  
11          them.

12          The PBA, for example, pressed for state  
13          legislation in 2010 to make quotas for stop,  
14          question, and frisk, and all other types of police  
15          activity, illegal, which was passed with the  
16          assistance of many in this room and many others of  
17          your associates.

18          But numerically-driven policies that deprive  
19          police officers of their discretion, persisted. And  
20          in the past number of years, we have seen the  
21          predictable backlash in the form of court decisions,  
22          and legislation introduced at the local level.

23          But rather than address in the failed  
24          policies that are at the heart of the issue, these  
25          misguided reform efforts have invariably shifted the

1       burden onto the police officers on patrol on our  
2       streets.

3               The message behind all of these efforts is  
4       that police officers are bad actors and must be  
5       scrutinized, controlled, and punished so that they  
6       don't victimize the public.

7               And that's just wrong and misguided,  
8       I believe.

9               Some of our elected leaders may have  
10       repeatedly proclaimed their support for police  
11       officers, but their actions and policies have  
12       amounted to official support of those who spread a  
13       message of distrust and disdain for law enforcement.

14               Once that message has reached an unstable  
15       individual with the means and opportunity to attack  
16       police officers, it becomes an act of violence,  
17       unfortunately.

18               In order to prevent another tragedy like the  
19       assassinations of Police Officers Ramos and Liu, we  
20       must break this cycle, and we must break this cycle  
21       together.

22               We must treat threats against police officers  
23       as threats against our society as a whole, each and  
24       every one of us, as we're -- wears uniform, or are  
25       walking down our streets, and, we must punish those

1 who make such threats accordingly.

2 And we must provide our police officers with  
3 the resources they need to simultaneously protect  
4 themselves as we go out and do a dangerous job, but  
5 also the public in which we serve and we so want to  
6 protect.

7 At the same time, those who are responsible  
8 for setting public-safety policy must align  
9 themselves behind the clear mission and set  
10 broadly-supported goals.

11 It's widely acknowledged that the dramatic  
12 crime reduction we have seen in New York City has  
13 been to the keys to this city's current prosperity.

14 But now that we've restored public safety in  
15 this city, some have wondered whether the  
16 public-safety mission has changed.

17 If the public, through their elected  
18 representatives, decided that priorities have indeed  
19 changed, police officers need to have that message  
20 clearly communicated to them.

21 The current debate over the so-called  
22 "broken-windows" policing strategy is an example  
23 that needs some clarity.

24 Our leaders can't, on one hand, say that,  
25 "support broken-window-style policing"; while on the

1 other, are carve-out exceptions that swallow the  
2 original concept as it's been explained to the  
3 police officers.

4 It is no longer support -- if it's no longer  
5 supported, or no longer supported in its previous  
6 form, police officers need to know what remains, and  
7 must be provided with the coherent guidance on just  
8 how they should conduct themselves and the policies  
9 we should follow.

10 In our view, the twin objectives of  
11 protecting police officers and preserving our public  
12 safety can and must be addressed simultaneously.

13 We believe that these -- there are several  
14 specific actions that you can take, along with your  
15 fellow legislators, in order to help further these  
16 goals, and I'll put some of them on the table, and  
17 they are also in the longer version.

18 Number one: Declare a moratorium on local  
19 legislation in the area of criminal justice and  
20 police procedure.

21 Criminal-procedure law, particularly those  
22 laws that impact certain police practices, has  
23 historically been a function of the state  
24 government.

25 Recently, however, some local governments,

1 including New York City, have attempted to usurp the  
2 State's traditional role through ill-considered  
3 local legislation that is fashioned and enacted in a  
4 response to the latest headlines without any  
5 consideration for its long-term public-safety impact  
6 or its relationship to the surrounding body in law  
7 that should be included.

8           Importantly, issues of criminal justice  
9 deserve more careful, deliberate, and reasoned  
10 consideration, and we believe that the Legislature's  
11 statewide purview leaves it better equipped to play  
12 that role.

13           For that reason, we will seek a law,  
14 specifically consigning the area of the state -- to  
15 the State Legislature, effectively declaring a  
16 moratorium on all local legislation impacting  
17 criminal or policing procedures, and invalidating  
18 any existing law or legislation of this type.

19           Two: Protect due process for police  
20 officers.

21           Police officers spend their entire careers  
22 protecting the rights of those we serve.

23           We must be afforded the same legal processes  
24 that are guaranteed to the civilian population,  
25 especially where liberty interests are implicated.

1           As the U.S. Supreme Court has said, in  
2 quotes, Policemen, like teachers and lawyers, are  
3 not relegated to a watered-down version of  
4 constitutional rights, end quote.

5           Recently, we have heard calls for changes to  
6 the way the criminal cases involving police officers  
7 are handled.

8           Many of those proposals would effectively  
9 place police officers in a separate justice system  
10 with the express purpose of indicting police  
11 officers on charges that would not stand under  
12 normal operational law.

13           This is a blatantly unjust and inequitable  
14 concept.

15           We urge you to oppose any legislation that  
16 may come before you, that we would create a separate  
17 justice system for police officers, who are also  
18 citizens of our great city and state.

19           Three: Increase penalties for threats and  
20 assaults against police officers.

21           As I noted earlier, an attack on a police  
22 officer is an attack on society as a whole, and the  
23 penalties for such attacks or threats of attacks  
24 must reflect that.

25           For that reason, the PBA is calling for four

1 changes to existing law.

2 The first change would make it a B felony to  
3 assault a police officer and cause physical injury  
4 while at a public assembly, making it punishable by  
5 up to 30 years in prison.

6 The second change would make it a D felony to  
7 menace a police officer with a dangerous instrument,  
8 strengthening a statute that currently covers only  
9 threats with a deadly weapon.

10 The third change would make it a D felony to  
11 encourage imminent violence against a police  
12 officer.

13 A second component of this charge would make  
14 similar threats against police officers, issued in  
15 connection with the terrorist group, a C felony,  
16 punishable by up to 15 years in prison.

17 Our hope is that these four changes will not  
18 only serve to punish the perpetrators who may carry  
19 out these threats and attacks, but will help prevent  
20 such threats from happening in the first place,  
21 which would stop violence in the future.

22 Four: Increase NYPD staffing.

23 Since 1999, the NYPD's uniform headcount has  
24 declined by roughly 7,000, while the city's  
25 population has grown by almost 1 million.

1           These cuts have been most deeply felt in the  
2           local precincts and patrol commands that provide the  
3           basic police services that New Yorkers rely on every  
4           day in our neighborhoods around the city, as an  
5           increasing number of police officers have been drawn  
6           away from patrol to fulfill critical  
7           counterterrorism needs.

8           The PBA has warned for years that the -- this  
9           reduced staffing level is a -- is detrimental to  
10          public safety, and also puts our members at risk.

11          It was also one of the key factors that led  
12          to the aggressive quota-driven policies that  
13          I referenced earlier in my statement.

14          As the city's population and demand for  
15          police services continue to grow, our  
16          policing-policy resources are already approaching  
17          the breaking point.

18          We believe that the Legislature can play a  
19          role in ensuring that the situation never occurs.

20          Accordingly, we ask for legislation that  
21          mandates a return to the NYPD's 1999 staffing  
22          levels, as that sets a minimum threshold for  
23          staffing that will rise with the city's growth in  
24          the future.

25          This restoration in police staffing could be

1 funded by a targeted tax similar to those that  
2 funded similar staffing increases under the  
3 "Safe Streets, Safe Cities" program in the early  
4 1990s which was very effective.

5 Five: Provide steady funding stream for  
6 bullet-resistant vests.

7 The City Council's recent decision to  
8 allocate additional funds to purchase new  
9 bullet-resistant vests for some police officers who  
10 are currently wearing outdated or expired vests is a  
11 good first step, quite frankly, but it has also  
12 highlighted the need for a steady stream of funding  
13 to guarantee that replacement vests will be  
14 purchased on a routine basis moving on into the  
15 future.

16 The risk posed by worn-out or ill-fitting  
17 vests, or vests with outdated technology, as well --  
18 is well documented, and the law requires an employer  
19 to provide, in quotes, reasonable and adequate  
20 protection to the lives, safety, and health of its  
21 employees, end quote.

22 That's our members.

23 For that reason, the PBA is planning to seek  
24 legislation that will compel the City and the NYPD  
25 to pay the cost of issuing bullet-resistant vests

1 with the latest technology and maximum coverage, as  
2 well as the cost of replacing any vest that's  
3 damaged, does not fit, or that has passed a given  
4 expiration date.

5 Six: Fund an anti-terror assault kit for all  
6 New York City police officers.

7 Recent events have demonstrated that  
8 active-shooter-style attacks are becoming a  
9 preferred tactic for terrorists around the world,  
10 and they have already been a grim reality of  
11 American policing, unfortunately, for some time.

12 The NYPD and many other departments now  
13 instruct police officers to engage the suspect as  
14 soon as possible to end the threat and prevent any  
15 further loss of life.

16 This means that the first police officers on  
17 the scene, usually our patrol officers equipped only  
18 with handguns and standard bullet-resistant vests,  
19 are expected to confront a heavily-armed shooter, or  
20 even, many times, multiple-shooter situations.

21 That is why the PBA has called, for many  
22 years, for the NYPD to equip all police officers,  
23 both those on patrol and those stationed at fixed  
24 locations, with an anti-terror assault kit  
25 consisting of, at the very least, an assault rifle,

1 tactical body armor, including a ballistic helmet,  
2 for our members.

3 Today their need for this equipment is even  
4 more urgent, and we intend to seek legislation that  
5 would provide funding for this equipment, and compel  
6 the NYPD to provide it to all its members and train  
7 them in it.

8 Seven: Equalize line-of-duty disability  
9 benefits.

10 All of the measures I have discussed so far  
11 are aimed at proactively protecting police officers  
12 and ensuring their safety, moving forward, and  
13 nothing should diminish that focus.

14 But New York City and New York State also has  
15 a moral obligation to care for those police officers  
16 who have been seriously injured in the line of duty,  
17 whether through direct attacks, or any variety of  
18 other hazards that we face on our job.

19 As you may be aware, New York City police  
20 officers and firefighters hired after July of 2009  
21 have been placed into the Tire 3 pension plan as an  
22 unintended consequence of former  
23 Governor David Paterson's veto of the Tier 2  
24 extender bill.

25 Tier 3 includes a reduced accident-disability

1 pension benefit for all of those who are permanently  
2 disabled in the line of duty. That benefit is  
3 significantly less than the benefit provided to  
4 their more senior colleagues under Tier 2, and that  
5 benefit afforded to every police officer and  
6 firefighter in New York State under Tier 5 and  
7 Tier 6.

8 Tier 3 police officers who were recently  
9 injured in the line of duty may be subjected to this  
10 diminished benefit in the near future,  
11 unfortunately.

12 It is not only a matter of basic fairness to  
13 protect them and their families against the  
14 financial risk that they may incur on our behaves,  
15 it is also a matter of public safety.

16 I ask you to put yourselves in the position  
17 of New York City police officers and firefighters  
18 who are unsure whether they will be able to provide  
19 for their families if they are hurt on the job.

20 Would you hesitate to put yourself in harm's  
21 way knowing that may well happen?

22 The PBA will continue to back legislation  
23 that would give New York City police officers the  
24 same level of line-of-duty disability benefits as  
25 all other police officers in our great state.

1           This legislation already has strong local  
2 support.

3           As of today, 35 members of our City Council  
4 have signed on to a resolution in support of such a  
5 change.

6           And I hope that you and your colleagues in  
7 the Legislature will give it your support as well.

8           I would like to conclude my remarks today by  
9 stressing once again, that protecting our police  
10 officers, and ensuring that they are treated fairly,  
11 are essential components to the safety of the city,  
12 and New York State as a whole.

13           Public safety must remain a top priority, and  
14 how we go about implementing that priority is  
15 ultimately the decision of policymakers, like  
16 yourselves.

17           But we believe that it cannot be maintained  
18 by a government that does not support its police  
19 officers; that procedures them with criticism and  
20 ill-considered oversight; that subjects them to  
21 unprecedented and unwarranted levels of discipline,  
22 and relegates them to a different and more  
23 burdensome system of justice than the rest of our  
24 fellow Americans.

25           Most importantly, we cannot expect our police

1 officers to effectively protect us unless we do  
2 everything in our power to protect them as well.

3 We have seen some hopeful signs recently that  
4 our leaders in New York City may begin to move in  
5 that direction, but our police officers still need  
6 the words of support, which we appreciate, to be  
7 backed up by more meaningful and consistent actions.

8 We believe the proposals and measures we've  
9 outlined will serve to maintain and increase the  
10 safety of police officers, and enhance public safety  
11 as a whole.

12 And I ask once again that you give all these  
13 proposals your support.

14 And I thank you, with all respect again, for  
15 hearing and considering my testimony here today, and  
16 I would gladly answer any questions you may well  
17 have.

18 SENATOR NOZZOLIO: Thank you,  
19 President Lynch.

20 PATRICK J. LYNCH: Thank you, Senator.

21 SENATOR NOZZOLIO: Senator Golden.

22 SENATOR GOLDEN: Thank you, Mr. Chairman.

23 Thank you, Pat Lynch, for being here today.

24 And the group that you're with here, your  
25 leaders in the PBA, thank you for being here as

1 well.

2 We heard the Commissioner speak earlier about  
3 crime, and it was focused in the last 28-day report  
4 that crime was up in murder, rape, and robbery.

5 And in the last week, which we're not privy  
6 to that, but we should be privy to, we get it --  
7 I think we got it now, that, actually, robbery is  
8 not up any longer, but murder and rape are still up  
9 across the state -- across the city.

10 What is the -- what is your feeling on the  
11 street?

12 And, do we see an increase in crime  
13 continuing?

14 And we're going to ask, two areas:  
15 (a) morale, and (b) manpower.

16 We understand that the Mayor has announced a  
17 new organization, a new group out there, that  
18 350 men. That's 350 men that's coming from  
19 another -- from the street again, so that's less men  
20 and women on the street.

21 I believe we need that 350-man operation to  
22 be able to go out there and to deal with the ISIS,  
23 and other high-potent issues that may affect the  
24 city.

25 But those two areas, right there, morale, and

1 manpower, do we have -- what are we going to do, and  
2 what can we do about it?

3 PATRICK J. LYNCH: I think they're  
4 intricately connected, quite honestly.

5 Staffing, we're down between 6,000 and  
6 7,000 New York City police officers on our streets.  
7 That makes it more dangerous for our members as they  
8 go out and do their job, and also for the public as  
9 well.

10 And then it requires for us to makeshift, or  
11 Band-Aid, to go to different neighborhoods where  
12 there's spikes in crime and put out the fire, and  
13 then move to someplace else.

14 The CompStat program was a creative program  
15 that's effective.

16 It knows where crime is.

17 You give the commanders the responsibility to  
18 go after that crime, and hold them responsible for  
19 it, but also giving them the staffing that they  
20 need.

21 So one piece of that puzzle is now missing:  
22 the staffing that we need.

23 We're down 7,000 police officers.

24 So every time there's an event, whether it  
25 could be a festival or a parade or something joyous,

1 or something more dangerous, God forbid, happens in  
2 the city, the police officers that are pulled to  
3 police that issue are pulled from our neighborhood  
4 precincts.

5 That makes it more dangerous for us, and  
6 makes it more difficult for us to keep those crimes  
7 down. And one crime is too many. A spike in murder  
8 is one life too many.

9 And our strive should be, always, to make  
10 sure that there's none.

11 I'd rather have my members bored because  
12 there's not crime than both the public and the  
13 police officers in danger.

14 So we need to fix that staffing problem.

15 Also, that staffing problem I believe led to,  
16 and we were very vocal on this, so the quota-driven  
17 system that led to the problem with the stop,  
18 question, and frisk.

19 We were one of the first groups to come up  
20 and say, there's a problem.

21 It's polluting our relationship in the  
22 neighborhoods, because there's a certain numerical  
23 number or a goal or quota put on each individual  
24 police officer to come in with a certain number of  
25 stop, question, and frisk, as we call "250s," or,

1       arrests, or summonses.

2               It takes the discretion away from the police  
3 officer, who know the folks in the neighborhood,  
4 know the good folks in neighborhood, and,  
5 unfortunately, also know who may be a criminal.

6               But if you drive them to come in with a  
7 certain number, and punish them if they don't meet  
8 that, what they call "productivity goal," I call it  
9 "a quota," that creates and pollutes the  
10 relationship in the neighborhoods.

11              So with the help of many in this room, we  
12 passed legislation to make quotas illegal.

13              We want to make sure that numerical problem  
14 does not continue, because, again, it pollutes every  
15 aspect, and also to go to the morale problem.

16              Our police officers want to go out in the  
17 street and feel supported.

18              They also noted, a policy that says you need  
19 to bring in five collars, or five arrests, or  
20 five UF-250s, they know that pollutes the  
21 relationship with the public we're serving. That  
22 affects morale, because our members truly believe in  
23 truth, justice, and the American way. We want to go  
24 out and do our job, and make it safe for everyone.

25              So the staffing problem has tentacles that

1 reaches into all the different issues that we're  
2 speaking of here today.

3 SENATOR GOLDEN: Is the broken-windows  
4 theory -- what is the broken-window theory today?

5 PATRICK J. LYNCH: To go after -- what I'm  
6 concerned with, is that there's a clear message of  
7 what we're going after, and, what are those crimes?

8 Look, we want to go out and do our job  
9 effectively, but we can't go out and do our job and  
10 go after a crime, and, then -- with police officers,  
11 there's never a script for a police officer. Things  
12 don't always go exactly as they should. It's not  
13 all written in a book. You're dealing with  
14 circumstances that are fluid on the street all the  
15 time.

16 And then, after there may be a tragedy or a  
17 question, then to blame the police officer for the  
18 policy we have no ability to control, but we're sent  
19 out there, because the community complained, or the  
20 department sent us out to do it, we cannot walk away  
21 at that point.

22 So, if the policy is not to go after a  
23 certain crime in this broken-windows theory,  
24 articulate that to us so we know what we should be  
25 doing. But, certainly, don't hold the individual

1 police officers who didn't create that policy  
2 responsible for it.

3 SENATOR GOLDEN: So would a change in  
4 broken-windows, with the stop-and-frisk on a  
5 downturn -- considerable downturn, racial-profiling  
6 bill, all these add to -- I believe, a lower arrest  
7 process here in the state -- in the city of  
8 New York, and, a morale situation that is untenable  
9 right now?

10 PATRICK J. LYNCH: Well, it creates the  
11 morale issue because, what happens is, if you look  
12 at many of the pieces of legislation and discussions  
13 that go on, it always ends up with "discipline the  
14 police officer."

15 Now, we are not the ones that create the  
16 policy out in the street.

17 If there's a problem with the policy, go  
18 after the policy, and hold the policymakers  
19 responsible.

20 But what we find, the discipline always falls  
21 on the individual police officer standing on the  
22 corner, rather than those that made the policy.

23 SENATOR GOLDEN: Do you think there are too  
24 many cooks in the kitchen as well?

25 PATRICK J. LYNCH: I have to agree with the

1 Commissioner.

2 Too many cooks in the kitchen that, again,  
3 puts the focus on the individual cop on the corner,  
4 rather than the policymaker.

5 Look, if the policy is changed, we'll follow  
6 our orders and do our job effectively.

7 SENATOR GOLDEN: I had remarked at earlier  
8 about the crime statistics, but when you see crime  
9 going up in the coldest days and snow storms, that's  
10 not a good sign.

11 Crime should be down in the month of January;  
12 not going up.

13 PATRICK J. LYNCH: That's right.

14 SENATOR GOLDEN: That, I think is a serious  
15 problem.

16 PATRICK J. LYNCH: And it is, because it's  
17 pulling the police officers. We're already  
18 short-staffed.

19 We have the increased threat of terrorism  
20 that is real here in New York City. Then all the  
21 circumstances that happen on a regular basis, those  
22 police officers are pulled, and it makes it  
23 difficult for us to do our job.

24 Look, we need and want the resources to  
25 effectively do our job.

1 I've been a police officer for 31 years. It  
2 was a much different neighborhoods out there. I was  
3 assigned to the 90th Precinct, the Williamsburg,  
4 Brooklyn. It's a place now where our members can't  
5 afford to buy a home.

6 When I had gotten there, we would be standing  
7 on the corner in full battle regalia. That's how  
8 crime had eroded everything that we do, the tax  
9 base, all the policies that we make.

10 We don't want to slide back to doing that.

11 But the problem in policing is this: If the  
12 problem gets ahead of you because of the staffing  
13 problem, you cannot ramp up a police department by  
14 just saying, Go ahead, hire them up.

15 You have to test them, train them, recruit  
16 them, six months in the academy, six on the --  
17 six months on the street, before they're effective  
18 police officers.

19 So once the problem gets out of control, it  
20 can't be stomped down too quickly. It's not like an  
21 assembly line.

22 We need qualified police officers who want to  
23 do this job, to go out in the street, and we need  
24 help doing it.

25 SENATOR GOLDEN: The CompStat here, you can't

1 tell a drug arrests. I don't know how drug arrests  
2 and how drugs are dealt with in CompStat, but I do  
3 know that we've seen the number of summonses, the  
4 number of arrests, on marijuana use is down.

5 But I do know, in the communities across my  
6 district, and across the state of New York, we see  
7 an increase in opium and heroin deaths, which we  
8 have to go to the Department of Health to get those  
9 numbers.

10 And we need to get more of those numbers.

11 Are you seeing more drug sales on the  
12 street --

13 PATRICK J. LYNCH: We are, we're seeing many  
14 of our neighborhoods, the increase in heroin and the  
15 like, and the calls that we have for overdoses.

16 And that sort of thing is a better question  
17 for the department on those statistical numbers.

18 But, yes, we're doing that.

19 But more importantly, the issue is not just  
20 the numbers. It's also the feel on the street, the  
21 perception on the street, of, it's not safe.

22 Now, we can look at the numbers and say,  
23 Well, the numbers say it is.

24 But if you're on the street corner and you're  
25 not feeling safe or supported, that permeates every

1 aspect of the life that we live here in this great  
2 city.

3 And as the Commissioner said, we're part of  
4 the -- 60 percent of my members live in the confines  
5 of New York City.

6 I was born and reared here. I reared my  
7 family here.

8 We're part of the communities that we serve  
9 as well.

10 So we want to have effective policing, but we  
11 need help in staffing to get that done.

12 SENATOR GOLDEN: Want to change the hat  
13 quickly.

14 PATRICK J. LYNCH: Sure.

15 SENATOR GOLDEN: Binding arbitration.

16 Where are you in binding arbitration?

17 And is there an opening here for the --

18 PATRICK J. LYNCH: We're in binding  
19 arbitration to resolve our contract.

20 SENATOR GOLDEN: What date --

21 PATRICK J. LYNCH: We're waiting for dates to  
22 get that done, but we're in the process.

23 But the unfortunate part here is we haven't  
24 learned from history in the past.

25 In the past, New York City police officers

1 were given zeroes. It was called a "zeroes for  
2 heroes" contract.

3 That created many of the problems we had,  
4 where we couldn't recruit qualified candidates to  
5 stay on this job. Senior-veteran-experienced  
6 officers to remain on this job, and pass that along  
7 to our younger veteran officers.

8 And that created all the problem, and,  
9 unfortunately, sometimes scandal as well, when you  
10 didn't have the resources.

11 So it's unfortunate that, once again, the  
12 City of New York is offering New York City police  
13 officers 18 months of zeroes.

14 We've lived through that. Been there, done  
15 that; it doesn't work.

16 We have a responsibility to our members to  
17 pay them so that they can live in the communities  
18 that they serve, but we also need to make sure we're  
19 recruiting qualified candidates to come on this job.

20 How you do that, is by paying a market rate  
21 of pay.

22 Because, what's happening now, and has  
23 happened in the past, when we're not at a market  
24 rate of pay, we recruit the police officers, we  
25 train the police officers, we put them on the

1 streets for six months, they pack their bags, and  
2 they move to a different community where they can  
3 pay for their family, educate their family, and also  
4 do it in safety.

5 And I think that's unfair, and I think it's  
6 short-sighted.

7 It should be a reasonable pay for police  
8 officers for the difficult job we do.

9 SENATOR GOLDEN: Because of the number of  
10 members that -- and I have one last question --  
11 I want to ask my last question.

12 The -- and I think it's important that you  
13 focus -- you talked about equalizing the  
14 line-of-duty disability benefits.

15 Could you just put that into a focus, on the  
16 two officers that ran into a fire in Coney Island.

17 Or, if there's a better --

18 PATRICK J. LYNCH: Well, we have a number,  
19 unfortunately.

20 We have the police officer, Rosa Rodriguez,  
21 that ran into that fire in Coney Island.  
22 Unfortunately, her hero partner lost his life.

23 She is a wonderful woman, a family woman, a  
24 police officer, lives and resides here in this city  
25 and serves the city, but she can't walk very far

1 without hooking herself up to oxygen.

2 But the reality is, two police officers in  
3 that same circumstance, if you were on the job  
4 before July of 2009, if you're in that disability --  
5 and no one wants that. It's not a benefit. Your  
6 life has changed. -- you'll get three-quarters, and  
7 maybe you'll be able to take care of your family.

8 But the police officer that's right next to  
9 them, in Tier 3, will get \$27 a day. Won't be able  
10 to take care of their family.

11 It's not just that.

12 We had a terrorist attack in the middle of a  
13 shopping district in South Jamaica, Queens, in the  
14 103rd Precinct, where a madman following the climate  
15 that I spoke of earlier, hit a police officer in the  
16 head with a hatchet.

17 Police officer -- when we talk about serving  
18 the community, four police officers that were  
19 standing there, having their picture taken by the  
20 community, interacting with the community, and while  
21 they were doing that, this madman, with absurd ideas  
22 in his head, came and hit that police officer in the  
23 head with a hatchet.

24 That police officer, and we hope, and we  
25 pray, that he comes back to full duty, and full

1 capacity, but he's a long way to do that from  
2 getting out of the hospital and all the rehab.

3 That police officer will be in Tier 3, won't  
4 be able to take care of his family, or any other  
5 police officer.

6 It's a matter of fairness.

7 If we're both in the --  
8 if Mubarak Abdul-Jabbar and myself are in the radio  
9 car and we're responding to that same danger, and we  
10 get injured, we should be treated the same.

11 All we ever asked for in any of these issues,  
12 as police officers, and our union, is fairness.

13 We're asking for fairness.

14 This is not right.

15 SENATOR GOLDEN: Senator Hassell-Thompson and  
16 myself are partners in a police radio car.

17 And if she were in Tier 5, and she were to  
18 get hurt, she would get a disability.

19 And if I were to get hurt in that same car  
20 accident, or, responding to a crime, and we got into  
21 a shooting, and both us, unfortunately, may succumb  
22 to some of our injuries, or -- well, let's not go  
23 that far; not succumbed -- injured in the line of  
24 duty, I would get \$27 a day, to be able to pay my  
25 rent --

1 PATRICK J. LYNCH: Exactly.

2 SENATOR GOLDEN: -- or my mortgage, or my  
3 kids for school --

4 PATRICK J. LYNCH: Right.

5 You'll get 50 percent of your salary.

6 SENATOR GOLDEN: [Unintelligible]

7 three-quarters today --

8 PATRICK J. LYNCH: But, also, look at the job  
9 that we're in. It's a very young job. Most people  
10 are not even at top pay.

11 So it's based on the level of pay that  
12 they're at at the time. So that brings it down.

13 And we use the example of the \$27. Those are  
14 the newer police officers that have got injured.

15 If you go out, there's not a lot of gray hair  
16 out there on street. It's a young, vibrant police  
17 department.

18 We have a responsibility to take care of them  
19 so they can take care of their family.

20 But we have a moral obligation.

21 We're asking them to go out and put  
22 themselves at risk? We have a moral obligation to  
23 take care of them.

24 There's a pact between society and police  
25 officers, saying, Put yourself at risk.

1           And we're willing to do that.

2           But with that pact comes, if you're injured  
3 and disabled, we will help you take care of your  
4 family.

5           These young police officers will not be able  
6 to take care of their family, will not be able to  
7 live in the city that they serve. And in many  
8 times, gave up the life they that knew, moving  
9 forward.

10          And, again, it's a matter of fairness.

11          SENATOR GOLDEN: The majority of the people  
12 on the street today are those guys today.

13          That's why another piece of morale is down.

14          I would like to go on, but I can't.

15          I think -- I thank you again for coming out  
16 here today and pointing out some facts to us.

17          I got to tell you, the stuff you have in this  
18 document, is tremendous.

19          PATRICK J. LYNCH: Hopefully it's helpful,  
20 sir.

21          SENATOR GOLDEN: And we are definitely going  
22 to look at it.

23          My colleagues, in each one of our different  
24 settings and our different committees, we'll take a  
25 look at this and see what, in fact, we can, and work

1 with the Assembly to get passed this law here in the  
2 state of New York.

3 We think this is a good piece of legislation.

4 PATRICK J. LYNCH: And I respectfully thank  
5 you.

6 SENATOR NOZZOLIO: Senator Gallivan.

7 SENATOR GALLIVAN: Thank you, Chairman.

8 Good afternoon, President Lynch. Thanks for  
9 being here.

10 PATRICK J. LYNCH: Thank you, Senator.

11 SENATOR GALLIVAN: And thanks -- thank you,  
12 and all of your members, for the work that you do to  
13 help keep the city safe.

14 PATRICK J. LYNCH: Thank you, sir.

15 SENATOR GALLIVAN: Your testimony was very  
16 extensive, and answered many of the questions that  
17 I had, so I'll forgo those.

18 But it was quite interesting, the one that  
19 I hadn't anticipated, or even thought of, is your  
20 recommendation for a moratorium on local legislation  
21 in the area of criminal justice and police  
22 procedure.

23 So, I completely understand it from the  
24 perspective of the law, the criminal-procedure law,  
25 and how, essentially, that governs the -- well,

1 governs arrest procedures after arrest warrants, and  
2 so on.

3           The Governor had a -- one of the Governor's  
4 recommendations in his so-called "criminal justice  
5 reforms," he called for a statewide use-of-force  
6 policy, where it would require the municipal  
7 police-training council to establish a model policy  
8 on use of force, and mandate all departments  
9 statewide to follow that.

10           Does your recommendation on calling for the  
11 moratorium on the legislation on the laws extend to  
12 policy issues?

13           And --

14           PATRICK J. LYNCH: It should.

15           And, of course --

16           SENATOR GALLIVAN: Get specific to --

17           PATRICK J. LYNCH: And it could. And you  
18 have to look at each specific law.

19           We don't want to broad-brush every proposal  
20 that any legislator or governor puts forward.

21           So you have to look at the detail. The  
22 devil's in the details always.

23           But you have to look at how it affects  
24 New York City police officers, and all of these --  
25 and we speak about oversight, and the like, and I'm

1 sure we will, moving forward, as well.

2 It puts police officers, that they're in a  
3 different justice system than anyone else, where, if  
4 we don't find what we need here, we move to  
5 another --

6 SENATOR GALLIVAN: Clearly, let me just  
7 jump -- clearly, you've articulated that well. That  
8 was an area I was going to ask about, that I don't  
9 need to.

10 But just this one specific policy that the  
11 Governor has called for, regarding a statewide  
12 uniform use-of-force policy.

13 PATRICK J. LYNCH: Yeah, well, it ignores --  
14 well, I would be against it, and I'll tell you why.

15 It's -- it doesn't -- it's a solution in --  
16 and looking for a problem, as they say.

17 The New York City Police Department is the  
18 best trained in the country. We have the best  
19 training. We're the most restrained in the country.  
20 We're the most interactive with the community of any  
21 place in the country.

22 So, to say there needs to be a standard as if  
23 we're doing something wrong, and that's the problem  
24 that runs through all of the pieces of the  
25 legislation and proposals that we're talking about,

1 it starts from the point of view that police  
2 officers are doing wrong on a regular basis.

3 And that's just not the facts, and the  
4 numbers don't speak to that, at all.

5 You can go across the country and try to  
6 compare other departments to the NYPD.

7 We're -- we're --

8 SENATOR GALLIVAN: Point well-taken, so let's  
9 move on for the sake of time.

10 PATRICK J. LYNCH: Fair enough.

11 We're meeting that goal.

12 Thank you, sir.

13 SENATOR GALLIVAN: One other area.

14 PATRICK J. LYNCH: Yes.

15 SENATOR GALLIVAN: We all -- I think it's  
16 safe to say that all of us up here, in the room, the  
17 Commissioner testified a little bit to it, you  
18 alluded to a relationship with the public, have a  
19 concern about police-community relations.

20 In your view, sitting there representing the  
21 officers across all the boroughs of the city, where  
22 do police-community relations now stand, in your  
23 eyes?

24 And, can it be better improved? And if so,  
25 how?

1           And going one step further, how can we be  
2 helpful?

3           PATRICK J. LYNCH: It can always be improved.  
4           Every -- every issue can always be done  
5 better and improved.

6           But the community -- police-community  
7 relations are at a good place, and it has always  
8 been at a good place, and you can always improve on  
9 that.

10           I come from a background in community affairs  
11 as well, in Williamsburg, Brooklyn.

12           And what you do is, you'll hear the dialogue  
13 that goes on, when demonstrations that go on that  
14 are trying to paint police officers as anything but  
15 good.

16           And that kind of permeates how people are  
17 thinking.

18           But then when you go from community to  
19 community, and we would go to community council  
20 meetings, and you would -- you would speak to the  
21 folks, the community, and it's made up of community  
22 members, you would say, Oh, there's -- they would  
23 say: Oh, there's a problem in the NYPD. Well, not  
24 with my cops in my precinct. They're terrific.

25           Then you move to next neighborhood, the next

1 precinct, the next community council, and they'd say  
2 the same thing.

3 So then when you finally take all those  
4 neighborhoods in which we're proud to serve, and put  
5 them together, you'll say, You know what? They do  
6 support New York City police officers. There is  
7 good police-community relations.

8 The community in every neighborhood, whether  
9 it's a wealthy neighborhood or a difficult  
10 neighborhood or a financially-difficult  
11 neighborhood, each one of those people in each of  
12 those neighborhoods deserve to walk down the block  
13 in safety.

14 You know, we as police officers, and I teach  
15 this myself to the police-academy recruits, saying:

16 Let's not get jaded when we're standing on  
17 the corner dealing with that drug dealer, or, a  
18 criminal on that corner. Don't be jaded and think  
19 everyone's like that, because they're not.

20 Think of, while you're focused on that  
21 person, think of the person that just left their  
22 apartment, walked behind you, walked to the subway,  
23 went off to work, they're trying to put food on the  
24 table just like we are. Spends their day at work.  
25 You don't seem them till the 4-to-12. They walk

1 back from the subway, back to their family, back to  
2 their apartment.

3 Those people? They appreciate New York City  
4 police officers, because while they walk behind us  
5 and we're dealing with that criminal, they realize  
6 we're standing between the good hard-working people  
7 in every one of our neighborhoods and the criminal  
8 that tries to destroy what we're doing.

9 So that's what we find when we talk to the  
10 folks out there in the neighborhood.

11 The poorest communities need the police the  
12 most to make sure they're safe. And they are  
13 entitled to it.

14 SENATOR GALLIVAN: Thank you.

15 PATRICK J. LYNCH: Thank you, Senator.

16 SENATOR NOZZOLIO: Thank you very much for  
17 your very helpful suggestions.

18 That the members of this Joint Legislative  
19 Committee decided to go about and conduct these  
20 hearings for the very purposes that you're  
21 mentioning.

22 First and foremost, when we talk about the  
23 precipitous, significant drop in violent crime of  
24 New York City, and New York State, of any state in  
25 nation, you were likely to be Officer Lynch at the

1 time.

2 And I want to thank you, your colleagues; and  
3 please convey that message from our  
4 State Legislature, to you, and to your organization.

5 PATRICK J. LYNCH: Senator, thank you. And  
6 I appreciate those comments.

7 SENATOR NOZZOLIO: We're here to let you know  
8 that we appreciate the job you've done.

9 We want to provide you with the tools to make  
10 sure you're safe as you make the public safe.

11 And that is, first and foremost, the mission  
12 of this Task Force.

13 PATRICK J. LYNCH: And we appreciate it.

14 We look forward to a dialogue, and working  
15 with you on it.

16 SENATOR NOZZOLIO: I won't belabor questions,  
17 all of my colleagues want to ask, but let me focus  
18 on one question; and that's, whether you support or  
19 reject, and, articulate if you reject it, the  
20 concerns that you may have regarding the Governor's  
21 proposal of establishing what's so-called  
22 "independent monitor" over grand juries that  
23 investigate police-officer conduct.

24 And I'm not talking about internal-affairs  
25 conduct.

1 I'm talking about in-the-line-of-duty  
2 conduct.

3 PATRICK J. LYNCH: We oppose that.

4 And the reason for it is, there's oversight  
5 upon oversight, that New York City police officers.

6 There's no profession, and there's no  
7 department within that profession, that has the  
8 number of and amount of oversight that New York City  
9 police officers have.

10 If the citizens feel like they're not being  
11 served, there's a number of different areas in which  
12 they can go to to complain.

13 And we went over, in earlier testimony with  
14 the Commissioner, the different levels of monitors  
15 and IGs and federal monitors, internal affairs,  
16 the district attorneys. On the federal level  
17 there's a number of levels there.

18 It's duplicative.

19 And all we ever ask for is fairness in the  
20 process.

21 If there's a problem with that process, let's  
22 fix it. Let's not just try to solve it by putting  
23 more oversight and more process on it that doesn't  
24 get to the core of the issue, when we already have  
25 that.

1 Plus, it also creates a problem with  
2 priorities.

3 Each one of these become a cottage industry  
4 that needs money to create, to rent, to hire. And  
5 that takes money away from the city coffers that can  
6 be better used in helping New York City police  
7 officers protect them, and other priorities which  
8 I believe are more important.

9 SENATOR NOZZOLIO: And the issue of closure,  
10 and I don't want to belabor this issue, but, to me,  
11 that was something lacking here as well: that the  
12 officer really doesn't know when the case is closed.

13 PATRICK J. LYNCH: That's right.

14 And they feel like, even though, technically,  
15 maybe not, they feel like it's double jeopardy.

16 We go through this process, and we may be  
17 exonerated, or unsubstantiated, then there's another  
18 level.

19 It feels like it's a "gotcha."

20 We have to get rid of the "gotcha"  
21 discipline.

22 Investigate it. We're not saying don't  
23 investigate an allegation.

24 Investigate that allegation. Do it fairly,  
25 because we're citizens as well. Don't put us in a

1 separate justice system, or separate rules for us.

2 We want the same rights that we protect on  
3 the street every day for everybody else.

4 SENATOR NOZZOLIO: Thank you.

5 PATRICK J. LYNCH: Thank you, Senator.

6 SENATOR NOZZOLIO: Based on the list we have,  
7 Senator Marcellino, Senator Sanders, and  
8 Senator Hassell-Thompson.

9 Anyone else wishing to speak?

10 SENATOR LANZA: [Raises hand.]

11 SENATOR PERKINS: I had made a request  
12 earlier.

13 SENATOR NOZZOLIO: Senator Perkins. And,  
14 Senator Lanza.

15 Seems like our entire Panel.

16 Senator Marcellino.

17 SENATOR MARCELLINO: Thank you for coming  
18 down.

19 PATRICK J. LYNCH: Thank you, Senator.

20 SENATOR MARCELLINO: My voice to the people  
21 who -- thank you to the men and women of the  
22 New York City Police Department.

23 For that matter, I represent Nassau, so  
24 I have to take those police departments into  
25 consideration as well.

1           Anybody willing to put their lives on the  
2 line on a daily basis to protect their neighbors  
3 I think are in line for our credit and our support.

4           The Commissioner raised an issue about extra  
5 equipment that they want to put with the police  
6 officer on the beat.

7           He mentioned, obviously, iPhones that we're  
8 going to go into, and he mentioned cameras that are  
9 going to be worn, and probably are being worn at the  
10 present time by some police officers. He's talking  
11 about computers that can be removed from cars and  
12 taken with them.

13           And it went on, the list.

14           Is that just too much?

15           PATRICK J. LYNCH: You know, it -- there's  
16 nothing that prevents crime better than a  
17 New York City police officer standing on our street  
18 corner.

19           We cannot make crime go away with technology.

20           Some technology is extremely important, and  
21 we understand that and we support that. And we  
22 always support the training aspect of it.

23           But if we don't have the police officers, it  
24 doesn't replace.

25           For instance, a camera on the corner or on

1 your chest doesn't stop a crime. It may solve a  
2 crime down the road, but our police officers are  
3 [unintelligible] present.

4 We want to stop the crime before it happens.

5 We need to do that. We should be focusing on  
6 the staffing, and the training of our members. Not  
7 for issues that try to cover up for the fact we  
8 don't have enough of us on the street to effectively  
9 do the job, back to Senator Golden's, where you see  
10 those spikes going on.

11 It may just -- a few numbers, they say. It's  
12 just a few numbers.

13 Well, that's a few lives, it's a few rapes.

14 Well, that's a few people that were sexually  
15 assaulted.

16 Those few, those numbers, are our family  
17 members.

18 So we need the staffing there.

19 The most effective crime-preventer is a  
20 New York City police officer.

21 The most effective community-relations person  
22 is a fully trained police officer on the corner.

23 So I think we need to focus on that first,  
24 and then look on the other issues.

25 SENATOR MARCELLINO: Your concerns, or your

1 consideration, for the recommendation before, about  
2 bulletproof glass in patrol cars.

3 The Commissioner wanted panels --  
4 bullet-resistant panels put in the doors.

5 PATRICK J. LYNCH: Right.

6 SENATOR MARCELLINO: The union's concerns?

7 PATRICK J. LYNCH: Yeah, we're all about the  
8 safety. We look at all of those aspects.

9 We think the more layers of safety we have in  
10 protection the better we are from it, so I think we  
11 should try to go about doing both -- both of them.

12 What we -- we always look at in the police  
13 department, is if it's a budget piece.

14 I think that it's important that we realize  
15 that the public safety and police officers on the  
16 street is what puts the money in the coffers of the  
17 city, and the state as well.

18 That safety factor you cannot overestimate.

19 One time there was -- tourism was down in the  
20 city, for obvious reasons.

21 It's not now. That brings money.

22 Businesses that want to do business here,  
23 residents that want to live here, that's all goes to  
24 the tax base.

25 So I think we should do everything we can to

1 make our police officers safe so we can effectively  
2 serve the public as well.

3 And I think that also goes to the bottom  
4 line, so we shouldn't always look at, it a will cost  
5 this much, we can't do it.

6 Well, because the dividends will be paid  
7 moving forward if we do equip and train our police  
8 officers, to help them be safe, so we can help you  
9 to be safe, Senator.

10 SENATOR MARCELLINO: I appreciate your  
11 comments.

12 And I just wanted to state for the record,  
13 that Senator Golden had mentioned before, that if he  
14 was in a police car with Senator Hassell-Thompson,  
15 that they might be -- I have no doubt that  
16 Senator Hassell-Thompson would have protected  
17 Senator Golden.

18 [Laughter.]

19 PATRICK J. LYNCH: It was at your expense.

20 SENATOR NOZZOLIO: Senator Perkins.

21 SENATOR PERKINS: Thank you.

22 I want to acknowledge, as you pointed out  
23 earlier, that we are here today with memories of  
24 Officers Ramos and Liu in our hearts.

25 PATRICK J. LYNCH: Yes, sir.

1           SENATOR PERKINS: But I would also like to  
2 say that we remember with equal passion and  
3 solemnness so many that have died as a result of  
4 excessive actions of police officers, such as  
5 Eric Garner, Sean Bell, Amadou Diallo, Abner Louima,  
6 Patrick Dorismond, Tony Baez; and in particular,  
7 I am concerned about those who were a part of the  
8 "Central Park Five."

9           My neighbors, who -- young men that were  
10 falsely accused of the "Central Park jogger rape"  
11 case.

12           And it turns out that, having suffered the  
13 false confessions; and, therefore, imprisonment,  
14 those young men spent a lot of time in prison. And,  
15 ultimately, evidence proved that they were coerced  
16 into confessions of guilt.

17           So incidents like that, especially, do a lot  
18 to harm the community's perception of the good work  
19 and the good intentions of the police.

20           It's hard very often to restore that kind of  
21 faith and concern and support.

22           I believe that, in some instances, those  
23 confessions should be videotaped; so that,  
24 therefore, they can come with some integrity; and,  
25 therefore, help restore some of the confidence and

1 trust that the community wants to have and should  
2 have by those who are -- [unintelligible].

3 So I wanted to understand your position about  
4 the videotaping of interrogations as a tool, that  
5 could be, I believe, an opportunity to bring some  
6 faith and some trust in terms of the techniques and  
7 tactics of the police.

8 PATRICK J. LYNCH: First off, we'll  
9 respectively agree to disagree on some of your  
10 statements, sir.

11 But the part of videotaping confessions is  
12 better asked of those that -- detectives.

13 I represent police officers, white-shield  
14 police officers, on the street that really aren't in  
15 that realm.

16 So someone else might be better able to  
17 answer that particular question.

18 SENATOR PERKINS: You don't think that that  
19 process has any bearing on people's perception of  
20 the police --

21 PATRICK J. LYNCH: But anytime with a  
22 perception, the perception and reality, whether it's  
23 true or not, and I don't want to give a false answer  
24 to something that I'm am not an expert in, quite  
25 frankly.

1           There's others that do that job, and they may  
2           have a better answer, and a policy might affect  
3           their members more than mine.

4           SENATOR PERKINS:   Okay, thank you.

5           PATRICK J. LYNCH:   Thank you, sir.

6           SENATOR NOZZOLIO:   Thank you,

7           Senator Perkins.

8           Senator Sanders.

9           SENATOR SANDERS:   Thank you, Mr. Chair.

10          Good to see you; good to see you all.

11          PATRICK J. LYNCH:   Good afternoon, Senator.

12          SENATOR SANDERS:   I also want to throw in the  
13          name Clifford Glover.  I don't want young Clifford  
14          Glover to be forgotten.

15          First let me say that, I, in my local  
16          community and other communities, we actually aid to  
17          police; not just by word, but we're out there on the  
18          front line with you guys.

19          PATRICK J. LYNCH:   And that's important.

20          SENATOR SANDERS:   I have helped people turn  
21          themselves in.  And, I have helped identify folk who  
22          should have been brought to justice.  And I make  
23          no -- I'm not ashamed of that.  I'm very proud of  
24          that.

25          PATRICK J. LYNCH:   Nor should you be.

1           SENATOR SANDERS: I think that anyone who  
2 breaks the law should take whatever goes with it.

3           My sympathies are for the victims.

4           I have very little sympathy for people  
5 selling poison. I very little sympathy for people  
6 hitting grandmothers upside the head, and doing all  
7 this other stuff.

8           I -- you know, perhaps it's my Marine Corps  
9 background.

10          PATRICK J. LYNCH: No doubt, honorably.

11          SENATOR SANDERS: Yeah.

12          So we -- you know, so I'm not your  
13 run-of-the-mill liberal.

14          There is a problem with the police and the  
15 community, my friends.

16          If we don't see that, we are -- what we're  
17 doing by this is allowing criminals shelter. We're  
18 allowing them to hide behind bad feelings that have  
19 been come about, and people won't speak.

20          This "broken-window," this stop-and-frisk,  
21 I agree with you, we're -- maybe at a point they  
22 were smart strategies, but after a while, the point  
23 of declining value was reached. It became stupid  
24 strategies, where, if you take any hundred people  
25 and turn them upside down, five or six of them,

1 something's going to come out of their pockets that  
2 shouldn't be there.

3           However, however, you made 95 guys who are  
4 saying that "I was mistreated."

5           It's a bad policy.

6           A better policy, we do have to attack the  
7 question of adequate policing, which I agree with  
8 you is at the basis of much of this.

9           It forces the police department into what  
10 I call "drive-by policing"; where, you drive by, you  
11 see a group of people, you grab them, you shake them  
12 up because something's going to come out of one or  
13 two of their pockets, et cetera.

14           But, we really have a problem.

15           Let me ask you -- first of all, let me say,  
16 I am so in agreement with you on most of the things  
17 that you said, sir, and we'll come back to that  
18 point of agreement.

19           But let me go a step further.

20           In days gone by, I have been endorsed by the  
21 PBA, and I look forward to being endorsed again.

22           So I'm not here as an anti. I'm here with  
23 great love and admiration.

24           But at the same time, the truth is the truth,  
25 and we all should figure out what it is and obey it.

1           Maybe by asking two or three questions, we  
2           can come to certain truths.

3           PATRICK J. LYNCH: Fair enough.

4           SENATOR PERKINS: And this -- this myth of,  
5           Pat Lynch, the bad guy, we're going to dissolve that  
6           myth today. We're going to do it right here in this  
7           place, because we're going to give you a chance to  
8           really state who you are, and what you believe in.

9           Let me start with this one, easy question:  
10          Are there any bad apples in the NYPD?

11          PATRICK J. LYNCH: The NYPD is no different  
12          than any other profession in any other world, in any  
13          other country, in any another city.

14          SENATOR SANDERS: Including politicians?

15          PATRICK J. LYNCH: In -- well, okay.

16          Yes.

17          Every, every occupation has them.

18          But, with politicians, it's wrong to say that  
19          all of you are bad.

20          SENATOR SANDERS: I agree.

21          PATRICK J. LYNCH: And it's also wrong to say  
22          that all police officers are bad.

23          And it's also wrong to blame the individual  
24          police officer for a policy that we didn't have a  
25          hand in creating.

1           And that's what I think part of the problem  
2           is.

3           And we've been very vocal. Sometimes it gets  
4           lost in the discussion. Sometimes it gets lost in  
5           those may want to discuss it as something different  
6           than it was.

7           But we were the first to come out and say  
8           this policy will pollute. The policy is not the  
9           stop, question, and frisk, because that's a real  
10          tool.

11          Stop, question, sometimes frisk, is a real  
12          tool, and we're not afraid to articulate why we made  
13          that stop, and we should articulate that reason.

14          But, when you put a quota on it and say,  
15          "Kid, we need five; and if you don't, you're  
16          disciplined," that's the problem.

17          And that didn't get addressed.

18          SENATOR SANDERS: All right, I --

19          [Technical difficulties/video and audio  
20          lost.]

21          -- that many people in this city felt that,  
22          when many police turned their backs on the Mayor,  
23          that it was, in essence, felt like they were turning  
24          their backs on the city, or many parts of the city.

25          And, incidentally, as a marine, if we turned

1 our backs on the commander general, we would be  
2 breaking big rocks into little rocks.

3 I can't even dream of turning my back on the  
4 commanding officer.

5 But are you aware -- this is not the  
6 Marine Corp, I can see this -- are you aware, sir,  
7 that many people felt it was that, those police, and  
8 not all police, but those police were turning their  
9 backs on a whole segment of the community which felt  
10 in a different way.

11 PATRICK J. LYNCH: I can see, and  
12 I understand, that that may be that perception, but  
13 that's not the reality or the message that was  
14 intended that day.

15 That message was, those who attack New York  
16 City police officers, those that label New York City  
17 police officers. Not those on the street that are  
18 going about their business, doing their job, in any  
19 segment of any community across the city.

20 That was not any intention or thought  
21 whatsoever.

22 It's a very emotional time, and we do have a  
23 right, also, to express ourselves.

24 Some folks think -- and I'm an advocate for  
25 police officers, and I proudly do that job whether

1 I get criticism or not. That's my job. And our  
2 members have a right for me to speak on their  
3 behalf.

4 So when I'm speaking, I'm speaking on their  
5 behalf, to be able to say: There's a problem here.  
6 We need to draw attention to it.

7 The dialogue needs to say, that: Folks are  
8 safe because of police officers. Folks can walk  
9 down the street and the city is not what it was  
10 because of police officers. And it's because of  
11 police officers working with our communities out  
12 there, each and every day.

13 And that still goes on, and has gone on.

14 SENATOR SANDERS: I was going to add that  
15 last point, that -- we're safe because the police  
16 and the community have joined hands against crime.

17 And that is the danger I was suggesting that  
18 this is happening; that those hands are not joined  
19 as firmly as we need them to.

20 Let me take an issue that some people have  
21 raised.

22 10,000 people marched. 50 people made  
23 stupid, harmful, disgusting statements; and, yet,  
24 the whole crowd is branded as -- 50 people, perhaps,  
25 say, "Kill the police," or whatever they were

1 chanting; and, yet, that whole crowd of 10,000, or  
2 whatever they are, are branded as wanting to kill  
3 the police, or whatever.

4           Would that be -- wouldn't that be as wrong as  
5 if a few cops do something wrong and all police are  
6 blamed?

7           PATRICK J. LYNCH: Well, police officers,  
8 every day, police demonstrations by the thousands.

9           No other group, no other department, does it  
10 like New York City police officers do. And we  
11 protect the right.

12           Most demonstrations that we're policing, we  
13 may not agree with the message that's there, but we  
14 pride ourselves on policing it.

15           But with that, we need our leaders to be able  
16 to say, "those statements are wrong."

17           And we want, we came out and said, those  
18 statements must be condemned. And they weren't.

19           We said the atmosphere on the street is  
20 getting dangerous for police officers. And it was.

21           And we said this may happen.

22           SENATOR SANDERS: I actually did make  
23 statements --

24           PATRICK J. LYNCH: I'm sorry, no, and I don't  
25 go down an individual line any more than, and

1 I don't expect you to come down the line of my  
2 members either, quite frankly.

3 But we warned that the atmosphere was getting  
4 polluted, and we warned that police officers were  
5 going to get hurt, and it fell on deaf ears.

6 And you know what happened? Police officers  
7 got hurt.

8 Whether it was on the Brooklyn Bridge, or,  
9 God forbid, and it did, it went to a further thing  
10 in Woodhull Hospital that day.

11 So, that's what we warned against.

12 It wasn't listened to.

13 It wasn't spoken out against by all. Not  
14 painting anyone with a broad brush, of course.

15 But it should have been every one of us.

16 No matter what end of the spectrum, political  
17 or otherwise on, we should not be calling for anyone  
18 to be killed.

19 No one; whether we agree or not.

20 We should be strengthening our laws to make  
21 sure when there's threats against police officers,  
22 that it's stopped.

23 There's a case that happened yesterday, where  
24 there's pictures of police officers with guns to  
25 their heads. And then they didn't get disciplined

1 for it.

2 We have defenders in the Bronx whose job is  
3 to be officers of the court, that are in videos,  
4 with guns to a police officer's head, calling for  
5 their death, in actions, as well as words.

6 That needs to be condemned.

7 That wasn't condemned. That was funded.

8 That needs to be disciplined, and it wasn't.

9 Those are the things I'm talking about.

10 I'm not speaking about the honest, good,  
11 working person, of any color, in any neighborhood,  
12 of any economic status, in any neighborhood.

13 That's not what we do as police officers.

14 But it is our role to say, This is happening.  
15 It needs to be stopped.

16 And I'm speaking on behalf of my members.

17 SENATOR SANDERS: Isn't it also a fact, or  
18 could it -- let me use it a different way.

19 Couldn't it also be said that the lack of  
20 apparent discipline to police are also driving a  
21 type of extremism?

22 And I quote the CCRB, which gave a report,  
23 and the inspector general who also came up with a  
24 report, saying that there is little discipline  
25 coming in certain cases.

1 In certain cases.

2 Those reports are new.

3 This is not me saying this.

4 PATRICK J. LYNCH: I strongly disagree.

5 We are the most disciplined department or  
6 agency in this city.

7 Look at the numbers.

8 When you're disciplining police officers all  
9 the time, that happens.

10 That's part of the morale problem that your  
11 previous colleague spoke of, also.

12 SENATOR SANDERS: Then are you aware of what  
13 the CCRB reported?

14 PATRICK J. LYNCH: I am. And it's a short  
15 report that doesn't effectively look at all of it.

16 It talked about the chokehold policy.

17 And we can debate whether it was a chokehold  
18 or not in Staten Island.

19 But it looked at some cases that weren't  
20 completed. It wasn't a complete investigation.

21 So then to take that investigation and say,  
22 "Well, there's a problem," I think it's wrong, and  
23 I disagree.

24 SENATOR SANDERS: Well, I will respectfully  
25 differ with your disagreement, sir.

1 I think that the CCRB has been almost  
2 toothless in their -- and until recently did not  
3 have the powers necessary to go further.

4 Now we have a new CCRB. We will see where  
5 this comes.

6 We will see what the inspector general, or  
7 whatever his title is, we will see these things.

8 Now, let me end with agreements with you.  
9 Agreements.

10 You gave seven different things. And, I see  
11 agreement with 3, 4, 5, 7.

12 Especially 4.

13 Possibility of 6 in there, Number 6.

14 But especially 4, that we certainly need to  
15 look at staffing.

16 You couldn't possibly have community  
17 policing. We don't have enough police to do it.

18 PATRICK J. LYNCH: Right.

19 SENATOR SANDERS: And somebody should say, we  
20 couldn't possibly do it in New York City.

21 So all of those who want that, you either  
22 have to increase the amount of cops and change the  
23 policy, or at least stop talking about it, because  
24 you simply don't have the staff to do it.

25 I would add with this: I differ with you

1 that an inspector general, or an inspector over the  
2 police, would be a separate criminal justice system.

3 I think that very -- no organization should  
4 police itself. And the DAs, even with my friend  
5 being in here from Staten Island, the DAs are  
6 simply too close to the police. And that we  
7 certainly need an independent monitor.

8 Again, the points of agreement that we have,  
9 let's first things first: Get a real number of  
10 police here, and continue the dialogue of, what do  
11 we mean by fair policing, good policing?

12 These are good arguments that we should have  
13 after we establish a basis of what -- put your money  
14 where your mouth is.

15 If you say that you want community policing,  
16 then give enough cops so that we can police the  
17 community.

18 PATRICK J. LYNCH: And I agree.

19 And the best, when we have the proper  
20 staffing, we have police officers that staff the  
21 radio cars, we have police officers that staff our  
22 post in our schools, and the like.

23 And that is the best community-relations  
24 officer because, we're in the street, we know the  
25 community, good and bad, and that's important.

1           But we also, on the second point, where we'll  
2 disagree, we can't just look at it as one agency and  
3 one oversight.

4           We have to look at all the oversight that we  
5 have.

6           We can't take one report from one agency and  
7 say, Ah ha, there it is, and then say there's not  
8 enough oversight, when we have layer upon layer of  
9 oversight, and people recommending more, sir.

10          And thank you for your service in the  
11 Marine Corps, sir.

12          SENATOR PERKINS: Thank you.

13          Thank you, sir.

14          Thank you, Mr. Chair.

15          SENATOR NOZZOLIO: Thank you, Senator.

16          Senator Hassell-Thompson.

17          Following Senator Thompson will be  
18 Senator Lanza.

19          SENATOR HASSELL-THOMPSON: Thank you,  
20 Mr. Chairman.

21          President Lynch, I'm a little bit confused,  
22 and I hope you will help me clarify this.

23          In your statement, on page 2, you allude to  
24 the fact that the person responsible for the police  
25 murders was deranged; and, therefore, you understand

1 that -- you understand that set of circumstances.

2 But then you go on to say, "But no matter how  
3 mentally unbalanced he may have been," you later  
4 infer that "narratives by elected officials and some  
5 others," you almost infer that we're responsible for  
6 helping to drive that.

7 And I resent it; I have to tell you that  
8 I do.

9 PATRICK J. LYNCH: I understand.

10 SENATOR HASSELL-THOMPSON: And I resent it  
11 because, those of us in the elected body have called  
12 for a review of stop-and-frisk, not because we don't  
13 believe that it's a good tool, but it is very  
14 difficult for us to believe that, with 55,000  
15 arrests, that the numbers of verified incidences are  
16 so minuscule, that 55,000 Black and Brown young men  
17 being arrested, having ongoing police records, is  
18 not a good enough tool to be able to advance what  
19 the police department believes is an accurate tool.

20 So we're not saying that you throw out the  
21 baby with the bath water.

22 But we're saying, somehow, the use of that  
23 tool is disadvantaging some ethnic populations  
24 within the city that you're responsible for  
25 protecting.

1           Also having said that, your concerns that you  
2           raise about the policy, the illegality of your  
3           requirement to reach quotas as a result of that is  
4           what's driving, because that's what you also infer,  
5           is driving police officers to come down on these  
6           numbers in the manner that they are.

7           But it's interesting to note that nobody  
8           voiced the illegalities of those until after the  
9           Legislature called for this investigation.

10           There's no way that we can know that you're  
11           being forced to carry out a policy that even you  
12           believe is driving you in a direction that is  
13           helping to foster the very atmosphere that you're  
14           trying to blame everybody else for today, and negate  
15           to include your police officers in that atmosphere.

16           PATRICK J. LYNCH: Ma'am, we were one of the  
17           first ones to come out and say the quota is the  
18           problem and it needs to be addressed.

19           That police officers are being made to make a  
20           numerical number of stops, and being disciplined and  
21           their livelihoods threatened if they do not meet.

22           We were the first ones to say that. And we  
23           were the first ones to say that it's polluting the  
24           relationship in every neighborhood that we serve.

25           So, I respectfully say my words were spoken

1 towards that quota, strongly, when no one was  
2 listening.

3 And then we finally, with the help of many in  
4 this room, got that law passed.

5 And that was the issue in the stops.

6 The stop, question, and sometimes frisk is a  
7 tool. It should be used in policing. It should be  
8 used constitutionally.

9 We believe that, and we should articulate why  
10 we make that stop. We're not afraid to do that.

11 But when the police officers are constantly  
12 beaten down and made to get a number, and it's not  
13 just on the stop, question, and sometimes frisk.  
14 It's also summonses, it's also collars. That  
15 polluted the thing.

16 So I think we agree on some, and disagree on  
17 others, ma'am.

18 SENATOR HASSELL-THOMPSON: The other thing,  
19 the other piece I think that is somewhat disturbing,  
20 too, is that when you -- I think earlier we heard  
21 the Commissioner talk about, and somebody raised the  
22 question, of the relationship of a police officer  
23 and attitude.

24 It was more about attitude of the police  
25 officer when they make a stop and they make an

1 arrest.

2 And I continue to hear the brass say that --  
3 or give the impression, that the police officers  
4 were within this right to make the stop and  
5 whatever.

6 And while I may not disagree with any of  
7 that, my concern is, I get too many reports in my  
8 office, when you are stopped, you are not told why  
9 you are stopped.

10 What in your -- what in the Constitution,  
11 what in your book of rules, disallows you from  
12 telling the citizen why they're being stopped?

13 Because, in most of the incidences, it's:  
14 I can do what I want to do. I can stop you and you  
15 can't -- you can't do anything about it, you can't  
16 say anything about it. I don't have to tell you why  
17 you're stopped.

18 And that's part of what ignites the kind of  
19 disrespect and disregard that you see.

20 And I know that this is the case.

21 I've been personally involved. And,  
22 certainly, the reports that I get in my office are  
23 stemmed from that kind of attitude and behavior.

24 Nobody questions it if you're wearing the  
25 badge. You're the sheriff, nobody questions that.

1           What we do question is the constitutionality  
2           of whether you have a right to stop me when it  
3           appears that I have done nothing to break the law,  
4           and where is my right to ask you, and expect a  
5           response, when you do stop me?

6           PATRICK J. LYNCH: Some folks do question  
7           that we're the sheriff because we have the shield on  
8           our chest, and that does happen on the street as  
9           well.

10          And it then goes back to that quota system  
11          that polluted that relationship, the climate we're  
12          working in which makes things turn into  
13          confrontation rather than discussion and dialogue.

14          And that's what I've been talking about  
15          throughout this thing, is about the climate that  
16          creates problems on the street.

17          And then policies or laws that don't address  
18          the core of the problem, but look at everything else  
19          and then try to have it land on the individual  
20          police officer.

21          SENATOR HASSELL-THOMPSON: You cannot have it  
22          both ways, President Lynch.

23          PATRICK J. LYNCH: But we can have a dialogue  
24          on what problem is and how we solve that problem.

25          SENATOR HASSELL-THOMPSON: And I want us to

1 continue that dialogue because, certainly, as  
2 somebody who is supportive, I mean, I have  
3 five precincts in my senatorial district. I am  
4 known to all of my commanders and to most of my  
5 officers.

6 I make it my business, when the new commander  
7 is assigned, that I make it clear that I am  
8 supportive of the work that they do in the  
9 community.

10 But I am also very clear that I will not  
11 allow, in the performance of their duty, the  
12 constitutional rights of my constituents to be  
13 violated.

14 And so that, in order for us to come to the  
15 meeting of the minds, I do everything that I can to  
16 foster those kinds of relationships, but it  
17 continues to be very difficult for me when the  
18 police officer is the bad sheriff.

19 And in certain precincts, the numbers of bad  
20 sheriffs are higher than they are in other  
21 precincts.

22 PATRICK J. LYNCH: And I think --

23 SENATOR HASSELL-THOMPSON: And I want to tell  
24 you that it is hard for us to believe, for those of  
25 us who represent large ethnic populations, to

1 believe that that is accidental.

2 I happen to represent a community in the city  
3 of Mount Vernon with one precinct, 92 different  
4 languages.

5 And I keep repeating this because it is  
6 important for people to understand that almost every  
7 culture, every language, across the world is being  
8 spoken in my neighborhood every day.

9 And I know that there are people who run the  
10 gamut of respect for, as well as fear for, the law  
11 that enforces that community.

12 PATRICK J. LYNCH: And my department, which  
13 I proudly serve and work, also speak those same  
14 languages, also live in those same neighborhoods;  
15 60 percent in the neighborhoods, and all the police  
16 officers don't look like me. But they're out there  
17 serving the communities, color-blind.

18 And that gets lost sometimes in discussion  
19 that's there.

20 It gets lost sometimes, again, it's looked at  
21 the police officer.

22 When another agency or policy doesn't work,  
23 it lands on the shoulder of the police officer to  
24 deal with on the corner.

25 We need to equip and support them, and

1 understand, also, the atmosphere and the climate in  
2 which they're working, ma'am.

3 SENATOR HASSELL-THOMPSON: Thank you,  
4 Mr. Chairman.

5 PATRICK J. LYNCH: Thank you, Senator.

6 SENATOR NOZZOLIO: Thank you, Senator.  
7 Senator Lanza.

8 SENATOR LANZA: Thank you, Chairman.  
9 Great to see you, Mr. Lynch; President Lynch.

10 It's always difficult to follow my good  
11 friend, Senator Hassell-Thompson. She is such an  
12 intelligent and articulate member of this body.

13 President Lynch, there's been discussion  
14 today concerning the incidents with police officers  
15 turning their back.

16 And, I respect the conversation, and the fear  
17 with respect to what message that may have sent.

18 And without commenting on that, I want to say  
19 this:

20 I have talked to many police officers, many  
21 of whom, as I've said before, are close personal  
22 friends.

23 There was this feeling that certain city  
24 leaders turned their backs on them first.

25 And I have to tell you, as an observer,

1       that's what I saw too.

2               And so I'm concerned that that sent just as  
3 dangerous a message as what the police officers did.

4               And, so, that is why I think this dialogue is  
5 important, because there are some who see it only  
6 one way, and there are some who see it only the  
7 other way.

8               And I think it's important for all of us, as  
9 elected officials, and the police department, and  
10 that's what you've offered to us, is to continue  
11 this dialogue and this discussion with the Mayor and  
12 the elected officials, and that's vitally important.

13              So I want to thank you for that.

14              PATRICK J. LYNCH: Thank you, Senator.

15              SENATOR LANZA: Your comments concerning the  
16 quota system, and the fact that they polluted or  
17 created a wedge between the police department and  
18 the community, is very -- it makes a lot of sense to  
19 me, and it's something I've heard before.

20              And, I listened very attentively to what  
21 Senator Hassell-Thompson said about it.

22              And that's something that I think that we  
23 need to understand and appreciate as we go forward  
24 with respect to those issues.

25              And what's fascinating to me about that is,

1 every single mayor has always denied the existence  
2 of quotas. Not a single one, Republican, Democrat,  
3 has ever said they are in effect.

4 They have all said, "They do not exist."

5 And, of course, every one of us living in  
6 this city, every one of us, knows that that is not  
7 true.

8 So I'm not asking for a comment. Don't want  
9 to get you in trouble.

10 PATRICK J. LYNCH: I'm going to give one  
11 anyway.

12 SENATOR LANZA: That's a fascinating part of  
13 that issue.

14 PATRICK J. LYNCH: It certainly is.

15 And I have 31 years on the job, and there's  
16 been a quota.

17 They can call it "goals" and "productivity  
18 goals," they can call it what they like, but if you  
19 don't come in with a number and you're disciplined,  
20 or your evaluations are bad, or you're transferred  
21 from one tour to another, or one neighborhood to  
22 neighborhood, that's a quota. And that's what we've  
23 had.

24 SENATOR LANZA: And I think that's -- that  
25 [unintelligible], that is consistent with what

1 people living and breathing in this city every day  
2 know to be the truth.

3 Two more comments.

4 The Commissioner said to this Panel that  
5 there was no instruction, there was no directive, to  
6 the police department, to the police on the streets  
7 during those demonstrations, not to make arrests in  
8 the face of offenses being committed.

9 He said that did not happen.

10 You don't have to comment.

11 But that seems to run contrary to things that  
12 I have heard, and runs contrary to things that  
13 I have been told by people who were there on the  
14 street.

15 And so that's something that I ask this  
16 Panel, and that I will continue now, after hearing  
17 that denial, I want to look further into that.

18 PATRICK J. LYNCH: And that's fair enough.

19 And then when you look at folks taking over  
20 the Brooklyn Bridge, and folks taking over the  
21 FDR Drive, and name the road on the  
22 West Side Highway, it asks that question: Why?

23 SENATOR LANZA: And I think we need to  
24 continue to ask that question, and I'm going to do  
25 that.

1           And, finally, I just want to say, remind you,  
2           as always, I look forward to working with and your  
3           members as we go through the, both, budgetary and  
4           legislative process in Albany, to make sure -- and  
5           all my colleagues are united here on this, to make  
6           sure that we have the criminal laws, and the police  
7           have the resources, to ensure the safety of both the  
8           police and our citizens across the city.

9           So, thank you.

10          PATRICK J. LYNCH: Thank you, Senator.

11          I appreciate that.

12          SENATOR NOZZOLIO: Thank you, Senator Lanza.  
13          Senator Squadron, to close.

14          SENATOR SQUADRON: Thank you very much.

15          And, thank you for being here.

16          And, thank you to your members for what they  
17          do for our communities or neighborhoods every day.

18          PATRICK J. LYNCH: Thank you, sir.

19          SENATOR SQUADRON: I'm just going quote,  
20          actually, a little bit of your written testimony,  
21          so, I hope you don't blush too much.

22          [Laughter.]

23          SENATOR SQUADRON: But, "In New York City, as  
24          in many places around the country, some elected  
25          officials and activists have advanced the narrative

1 which depicts police officers as racially biased and  
2 habitually abusive."

3 I'll skip a little bit.

4 "While we strongly disagree with the  
5 conclusions that have been drawn from anecdotal  
6 examples around this, which, in many cases, have  
7 been misconstrued or mischaracterized,  
8 police officers understand why this perception  
9 exists: It's at least partially a result of  
10 policing policies that have been questioned by the  
11 communities we serve.

12 "Police officers had no role in creating  
13 these policies. In many cases we have actively  
14 opposed them."

15 The reason I ask, is we have here some  
16 proposals from you that we're going to look very  
17 seriously at on the issue of police safety.

18 And, you know, certainly, the horrific murder  
19 and the tragic loss of life of Detectives Liu and  
20 Ramos demands that we do so.

21 There is also this piece of what's going on  
22 in the conversation that you referenced in your  
23 testimony.

24 So I wanted to really -- I know we talked  
25 about quotas, some, but I wanted to really ask

1 specifically: What policies do you think can change  
2 that perception in communities where it's strong, or  
3 among, you know, elected officials or activists, as  
4 you point out, who you think are sort of stirring  
5 the pot?

6 PATRICK J. LYNCH: It should go -- first, it  
7 should go back to the way it was when I came on the  
8 job, where the discretion was left in the hand of  
9 the police officer.

10 Whether it was a summons or an arrest or some  
11 other type of action, or a UF-250, where, you went  
12 out and saw an issue, sometimes that issue can be  
13 resolved with a conversation. It doesn't have to be  
14 a summons.

15 Most times, in my particular precinct, it was  
16 2.7 miles wide.

17 So if you were able to say to a kid or  
18 someone that may have made a bad choice: Kid, this  
19 one's on me. Tomorrow it's on you.

20 So you let that kid go or that person go,  
21 without a record, without a summons, without a  
22 problem.

23 Now, of course, if you see that same person  
24 doing something on your next tour or the tour after  
25 that, then so be it; then you'll take that step

1 because it didn't work.

2 But when it's made to be just a number; you  
3 need a number, a productivity goal, which is a  
4 quota, and you're disciplined, you're taking that  
5 discretion away from the individual police officer  
6 and they're forced to write that summons, write that  
7 250.

8 If we leave it in the discretion of the  
9 police officer, they'll do the job.

10 How do we know that?

11 Because that's, effectively, how we have done  
12 the job for many, many years.

13 Again, it also goes back to our staffing  
14 issues, where you have to keep crime down, but if  
15 you don't have the staffing, you can't get it done.

16 The commanders are held responsible.

17 They come down on the police officers, and  
18 they're sent out on the street.

19 Use the CompStat process the way it was  
20 intended:

21 Know where the crime is.

22 "Cops on the dots," as the Commissioner says.

23 Give the responsibility to those police  
24 officers and the commanders.

25 Give them the resources and staffing that

1 they need.

2 That's where it's broken, and then it forces  
3 them to go into this quota-driven policy because no  
4 one wants to have a number that's lower.

5 I say, if the number is lower, but the  
6 problem is solved, so be it.

7 We're in the problem-solving business.

8 We're not there in the numbers or the revenue  
9 business.

10 The police department should not be looked at  
11 as a revenue-gatherer.

12 We should be going out to solve the problem.

13 If we can do it with a discussion, so be it,  
14 problem solved.

15 If it takes further action, so be it, we'll  
16 take that action.

17 But it should not be looked at as a number,  
18 and we surely shouldn't be looked at as, we need to  
19 bring in revenue.

20 SENATOR SQUADRON: So let me ask, then: You  
21 know, as we see the 250s -- stop, question, and  
22 frisk, stop-and-frisk -- go from a high of high  
23 hundred of thousands down to less than 100,000 last  
24 year --

25 And I want to just be very clear about this,

1       because it's inconsistent with what some of what  
2       I've read. Of course, you're here to speak for  
3       yourself, which is good.

4               -- so you think that's a positive change?

5               PATRICK J. LYNCH: Sure.

6               I think the change should be left, again, to  
7       the discretion -- as my previous answer -- to the  
8       discretion of police officers.

9               We're not afraid to say: I see the problem,  
10       I'm going to make this stop, and I'm going to  
11       articulate why we made that stop.

12               That's where it's supposed to be.

13               First off, we came out against the quotas  
14       first, and that got lost in the mix as well.

15               We also came out on the 250s, when these laws  
16       were being passed, saying: Police officers, do it  
17       constitutionally.

18               We said that.

19               That gets lost as well.

20               So, it's easy to demonize me or the  
21       organization for speaking out for my members.

22               That's okay, that's what we do. It's part of  
23       the process.

24               But in reality, if you actually look back, we  
25       spoke out against them.

1           SENATOR SQUADRON: And do you think that  
2 those of us who spoke out against those  
3 extraordinarily high numbers that you got to at the  
4 end of the last administration, those numbers are  
5 way down, crime --

6           PATRICK J. LYNCH: Yeah, I think the  
7 problem -- the numbers should be based on the  
8 problem, whether it's high or it's low.

9           SENATOR SQUADRON: Let me ask another  
10 question.

11          PATRICK J. LYNCH: Sure.

12          SENATOR SQUADRON: Do you think those of us  
13 who did that were -- I'd like to turn to another  
14 part of your quote here.

15                 You say that, "Those parties" -- talking  
16 about elected officials and leaders -- "stir up  
17 emotions in the street in order to further their own  
18 agenda."

19                 Do you now, do you believe, sort of looking  
20 at -- the point that you make, that makes a lot of  
21 sense to me, about the kind of neighborhood  
22 policing, the ability to say, "Look, that's crazy,  
23 don't do it again," as opposed to entering people  
24 into the criminal justice.

25                 Now looking at what's happened with

1 stop-and-frisk, do you look at those of us who  
2 highlighted the problem of those extraordinarily  
3 high numbers "as stirring up emotions on the street  
4 in order to further our own agenda"?

5 PATRICK J. LYNCH: I think part of is yes.  
6 And part of is, too, is looking at the individual  
7 police officer.

8 If we look at a lot of the dialogue that's  
9 gone on back and forth and the vitriol that's gone  
10 on back and forth, it always ends up with  
11 "discipline the police officer."

12 We don't make the policy.

13 Have we ever seen -- we see numbers and --  
14 huge numbers of police officers getting disciplined,  
15 and I believe unfairly many, many times.

16 Do the policymakers ever get disciplined?

17 Do those that put that policy, and put folks  
18 on the streets to that follow that policy, are they  
19 ever disciplined?

20 That's all I'm asking.

21 Any of these processes, when I speak out on  
22 any of these issues, is about fairness.

23 My members are entitled to due process and  
24 fairness; not separate due process because it's for  
25 a cop.

1           It shouldn't be that way.

2           The system should be: Make -- there's an  
3 accusation, investigate, and then prove it.

4           Not accusation, investigate, prove it. If we  
5 don't get what we want, let's change the law.

6           SENATOR SQUADRON: I mean, look, the idea  
7 that you have officers out there, given a directive,  
8 risking their lives in the first place, and also  
9 trying to save their career, and then they get  
10 personally attacked for it, I think it's every bit  
11 what you've described it as.

12           PATRICK J. LYNCH: And that's exactly the  
13 reality.

14           SENATOR SQUADRON: So, I just really want to  
15 get into the core of this, because I think finding a  
16 little common ground, here, you know, I asked the  
17 Commissioner what he would advise. And he used  
18 words like, "common ground," and "dialogue, not  
19 rhetoric."

20           In fact, today, you used some of those words,  
21 too, and I appreciate that you have.

22           And it seems very wise, that advice.

23           It seems like there's common ground, that,  
24 the idea that officers on the street were required  
25 for years to go out there and stop-and-frisk up the

1 wazoo, to the extent that we had nearly a million  
2 stop-and-frisks in a year, something that, you know,  
3 these elected officials and activists that, you  
4 know, clearly, prior statements, your testimony  
5 today, you've got a problem with.

6 You, I mean, sitting here talking about the  
7 "quota" issue; certainly, communities out there on  
8 the street, you know, most importantly, those who  
9 are impacted by this, officers and communities; all  
10 agree that was bad policy.

11 It put an unfair burden on officers.

12 It turned communities and officers into  
13 opposition where they needn't otherwise be.

14 So can we agree, just, again, in the  
15 interests of a little common ground today, that the  
16 vast reduction in those 250s being issued is a  
17 mutual step in the right direction that we all think  
18 is positive?

19 PATRICK J. LYNCH: I think the numbers should  
20 relate to the crimes that's going on.

21 So you can't say it's too low or it's too  
22 high.

23 What I'm saying, do it constitutionally to  
24 solve the problem.

25 So whether it's high or low, it shouldn't be

1 based on a quota. And none of it should be based on  
2 the "blame the cop that doesn't do the policy."

3 SENATOR SQUADRON: I'm not sure we quite got  
4 to common ground there, but --

5 PATRICK J. LYNCH: That's okay.

6 SENATOR GOLDEN: You didn't get your answer.

7 PATRICK J. LYNCH: You didn't get the answer  
8 you want.

9 SENATOR SQUADRON: Out of respect for my  
10 colleagues, I will not try again, but, I do hear  
11 what you're saying here.

12 I would say, that the policies that you  
13 proposed, as I said, critical that we take a look at  
14 and take seriously, for all of the reasons that have  
15 been discussed today.

16 PATRICK J. LYNCH: And I look forward to  
17 discussing them with you.

18 SENATOR SQUADRON: And I appreciate that.

19 PATRICK J. LYNCH: Thank you, Senator.

20 SENATOR SQUADRON: It is also critical,  
21 though, that we hear from those on the ground who  
22 know what they're being pushed to do that is  
23 stirring the pot, to use your words, and how to fix  
24 that practically.

25 And that, sometimes, a criticism of the

1 department from an elected official or an activist  
2 isn't a criticism of the officer.

3           You know, it's always surprising to me that  
4 you can't have an elected official, an activist, and  
5 an individual officer, or the president who  
6 represents them, together saying: Don't put us in  
7 that position.

8           Don't put us in that position in communities,  
9 especially where young men of color were just  
10 rampantly targeted.

11           Don't put us in that position as officers who  
12 need the trust and relation with the community to be  
13 safer.

14           Don't put us in that situation with elected  
15 officials who are just beating up anyone we can,  
16 just so we can get listened to.

17           I mean, don't you agree with that statement,  
18 anyway?

19           PATRICK J. LYNCH: And, you know, a lot of  
20 this, too, is also, when I speak out and we speak  
21 out, you have to realize that we're speaking out,  
22 going back to the feeling that Senator Lanza spoke  
23 of, but also the avalanche we see coming of the  
24 criticism.

25           We can't look at the oversight as individual

1       oversights, we can't look at the criticism as  
2       individual criticism, because the police officer on  
3       the street is standing on the corner saying, What  
4       now?

5               And we can't blame the cop.

6               But in all these discussions it comes down to  
7       "discipline the police officer."

8               30 years on the job, I'm 16 years the  
9       president, it always comes down to the discussion  
10      as, "we need more discipline."

11              SENATOR SQUADRON: And, look, and maybe  
12      that's the other side of it.

13              Maybe it's, these policies, [unintelligible]  
14      the department, especially under the former  
15      administration, was driving these activities  
16      shouldn't happen. And, when they do, or when they  
17      drive people into bad circumstances, we should look  
18      at the department and not the individual.

19              That's an important point.

20              I would just conclude by saying, I know that  
21      you believe that there's a certain stirring of the  
22      pot that happens from folks like those of us on the  
23      Panel and others in elected life.

24              In my experience, for better, and sometimes  
25      for worse, those of us in elected life respond to

1       what we're hearing from our constituents, and don't  
2       create it.

3               So I do think that there's a real danger in  
4       suggesting that some of these -- some of what we've  
5       seen out there comes from the mouths of elected  
6       officials, were that folks listen to us that much.

7               And I don't think --

8               PATRICK J. LYNCH:  And sometimes, and many  
9       times, union presidents also are voicing the  
10      opinions of the members who elected us, and we have  
11      a responsibility to speak for them as well.

12              So while you're speaking for your  
13      constituents, as am I.

14              SENATOR SQUADRON:  And I think that's  
15      actually a really important point.  I appreciate you  
16      making that.

17              PATRICK J. LYNCH:  Thank you, Senator.

18              SENATOR NOZZOLIO:  Thank you, Senator.

19              And, President Lynch, you've been extremely  
20      demonstrative in your discussion.

21              We look forward to working with you.

22              Your proposals are concrete, and we will be  
23      addressing those, and that we look forward to  
24      working with you in the future to achieve the  
25      mutually-shared objectives.

1 Thank you very, very much.

2 PATRICK J. LYNCH: And thank you for  
3 considering my testimony.

4 And thank you for the discussions that we  
5 had.

6 And thank you for putting this joint meeting  
7 together.

8 SENATOR GOLDEN: We're very happy to hear  
9 that Senator Squadron will be on all these bills as  
10 we pass them around.

11 SENATOR SQUADRON: I look forward to a  
12 collaborative effort, Senator Golden.

13 SENATOR GOLDEN: Oh, it will be  
14 collaborative, all right.

15 [Laughter.]

16 SENATOR NOZZOLIO: Our next presenter is  
17 Edward Mullins, president of the  
18 Sergeants Benevolent Association.

19 President Mullins, good afternoon, and  
20 welcome.

21 Please, for the record, identify the people  
22 that you have brought with you at the table.

23 EDWARD D. MULLINS: Thomas Gearon, counsel  
24 with the SBA. Teresa Shall [ph.], assistant with  
25 the SBA.

1           Mr. Chairman, I know you're running behind on  
2           time.

3           If you would like, I could skip reading  
4           through the statement. I could save you some time  
5           for questions.

6           SENATOR NOZZOLIO: Your testimony, which  
7           looks very extensive, we will submit that in its  
8           entirety for the record.

9           And if you would be so kind as to summarize  
10          your concerns.

11          EDWARD D. MULLINS: Several concerns.

12          We all have discussed, we talked about,  
13          summons quotas, stop-and-frisk, terrorism.

14          As you know, right now, the city of New York  
15          is being confronted with the public report that was  
16          issued by Police Commissioner Kelly in the past.

17          It was thrown out of federal court by a  
18          federal court judge, obviously, who found no  
19          wrongdoing on behalf of the NYPD.

20          The report made reference to home-grown  
21          terrorists and threats, and now there's a debate  
22          whether it should be kept on a website.

23          I think this is an area that this Committee  
24          needs to look at.

25          The report serves several different purposes.

1           It supports the concept of, if you see  
2 something, say something.

3           And it helps to educate the general public,  
4 and information from one of the largest police  
5 departments in the world that can be shared with  
6 police departments throughout the country.

7           Something to consider.

8           The topics of profiling and racial profiling,  
9 it has been a long debate of stop-and-frisk.

10          I think it needs to be noted that the NYPD is  
11 not a racist police department, contrary to the  
12 beliefs of Judge Scheindlin.

13          He have members in this department who were  
14 born in 106 different countries.

15          After 11 years of police in this city under  
16 the Bloomberg-Kelly administration, the department  
17 had a 70 percent approval rating.

18          In the past year, that approval rating has  
19 gone down to 59 percent.

20          Now, that's not to say that there shouldn't  
21 be consideration given to the feeling and the  
22 perception that's occurring within the communities  
23 and the city. There's ways to address those issues.

24          But this has had an impact on policing, and  
25 it's created an atmosphere of concern for both the

1 police and the community.

2 There's a topic within my presentation that  
3 addresses the issue of Google, who has an app known  
4 as "Waze."

5 If you look at the app, it identifies the  
6 location of police officers.

7 Now, this is a traffic app. It's a pretty  
8 helpful app to identify areas of heavily backed-up  
9 roadways.

10 But on that app it identifies the locations  
11 of where highway patrols or police officers may be,  
12 and it has the ability to identify whether the  
13 police are invisible or visible.

14 It serves really no purpose when you think  
15 about that if the overall concept is to provide  
16 information to traffic.

17 But we would be kidding ourselves to  
18 disregard the belief that that information is  
19 exposed to criminals, terrorists, and members of the  
20 public who are trying to get away with, you know,  
21 roadway infractions, speeding.

22 They are harmful to public safety and the  
23 police.

24 The issue that -- I'll just skip through real  
25 quickly.

1           We talked about terrorism.

2           In France we saw terrorists with  
3 heavily-armed body armor, assault rifles, firing  
4 away at police officers backing up down the street  
5 who did not have the firepower to withstand such a  
6 terrorist threat.

7           I think we need to explore the safety of  
8 police facilities should they be overrun, the  
9 readily-available weapons of assault rifles to  
10 members of the NYPD to address incidents that we  
11 have seen in France.

12           Now, this is a sensitive topic because,  
13 really, what you're doing is you're arming police  
14 with higher-powered weapons.

15           But, the flip side of it is, that we need to  
16 suppress an immediate threat, and that may not be  
17 readily available to the first responding officers  
18 that are on the scene.

19           Most recently during this attack in France,  
20 you know, our secondary cycle of sending personnel  
21 to backup the emergency-service personnel and the  
22 counterterrorism people, their job is to suit up,  
23 heavily weapons, and to go to the gun lockers and  
24 get those assault rifles.

25           Well, unfortunately, the policies in the

1 police department, certain people have keys, and if  
2 they're not available, you don't have access to  
3 those weapons.

4 So, in many ways, we're creating a false  
5 sense of security to the members of the public.

6 We talked a little bit earlier about, and  
7 I forget how it was presented, you know, home-rule  
8 messages and local legislation.

9 What's occurring, and I believe it's  
10 occurring, is that, within City Council, and I'm  
11 sure in other areas of the state, the ability to  
12 create law that circumvents state penal laws and  
13 criminal-procedure laws needs to be watched  
14 carefully, because what it's doing is it's throwing  
15 off the overall concept of what the State is  
16 proposing for all law enforcement to follow  
17 throughout.

18 A police officer from Albany who engages in  
19 any kind of action here in New York, are they  
20 falling within the guidelines of the City Council  
21 profiling bills?

22 We don't know, but they're not aware of that  
23 up there in outside counties who respond to the  
24 city.

25 So I think this is something where state

1 legislators can keep an eye, and watch what's  
2 occurring. And, you know, if it's good policy  
3 overall, then it's good policy overall, but it  
4 shouldn't be designed to work around state  
5 criminal-procedure laws and penal laws.

6 The issue of bail needs to be looked at,  
7 also.

8 We see too many cases where judges are just  
9 releasing criminals and it's walking out the door.  
10 You see them on a consistent basis, just walking  
11 out.

12 California has a system of bail to which  
13 there's guidelines.

14 If you are a person who set a fire, for  
15 example, you may be an 18-year-old kid who set a  
16 fire, there's a different level of bail, as compared  
17 to if someone got hurt, several people got hurt, or  
18 if police officers are involved.

19 It needs to be looked at, and you may want to  
20 take a look at what's existing right now in  
21 California and see if it's feasible to implement  
22 here in New York.

23 Overall, I think a lot of the issues that  
24 have been confronting the NYPD, Pat Lynch did  
25 address.

1           These areas I think that have been left out,  
2           and if it's helpful in any way, I'd be happy to take  
3           questions in the interests of your time, or work  
4           with this Committee going forward to look at some of  
5           these areas.

6           SENATOR NOZZOLIO: President Mullins, I have  
7           some questions.

8           Thank you very much for your participation,  
9           and your patience for waiting through the  
10          three hours-plus we've had so far of our hearing.

11          First and foremost, please convey to your  
12          officers and members of your association that our  
13          purpose in creating -- the four Chairs of the Senate  
14          Investigations Committee, Crime and Corrections  
15          Committee, Civil Officers and Employees Committee,  
16          and Codes Committee -- this Task Force was to let  
17          our police officers know, including our sergeants,  
18          that we respect the job you do; appreciate the fact  
19          that the greatest drop in violent crime in any state  
20          in the history our union was here in New York State,  
21          and it was, in large part, because of the efforts of  
22          the men and women in your organization, and the  
23          organization of other police officers throughout the  
24          city in particular, but also New York State.

25          So thank you for that.

1 EDWARD D. MULLINS: Thank you.

2 SENATOR NOZZOLIO: Your comments and  
3 suggestions are well-taken.

4 We will look to the Legislature in addressing  
5 them in certain ways.

6 I want to ask you a question I asked the  
7 president of the patrolmen, that, the issue of  
8 proposal that the Governor has to place an  
9 independent, or so-called "independent," monitor on  
10 grand jury proceedings involving police officers.

11 You may have heard President Lynch discuss  
12 his opposition to this proposal.

13 What is your opinion?

14 EDWARD D. MULLINS: I think it's an area that  
15 we can explore.

16 I know it's probably not a popular decision,  
17 but the concept of the public not having faith in a  
18 criminal justice system, law enforcement, or the  
19 district attorneys is an issue that needs to be  
20 addressed.

21 When I hear the issue of police being too  
22 close to the district attorneys, in many ways it's  
23 somewhat offensive.

24 When you look at law, and you look at the  
25 integrity that it's brought into the

1 district attorney's office, we're in some ways  
2 undermining them and their credibility and their  
3 integrity.

4 But should a lawyer from another county come  
5 down to process a case, he still has to deal within  
6 the fundamental basics of law.

7 It's not a science, but certain aspects of  
8 law, whether it be for searches and hearings and  
9 interrogations, all apply.

10 The rule of evidence applies throughout the  
11 state of New York.

12 But I think that it's a topic that's open for  
13 great debate.

14 I would be interested to sit and discuss it  
15 further.

16 And if it's something that is going to be  
17 implemented, I'd rather be part of the solution to  
18 it than to oppose it without a voice.

19 I think that we need to speak to the  
20 district attorneys, even throughout the state, to  
21 get their opinions of it.

22 SENATOR NOZZOLIO: One of our prominent  
23 district attorneys, Dan Donovan, from  
24 Richmond County, is here.

25 He's been waiting, he'll be testifying next,

1 and we certainly will ask him that question.

2 I guess the fact that any disciplinary  
3 proceeding for a police officer, particularly in a  
4 violation of law, potential violation of law,  
5 through internal affairs, goes through that process,  
6 but then is prosecuted by that same district  
7 attorney.

8 The district attorney does not claim to be  
9 biased then.

10 I guess that's why I raise the question,  
11 because we're trying to seek opinion on this, the  
12 Panel wants to know. And we appreciate your  
13 opinions, and we look forward to your insights as  
14 this develops further.

15 EDWARD D. MULLINS: Senator, my 34 years in  
16 the NYPD, I have worked under various  
17 district attorneys throughout the city of New York,  
18 and the relationships with the district attorneys is  
19 no way cushy and cozy.

20 Each district attorney's office has  
21 prosecutors who specialize in prosecuting police.

22 And the pulse and the feeling amongst the  
23 NYPD and those members is one of fear, in many ways,  
24 so the concept that's in place does work.

25 I think that the issue is really the public

1 perception of it, and maybe we need to either fix it  
2 or educate everyone.

3 SENATOR NOZZOLIO: I appreciate your  
4 suggestion and point.

5 Last question.

6 EDWARD D. MULLINS: Yes.

7 SENATOR NOZZOLIO: What I wanted to ask  
8 President Lynch about, recidivism, and the ability  
9 to retain good people in our police department.

10 Now, you represent those officers that have  
11 risen to supervisory positions.

12 Do you see any change in recidivism rates --  
13 I don't mean recidivism -- attrition rates?

14 Attrition rates, that -- of people leaving  
15 the force as soon as they can, or, just simply being  
16 fed up with the position.

17 There are some demographics here as a  
18 population aging out, as well.

19 Any scope of attention that you've given on  
20 the attrition --

21 EDWARD D. MULLINS: Yeah, I think that's a  
22 problem.

23 I don't feel that the members of the NYPD  
24 stay in this job. I don't think that they value the  
25 job in their heart of hearts.

1           You know, when I listen to the  
2           United Marine Corps, they're always a former marine.  
3           They always say, "I'm a former marine."

4           And in their recruitment materials, never  
5           once do they say "join the marines," but yet they  
6           have the highest amount of people signing up to  
7           enlist, even in wartime.

8           Within this department, the politics and the  
9           bureaucracy wears down the members of the NYPD.

10          I always describe it as an atmosphere that,  
11          after a while, you don't believe in what you do.  
12          You want to do the job, but you're being prevented  
13          so many ways because you're constantly scrutinized  
14          for it.

15          And the NYPD is like playing for the Yankees.  
16          It's an honor that, no matter where you land in the  
17          world, you're a topic of conversation, you're  
18          Hollywood movies, you're all kinds of TV shows.

19          But, yet, the members of the NYPD don't feel  
20          that, so what they do is, they move on. They move  
21          on to other jobs to get second careers, and to move  
22          on with their everyday lives.

23          And that's a problem.

24          It's a problem that can be fixed, but it's  
25          going to take direct effort.

1 SENATOR NOZZOLIO: Thank you very much.

2 EDWARD D. MULLINS: Thank you.

3 SENATOR NOZZOLIO: Any other questions?

4 Senator Golden.

5 SENATOR GOLDEN: Thank you,

6 President Mullins, for being here.

7 I thought it was, "Once a marine, always a  
8 marine." No such thing as a former marine.

9 That's what it is.

10 So I've got to tell you, that's Semper Fi.

11 That's what the NYPD should be.

12 You've got NYFD in the back there.

13 NYFD, they turn around, it's 30, 35 years,  
14 40 years on the job. And there's nobody running off  
15 that job, because they turn around and they respect  
16 the job that they have.

17 And they're going to be up here testifying  
18 very, very shortly.

19 But that job has changed, too, over the  
20 years. But that used to be a real career job, where  
21 people stayed on it for many, many, many years,  
22 until 9/11, until we seen the tragedy of the losses  
23 of 343 firemen and 37 New York City police officers,  
24 and court officers, and so on.

25 So we started to see lives and families

1 change, and lives change, and we've seen laws  
2 change, and city councils change, and it becoming a  
3 much tougher job today on both PD and FD.

4 That's why we see large numbers leaving PD,  
5 I believe, is because of the low morale.

6 What is your ratio to -- sergeant-to-police  
7 officers?

8 EDWARD D. MULLINS: Probably about 11-to-1.  
9 There's reduced numbers.

10 SENATOR GOLDEN: What should it be?

11 EDWARD D. MULLINS: 12 years back we had  
12 nearly 5500 sergeants.

13 We're down to about 4600 right now, so we're  
14 down nearly 1,000.

15 The ratio of supervision should be higher, in  
16 a sense.

17 Ideally, it's 1-in-8; one sergeant to every  
18 police officer.

19 The department will likely tell you that it's  
20 1-in-8, but there are numerous shortages on patrol,  
21 numerous shortages when you see details. You're  
22 supervising a lot more.

23 And there's a difference between supervising  
24 and leadership, that will help change the culture of  
25 the department in a lot of ways.

1           So the training and the sergeants that you  
2           implement, where that ratio decreases, could help to  
3           change a culture overall.

4           SENATOR GOLDEN: Now, with everything going  
5           on, and you pointed that out, especially when we  
6           have seen this past 35, 40 days, where we had a  
7           number of protests, and a number of high point for  
8           tourists in the city of New York through the  
9           Christmas season, so there was a high need for  
10          manpower on the street, are your men burnt out, as  
11          well as low morale?

12          EDWARD D. MULLINS: The morale -- I'm not  
13          going to say that they're burnt out, but morale is  
14          terrible.

15          After 34 years, this is probably the peak  
16          that I have seen for the worst morale in the NYPD,  
17          and this has been brewing for the past two years.

18          It started back with the whole stop-and-frisk  
19          issue. It's built up into the, you know, mayoral  
20          campaign, followed by the events with the protests.  
21          And, you know, eventually, the death of Police  
22          Officers Ramos and Liu. That was the boiling point  
23          to everything.

24          SENATOR GOLDEN: And you also believe it's  
25          too many cooks in kitchen?

1           EDWARD D. MULLINS: I think that there should  
2           be a clear policy.

3           I really think that leaders need to step up  
4           and be leaders, and to say that "These are the  
5           policies. This is why we do it"; and to call it  
6           what it is.

7           And that's lacking. That's clearly missing  
8           right now.

9           SENATOR GOLDEN: I seen you point out to  
10          Ebola in your testimony.

11          Are we prepared for Ebola here in the city of  
12          New York?

13          EDWARD D. MULLINS: I don't think so.

14          You know, I sit through many of these  
15          meetings.

16          I went to Washington, D.C., to discuss the  
17          topic of Ebola with the federal government. Sat  
18          with the Centers for Disease Control. I got  
19          information from them, and their information was far  
20          more accurate.

21          And at the very same time that it was  
22          occurring, we had an event right here in the  
23          30th Precinct.

24          So, we were lacking at the time.

25          My organization purchased almost 6,000 masks

1 and gloves to furnish to our members because we  
2 didn't have them from the department.

3 SENATOR GOLDEN: The municipal ID cards, have  
4 your men been trained for that?

5 EDWARD D. MULLINS: Not yet, no.

6 SENATOR GOLDEN: Is there any expectation  
7 they will be training for that?

8 EDWARD D. MULLINS: Yep. There will be  
9 training.

10 SENATOR GOLDEN: There's a piece in there  
11 that says that the ID will be destroyed at  
12 six months. After it is held by the New York City,  
13 they're going to destroy that; meaning, that  
14 somebody can get one, two, three, four, five cards.

15 I don't know if you've studied that yet, but  
16 you should take look at that one piece of it.

17 EDWARD D. MULLINS: Okay.

18 SENATOR GOLDEN: If they're going to take the  
19 identification, identification should stay on record  
20 and should be available for NYPD for the future, so  
21 that we can track out these ID cards.

22 And, we'd like to know when you are trained  
23 and members are going to be trained.

24 And, if there's any specific training for the  
25 Ebola or the ID cards, we'd look to know about it.

1 EDWARD D. MULLINS: Yes.

2 SENATOR GOLDEN: Are you part of the new  
3 group? Have you been updated on the new 350-man  
4 unit that the Police Commissioner has put together?

5 EDWARD D. MULLINS: Yes.

6 SENATOR GOLDEN: And your role will be,  
7 you'll have --

8 EDWARD D. MULLINS: Well, it's one of  
9 awareness.

10 Basically what we're doing is taking manpower  
11 from one place and moving them to another place.  
12 There's no additional manpower.

13 If you go back in time, it's the old task  
14 force the NYPD had back in '70s and early '80s.

15 They're just changing the name, offering some  
16 additional equipment, but you're really not changing  
17 anything as far as additional manpower goes. It's  
18 manpower that's being allotted to doing something  
19 else right now.

20 SENATOR GOLDEN: So your guys respond to --  
21 obviously, the supervisory manpower respond to all  
22 shootings.

23 So you would be -- shootings are up, murders  
24 are up, rapes are up; so -- and that's, every one of  
25 those issues, are large -- are 49s or large

1 communications --

2 EDWARD D. MULLINS: They continue, yes.

3 SENATOR GOLDEN: So, therefore, each one of  
4 your men and women have to respond to each one of  
5 those issues; correct?

6 EDWARD D. MULLINS: Correct, yes.

7 SENATOR GOLDEN: And are they -- have you --  
8 have enough manpower to do that?

9 EDWARD D. MULLINS: We're down almost  
10 1,000 sergeants from where we were 12 years ago.

11 SENATOR GOLDEN: Where are we on tests? Is  
12 there a test coming up? Or are they promoting  
13 more --

14 EDWARD D. MULLINS: There was a test.

15 They're still promoting. There are classes  
16 that are being promoted.

17 But, your promotions sometimes just make up  
18 for the attrition, so it's not where you're really  
19 building up the numbers.

20 So, ultimately, numbers are going to get  
21 built based on budgets that will provide for the  
22 additional numbers to --

23 SENATOR GOLDEN: What is your retirement the  
24 year? Do you know?

25 EDWARD D. MULLINS: I'm sorry?

1           SENATOR GOLDEN: How many people are getting  
2 out of job as sergeants?

3           EDWARD D. MULLINS: Our numbers are pretty  
4 frequent for retiring.

5           I don't know the exact number of what's  
6 walking out the door right now, but our personnel  
7 does not stay.

8           They get to their pension, and for the most  
9 part, they may do a year or two more, but then they  
10 leave.

11           SENATOR GOLDEN: The last question: The --  
12 they were talking about deadly physical force in  
13 the -- a new communication by the Governor in his  
14 legislative package, to create a council that would  
15 create a set goal across the state of New York on  
16 what "deadly physical force" and "physical force"  
17 would be, and how it would be used.

18           And they would -- there was some expectation  
19 that cities, towns, villages, and counties would  
20 adhere to the rules and regulation of the new  
21 council. And if they did not adhere to the new  
22 rules and regulations of this council, that they  
23 would have to come up with their own set of  
24 guidelines equal or better than.

25           I would imagine most cities, towns, villages,

1 and counties already have a criteria for  
2 stop-and-frisk -- not stop-and-frisk -- but for  
3 deadly physical force and physical force.

4 Have you had any time to take a look at that  
5 legislation, and --

6 EDWARD D. MULLINS: Yeah, most departments  
7 have guidelines already in place.

8 To be quite honest, I look at that proposal  
9 as a feel-good.

10 We are scrutinized --

11 SENATOR GOLDEN: Did you read the --  
12 feel-good; do you feel that he could --

13 EDWARD D. MULLINS: I think it's feel-good  
14 for the public opinion.

15 SENATOR GOLDEN: -- the legislation  
16 [unintelligible] that it could actually say no  
17 chokeholds across the state of New York at no time?

18 EDWARD D. MULLINS: Yeah, but, it's --  
19 I don't agree with it.

20 When an officer's fighting for his life, he  
21 has the right and the ability to hit you with a  
22 chair.

23 And that's not listed anywhere.

24 He needs to win for the purpose of protecting  
25 his own life. He also needs to win for the purpose

1 of making the arrest.

2 Felons don't have the opportunity to say,  
3 I'll make an appointment and turn myself in next  
4 week.

5 So what we're doing is really disarming the  
6 police and creating hesitancy, to which, in turn,  
7 will put officers in danger as we go forward.

8 SENATOR GOLDEN: So when that guy's out there  
9 at 2:00, he's with his partner at 2:00 in the  
10 morning, and he has a confrontation, the closest  
11 response may be two precincts away, he or she and a  
12 partner, or if he or she is by themselves, they have  
13 to defend themselves as best they can to make sure  
14 that they protect life, liberty, and property.

15 EDWARD D. MULLINS: That's correct.

16 SENATOR GOLDEN: Correct?

17 EDWARD D. MULLINS: That's correct, yes.

18 SENATOR GOLDEN: So you would have a definite  
19 problem with that legislation?

20 EDWARD D. MULLINS: That's correct.

21 I mean, there's reasons for everything,  
22 there's balance to everything.

23 But in the situation where we're going to  
24 restrict, you know, deadly physical force, the only  
25 person who is able to make that decision at that

1 time is the one that's in the middle of it, using  
2 it.

3 And our system in place goes on for months,  
4 second-guessing and judging it.

5 So if there is any wrongdoing, there's an  
6 ability to hold people accountable.

7 SENATOR GOLDEN: Thank you, Sergeant.

8 EDWARD D. MULLINS: Thank you.

9 SENATOR NOZZOLIO: Sergeant, thank you very,  
10 very much.

11 We appreciate the testimony, we appreciate  
12 the testimony, we appreciate your written testimony  
13 and suggestions, and look forward to working with  
14 you in the months ahead.

15 EDWARD D. MULLINS: Thank you.

16 SENATOR NOZZOLIO: Thank you.

17 EDWARD D. MULLINS: Have a good day.

18 SENATOR NOZZOLIO: District Attorney Dan --

19 SENATOR PERKINS: Wait, wait, wait, Chairman?  
20 I have one quick question.

21 SENATOR GOLDEN: Sergeant Mullins, can you  
22 return to the table for just a second.

23 SENATOR NOZZOLIO: Your district attorney has  
24 to leave.

25 SENATOR PERKINS: I won't be long.

1 I just wanted to get some clarification on  
2 this question of the chokehold.

3 Is that a -- is that -- that's a deadly  
4 tactic?

5 EDWARD D. MULLINS: No. It's actually a  
6 tactic.

7 What we have all witnessed, as far as a  
8 chokehold goes, and this could be the great debate,  
9 whether it is or isn't, my training for a chokehold  
10 was done with a baton applied to the carotic artery  
11 of a neck.

12 SENATOR PERKINS: The "what" artery?

13 EDWARD D. MULLINS: The carotid artery of  
14 your neck. The side of your neck.

15 SENATOR PERKINS: Will that kill me?

16 EDWARD D. MULLINS: It will make you pass out  
17 within 10 to 15 seconds.

18 SENATOR PERKINS: How long before I die?

19 EDWARD D. MULLINS: Well, generally, you  
20 don't die.

21 SENATOR PERKINS: Okay?

22 EDWARD D. MULLINS: Generally, you don't die.  
23 And we'll reference the Garner case.

24 SENATOR PERKINS: Under what circumstances  
25 will I die?

1 EDWARD D. MULLINS: I'm sorry?

2 SENATOR PERKINS: Under what circumstances  
3 does one die?

4 EDWARD D. MULLINS: Well, you can die if it's  
5 done improperly.

6 You can die, that if you crush a windpipe,  
7 there's no ability to breathe.

8 You can die, you know, from the fall if you  
9 hit your head.

10 There's a lot of circumstances that could  
11 lead to that.

12 But a chokehold is not part of the everyday  
13 policies of the police department.

14 SENATOR PERKINS: Okay.

15 EDWARD D. MULLINS: But in the situation,  
16 should your life be dependent upon it and you're not  
17 under the guidelines of the police department, human  
18 nature would be to fight and do whatever you could  
19 to protect your life.

20 And in circumstances where you're involved in  
21 a life-threatening incident, that may be the only  
22 thing you have.

23 So to create an overall ban and prohibit it,  
24 in many ways, would be detrimental to providing a  
25 safe atmosphere for police.

1           SENATOR PERKINS: Thank you.

2           EDWARD D. MULLINS: Thank you.

3           SENATOR NOZZOLIO: Thank you very much.

4           District Attorney Dan Donovan, from  
5 Richmond County.

6           Thank you for your patience. You've been  
7 here over four hours waiting for this.

8           I know we all were awaiting your testimony.

9           I appreciate you being here.

10          Cyrus Vance, the district attorney of  
11 New York County, was also here for about  
12 three hours, could not stay, but he has submitted  
13 testimony for the record.

14          Welcome. District Attorney, thank you very,  
15 very much for your participation.

16          DA DANIEL M. DONOVAN, JR.: Thank you very  
17 much, and thank you for your concern about our  
18 justice system, holding this hearing.

19          And we're all here, I think, pretty much, the  
20 same purpose.

21          I don't have a prepared testimony.

22          I would rather answer your questions,  
23 I guess, because it was my office that did the  
24 investigation into the death of Mr. Garner, that  
25 maybe I can give you some insights or some opinions

1 about the grand jury proceedings, in general.

2 I am prohibited by law from speaking about  
3 the specifics of the case.

4 I have reviewed some proposals that have been  
5 made since the decision of the grand jury, on how to  
6 have some transparency in our grand jury system.

7 I heard some of the members of the Committee,  
8 as well as some of the members of the testifying  
9 group here, talking about the concerns, that we have  
10 to be cautious of about due-process laws and equal  
11 protection.

12 I think the folks here are trying to have a  
13 well-thought-out conversation.

14 I'm sure that you will do many more debates  
15 about proposals before anything is voted on.

16 I think the three proposals that I would like  
17 to speak of, and I'll speak about anything you'd  
18 like:

19 One is the ability that's being proposed now  
20 for a prosecutor to issue a grand jury report after  
21 a grand jury votes a no-true bill in a case.

22 The proposal, as it stands now, applies to  
23 only cases involving a police officer and the death  
24 of a citizen in custody.

25 Again, I think we would be cautious to see if

1 that violates any due-process laws.

2 If it's an ability for a DA to issue a report  
3 in any case where there's a no-true bill, I think we  
4 eliminate the due-process problems and the  
5 equal-protection problems.

6 And I certainly would have loved the  
7 opportunity to tell the public more about the case  
8 in which my office investigated, but I was  
9 prohibited by law.

10 So I think that's something, a good proposal,  
11 if it's done properly.

12 SENATOR NOZZOLIO: If I may interrupt?

13 DA DANIEL M. DONOVAN, JR.: Certainly.

14 SENATOR NOZZOLIO: Current law, then,  
15 Mr. District Attorney, limits you.

16 And the limitations deal with what specific  
17 items?

18 DA DANIEL M. DONOVAN, JR.: Yes, anything  
19 I can say, the entire grand jury procedure is sealed  
20 upon a no-true bill.

21 I needed the Court's permission to tell the  
22 public that there was no-true bill.

23 Could you imagine, if I didn't get the  
24 Court's permission, that everybody knew that the  
25 grand jury proceeding was over and I was prohibited

1 by law from saying anything? It's like, Okay, we  
2 did it.

3 So, I have to seek the Court's permission  
4 just to tell the public the result of the grand  
5 jury's vote.

6 So, what the proposal for the grand jury  
7 report is, it would allow to us summarize some of  
8 the evidence without identifying the identities of  
9 witnesses, identifying identities of grand jurors.

10 I think one of the difficulties that  
11 certainly the public might have difficulty  
12 understanding the grand jury procedure, is nobody  
13 makes movies or television shows about grand jury  
14 proceedings.

15 They make them about trials, where a  
16 prosecutor stands in front of a jury and tries to  
17 convince them, one way or another, how they should  
18 conclude evidence, what evidence they should find  
19 credible, what evidence they should find incredible.

20 That's not how a grand jury proceeding takes  
21 place.

22 We present evidence, we walk out.

23 We don't argue. We don't sum up.

24 And then the grand jury decides.

25 We're not there during the deliberation

1 process.

2 And I think one of the things that maybe a  
3 grand jury report would help us to do is explain to  
4 the public, not only the results on why a grand jury  
5 may have reached that result, because the report  
6 would come from the grand jury, not from the DA.

7 The grand jury would vote to issue a report.

8 It would be written by the DA's office, or a  
9 prosecutor who did the presentation, but then the  
10 jury would take it, read it, redact, edit it, and  
11 then they would present it. They would vote to  
12 present it.

13 So that may be a good thing, to give some  
14 transparency to proceedings that, right now, the  
15 public doesn't understand; and they don't understand  
16 it because of the secrecy of it.

17 The fact of a monitor, I think, again, we  
18 have a problem with due process and equal protection  
19 if we're going to do this only in police-officer  
20 cases.

21 We already have monitors in grand jury  
22 proceedings when a true-bill is voted on.

23 A supreme court judge reviews that evidence,  
24 reviews that transcript, to make sure that it's  
25 legally sufficient for the charges that the person

1 has been charged with.

2 We could do the same thing with a no-bill,  
3 allow a judge to look at it.

4 Having a politically-appointed person to do  
5 that will cause us headaches that we can't even  
6 imagine right now.

7 So I do not think that that -- although a  
8 monitor -- I don't like to use the word "monitor."

9 Someone reviewing the proceedings, like a  
10 supreme court judge, as they do in the case of a  
11 true-bill, having a supreme court judge review a  
12 no-true bill may be a better way to go, in which  
13 somebody has oversight in the proceedings to make  
14 sure nothing was done erroneously; and at the same  
15 time, preserve the secrecy of the proceedings.

16 The third thing I would like to speak about,  
17 in fact, nobody's really spoken about it, is the  
18 "immunity" issue.

19 One of the things that a lot of the public  
20 has been talking about, is when we put someone in  
21 the grand jury, if you're compelled to testify, we  
22 immunize you. You are cloaked with transactional  
23 immunity. We cannot charge with you that crime.

24 A lot of times we have to decide, if you and  
25 Senator Golden, we don't know which one of you is

1 the bad guy, we have to choose which one of you to  
2 put in the grand jury.

3 We may immunize the wrong guy.

4 The federal government, and many of our  
5 states, use "use immunity"; meaning, we can compel  
6 you to testify, but we can't use anything that you  
7 testified about against you. But, you don't get  
8 transactional immunity. We can still charge with a  
9 crime.

10 So that's something that's been proposed.

11 I was the president of the State DA's  
12 Association back in 2009, I believe it was, and that  
13 was one of our number-one concerns: getting  
14 use immunity rather than transactional immunity.

15 And I think a lot of the people who --  
16 I can't talk about who testified in the grand jury  
17 that investigated the death into Mr. Garner, but, if  
18 there were police officers who did testify, or  
19 civilians, when they're compelled to testify, when  
20 they're issued a subpoena to come in and testify,  
21 they're compelled to testify, they are cloaked with  
22 immunity. You could not charge any of those people  
23 with a crime.

24 So that's something I think I would like the  
25 Panel to discuss, and maybe look into, the Senate as

1 a whole body.

2 So I think that's some of the things that  
3 I could offer to you.

4 And I'll answer any questions, and talk about  
5 any other issues that you would like to.

6 SENATOR NOZZOLIO: Thank you.

7 Are there any procedures that you yourself  
8 engage in, when you have to deal with an element  
9 where a police officer is involved with it directly,  
10 as you had in the case you mentioned, or, other  
11 disciplinary cases before a police officer?

12 Is there any type of extra hash marks you  
13 have to put into your equation to be able to ensure  
14 the integrity of the process?

15 DA DANIEL M. DONOVAN, JR.: Well, Senator,  
16 I think -- I'm not sure if Pat Lynch spoke about it,  
17 or Eddie Mullins.

18 Each of our offices has a public-integrity  
19 bureau that specifically is segregated from the rest  
20 of our office.

21 The reason why it's segregated, when I worked  
22 for Mr. Morgenthau in the Manhattan DA's Office, our  
23 public-integrity bureau was actually out of the  
24 building, it was in a different building, because,  
25 many times, the people who testify against police

1 officers are other police officers. And no one  
2 would come into the DA's office and walk into a door  
3 over there that says "Public Integrity" in front of  
4 other police officers.

5 My office has a public-integrity bureau.

6 And, so, each of us has that, and each of us  
7 have indicted police officers.

8 I know -- I think Pat was talking about what  
9 people think is a cozy relationship between the DA's  
10 office and the police department.

11 I think someone even said there's a fear.

12 I hope there's not a fear of police officers  
13 with the DA.

14 But we've all indicted police officers.

15 We've all prosecuted, we've all convicted, police  
16 officers.

17 So we take those precautions and handle those  
18 cases, not differently under different laws or  
19 different procedures, but we take precautions  
20 because sometimes it's more difficult.

21 It is difficult to get people to testify  
22 against anyone these days.

23 It's even so much more difficult to get  
24 police officers to testify against other police  
25 officers.

1 SENATOR NOZZOLIO: Senator Lanza.

2 DA DANIEL M. DONOVAN, JR.: You aren't ready.

3 SENATOR LANZA: I can get ready, quickly.

4 Thank you, Chairman.

5 Dan, District Attorney Donovan, let me just  
6 say that your expert and very reasoned suggestions  
7 to this Senate Panel, as we move forward to address  
8 and consider the many suggestions that have been  
9 made with possible legislative changes, is very  
10 valuable to us, and I want to thank you so much for  
11 that.

12 DA DANIEL M. DONOVAN, JR.: Thank you.

13 SENATOR LANZA: And if I could take personal  
14 privilege here as a Staten Islander, I just want to  
15 say, Dan, thank you, every day, for the work you do  
16 making the people of Staten Island safe.

17 DA DANIEL M. DONOVAN, JR.: Thank you.

18 SENATOR NOZZOLIO: Thank you very much.

19 Senator Sanders.

20 SENATOR SANDERS: Thank you, sir.

21 Good to see you, sir.

22 DA DANIEL M. DONOVAN, JR.: Good to see you.

23 Thank you for your service to our country.

24 SENATOR SANDERS: Thank you, sir.

25 Two questions, and I then I'm done, sir.

1           The first one is, you mentioned that there  
2           are few police officers who would testify against  
3           other police officers.

4           My --

5           DA DANIEL M. DONOVAN, JR.: I said it's  
6           difficult, Senator.

7           SENATOR SANDERS: Oh, difficult.

8           DA DANIEL M. DONOVAN, JR.: It's very  
9           difficult.

10          SENATOR SANDERS: "Difficult," I'll use that  
11          word.

12          Just the law of averages, say, that if you  
13          have a large organization, a certain amount of  
14          people are not going to uphold the finest tradition  
15          of any organization. Just, law of averages, whether  
16          it's 5 percent, 10 percent, who knows what the  
17          percentage is.

18          I also know that if you let a bad apple go,  
19          it's going to start riding and spreading to others.

20          Why is it that so few police officers come  
21          and testify against, if you wish -- not so much  
22          against -- for the department, if you will, I would  
23          argue, for the department, for the highest level,  
24          for the highest standards, of the department?

25          Why are there so few people who are coming

1 forward to stand up for the standards that we all  
2 believe in?

3 Is it the so-called "blue wall of silence"?

4 DA DANIEL M. DONOVAN, JR.: I think it's  
5 similar to what you said. It's probably true in  
6 every organization.

7 There's probably very few Senators who would  
8 want to testify against another Senator.

9 So I think it's just the nature of that,  
10 we're all in this together.

11 A lot of the police officers -- when I worked  
12 for Mr. Morgenthau, and I do it now as the DA, we  
13 used to go speak to incoming recruits and the  
14 graduating classes at the police academy. We used  
15 to tell them:

16 Most people get jammed up, not because of  
17 something they did, but because of something in that  
18 car; that happened in that car by the person who  
19 you're sitting with. And you have to make a  
20 decision then. Is your family, your salary, your  
21 pension, your health benefits for your wife, your  
22 children, your husband, your kids, at risk? Because  
23 the police department will dismiss you for failure  
24 to report.

25 So I think a lot of members of one

1 organization put their fellow members in a very  
2 awkward, difficult situation.

3 There's a lot of talk now, Senator, about  
4 reviewing testimony that occurred in the grand jury.

5 And we give people who are testifying before  
6 a grand jury assurances: that no one will know they  
7 were there, no one will know who they are, and no  
8 one will know what they say, unless, of course, we  
9 have to go to trial.

10 Those assurances are also given to police  
11 officers.

12 We have given police officers those same  
13 assurances; police officers who have had to come  
14 into a grand jury and testify against another cop.

15 SENATOR SANDERS: What can we do to  
16 encourage -- and I'll take that for the Senate or  
17 any other organization -- what can we do to  
18 encourage people to understand that we have -- we  
19 have taken an oath as a high tradition that must be  
20 defended?

21 What can we do to encourage people to break  
22 with a "blue wall of silence," or whatever wall that  
23 the Senate has, or any other government has,  
24 whatever color wall that we may have, what can we do  
25 to encourage good people to come out and say: I am

1 not going to stand for what's wrong. I am going to  
2 stand for what's right, and I'll take whatever goes  
3 with it?

4 DA DANIEL M. DONOVAN, JR.: Yeah, that's a  
5 wonderful question.

6 I'd like to know how we do that with the  
7 police department. I'd like to know how we do that  
8 with the public.

9 We have this stop-snitching mentality.

10 I had a baby, a 2-year-old, shot in the eye  
11 in a courtyard at 1:00 in the morning with hundreds  
12 of people around. The mother's screaming, "Somebody  
13 come forward." No one would testify of who shot her  
14 baby.

15 So it's not just the police department.

16 It's this whole mentality that you're the bad  
17 guy if you actually took your oath seriously and  
18 came forward.

19 And that's true with the police department,  
20 it's true in all of our communities, this  
21 stop-snitching attitude.

22 Maybe people call it the "blue wall of  
23 silence" when you're talking about police officers.

24 Some of the people call it "stop snitching."

25 We have people that show up in court wearing

1 shirts when somebody's about to testify, saying  
2 "Stop Snitching."

3 So I don't know how we break through that.  
4 98, 99 percent of the members of the police  
5 department, 98 percent of the members of our  
6 communities, are good law-abiding people.

7 I worked in the Manhattan's DA's Office when  
8 mothers used to put their babies in the bathtubs to  
9 sleep at night so a stray bullet wouldn't come  
10 through their window and hit their kid. It was  
11 during the crack epidemic.

12 So i don't know how we get past that, that --  
13 the good guys.

14 Years ago, if looked out your window and saw  
15 somebody breaking into your neighbor's car, and that  
16 person turned around and saw you, they'd be afraid  
17 of you and they'd run.

18 Now the person looking out the window is  
19 afraid that that person saw them.

20 That whole tide has got to change, and the  
21 police department has got to change, and our  
22 communities have got to change in the world,  
23 Senator.

24 I don't have the answer, but I know that the  
25 problem exists, and it's got to change.

1           SENATOR SANDERS: I think that as I conclude,  
2 Mr. Chair, I think one of the steps toward a better  
3 police-community relationship, is when we see more  
4 "Serpicos," if you wish. If we see more guys who  
5 are going to come out and say, You know what? I'm  
6 going to do what's right.

7           And when that filters down to everyday people  
8 on the ground, when they see folk who say, "I'm  
9 going to do what's right, regardless," they will do  
10 it.

11           I know for a fact, I ran against an  
12 incumbent, who I'll be kind, I will be kind --

13           DA DANIEL M. DONOVAN, JR.: Andrew is not as  
14 kind to his opponents.

15           [Laughter.]

16           SENATOR SANDERS: Well, no one is as -- well,  
17 I'll be kind to Andrew.

18           But I know that it takes people coming  
19 forward and saying, breaking with the, whatever  
20 tradition, whatever we call it, and say: You know  
21 what? Something is wrong here. It's not right, and  
22 we're going to stand against it.

23           You let average police do that and  
24 I guarantee you folk on the ground will throw away  
25 whatever problem they have and we will flock to the

1 police.

2 Let real folk come up and say, You know what?  
3 There will be no shelter for anybody who doesn't  
4 uphold these grand traditions.

5 DA DANIEL M. DONOVAN, JR.: One of the  
6 difficulties dealing with police officers and the  
7 public, I protect. I've spent millions of dollars  
8 in protecting witnesses who were courageous enough  
9 to come forward, particularly people who weren't  
10 involved in the incident or had no relationship to  
11 the victim, but just came upon and it saw it.

12 Spend millions of dollars.

13 I don't know how you protect a police officer  
14 who ends up doing the right thing; how that officer  
15 can work in that department again, and be useful,  
16 and actually feel good about it.

17 So I don't -- it's almost easier with  
18 civilians than it is with police officers.

19 SENATOR SANDERS: I guess it's the same way  
20 we would protect a Senator.

21 [Laughter.]

22 SENATOR SANDERS: Thank you, Mr. Chair.

23 DA DANIEL M. DONOVAN, JR.: Thank you.

24 SENATOR NOZZOLIO: Senator Gallivan.

25 SENATOR GALLIVAN: District Attorney Donovan,

1       thank you for being here --

2               DA DANIEL M. DONOVAN, JR.:   Good to see you,  
3       Senator.   Thank you.

4               SENATOR GALLIVAN:   -- and, of course, for the  
5       work that you do.

6               I represent all of four -- all or part of  
7       four counties out in Western New York, one of which  
8       is Erie County.   The current president of the  
9       association comes from Erie County, of your  
10      association.

11              I'd like to continue the conversation that  
12      you just had about the notion about reluctant  
13      witnesses.

14              Whether it is DA Sedita or the other DAs  
15      that I have spoken with, they talk about their  
16      number-one problem that they have, is that notion,  
17      the very real reality, of reluctant witnesses in all  
18      kinds of cases, in all kinds of prosecution.

19              And I know that you talked a little bit  
20      about -- I mean, we focused on police, and some  
21      police are unwilling to come forward, Senators are  
22      unwilling to come forward.

23              And you talked about the problem is much  
24      wider than that.

25              DA DANIEL M. DONOVAN, JR.:   Yes.

1           SENATOR GALLIVAN: So without -- without  
2           providing -- thinking of a way to try to solve that  
3           problem, the concern that I have, as we talk about  
4           the grand jury report, as we talk about perhaps  
5           increasing the level of transparency of the  
6           grand jury process, do you have concerns that that  
7           could negatively impact -- could we see even more  
8           reluctance in witnesses?

9           And how can we protect the safety of those  
10          that come forward?

11          DA DANIEL M. DONOVAN, JR.: Without the  
12          assurances that we give witnesses in grand juries,  
13          that no one -- unless the case goes to trial --  
14          we're bluntly honest with people, unless the case  
15          goes to trial, no one will know who you are, no one  
16          will know you were here, and no one will ever know  
17          what you say.

18          And a lot of times, when cases are pled out  
19          after an indictment, a lot of times, one of the  
20          reasons, or in the calculation of whether or not to  
21          plead a case out, is to protect -- [lighting on goes  
22          out.]

23          Is my time up?

24          [Laughter.]

25          DA DANIEL M. DONOVAN, JR.: -- is to protect

1 the integrity and the identity of witnesses.

2 If we start revealing, exposing, what happens  
3 in a grand jury publicly, you won't get anybody to  
4 testify, Senator.

5 SENATOR GALLIVAN: Thank you.

6 DA DANIEL M. DONOVAN, JR.: You're welcome.

7 SENATOR NOZZOLIO: Anyone else on the Panel  
8 wish to ask a question?

9 SENATOR PERKINS: I have a quick question.

10 SENATOR NOZZOLIO: Senator Perkins.

11 SENATOR PERKINS: Thank you for your  
12 testimony.

13 Earlier in your testimony you mentioned your  
14 association with District Attorney Morgenthau.

15 DA DANIEL M. DONOVAN, JR.: Yes, sir.

16 SENATOR PERKINS: He was a very good district  
17 attorney.

18 He overturned the "Central Park Jogger" case  
19 and freed the falsely-convicted "Central Park Five."

20 And he did that on the basis of understanding  
21 that the confessions were coerced; and, therefore,  
22 were not valid, were not worthy.

23 And in response to that, it has about  
24 recommended that we do videotaping of  
25 interrogations.

1 Have you had any thoughts on that?

2 DA DANIEL M. DONOVAN, JR.: Yes, sir.

3 We actually do them on Staten Island.

4 SENATOR PERKINS: Can you explain how you --

5 DA DANIEL M. DONOVAN, JR.: They're done in  
6 one particular precinct.

7 Anybody who is going to be videotaped is  
8 brought to the 122 Precinct in Staten Island, and  
9 that's where, actually, our borough command is  
10 located.

11 We have a separate room where it's done, and  
12 it's done only by detectives.

13 And right now, in the experimental stage,  
14 Senator, it's only done for certain crimes. It's  
15 not done widespread yet because we're still trying  
16 to roll it out.

17 Any prosecutor would love to have a  
18 confession on tape. It removes all of those  
19 concerns, as you spoke about earlier, and I forget,  
20 actually, who you were speaking with, but I remember  
21 you asking that question before.

22 And it eliminates a lot of that, was someone  
23 coerced? not given water? were they browbeaten?

24 So any prosecutor, and any police officer  
25 accused of any of those things, any detective would

1 love to have that videotape -- that confession on  
2 videotape.

3 A lot of the discussions on it is, like:  
4 When does an interrogation begin? When do you start  
5 rolling the tape?

6 A lot of interrogations actually begin on the  
7 street before you ever get that person into a police  
8 station or an interview room.

9 So a lot of the debate is, like: When does  
10 it begin? When do you turn the camera on?

11 But it's actually going on now in certain  
12 areas. The police department is experimenting with  
13 it now, with our office.

14 SENATOR PERKINS: How many areas, or how many  
15 experiments, so to speak, are you doing it?

16 DA DANIEL M. DONOVAN, JR.: We're doing it in  
17 the 122 Precinct. It's done by detectives only, not  
18 police officers; people who are trained in  
19 interrogations. And, it's only for certain crimes  
20 right now, until they see how it works. And then  
21 they're going to probably -- I suspect we will roll  
22 on it for any crime.

23 Right now, it's only limited to certain  
24 crimes, just because we're trying to work out the  
25 kinks.

1           SENATOR PERKINS: Can you share what the  
2 certain crimes are?

3           DA DANIEL M. DONOVAN, JR.: One is a  
4 homicide. I believe we're doing rapes and  
5 burglaries.

6           I think it's the three crimes; three out of  
7 the seven majors.

8           SENATOR PERKINS: And do you -- and you say  
9 that's only in one precinct?

10          DA DANIEL M. DONOVAN, JR.: But it's -- it's  
11 one precinct, Senator, but it's anyone on  
12 Staten Island. They're just brought to the one  
13 precinct.

14          SENATOR PERKINS: Oh, okay.

15          DA DANIEL M. DONOVAN, JR.: So we don't have  
16 a room -- we have four police precincts on  
17 Staten Island, so we don't have a room at each  
18 precinct if someone's going to be videotaped.

19          We used to bring them, and we still do a lot  
20 of times, bring them to my office, because it's more  
21 convenient and we have video capability in my  
22 office.

23          But for that pilot program, anyone arrested,  
24 if you're arrested in the 120, 121 Precinct, you're  
25 brought to the 122 Precinct to have it done. But,

1       it's limited to just crimes happening in that  
2       precinct.

3                SENATOR PERKINS:   And do you have a sort of  
4       budgetary idea --

5                DA DANIEL M. DONOVAN, JR.:   It's actually the  
6       police department's budget, sir, so I don't know.

7                SENATOR PERKINS:   Has it increased that  
8       budget, and to what extent?

9                DA DANIEL M. DONOVAN, JR.:   I think it's a  
10       funded mandate.

11               SENATOR PERKINS:   It's a funded mandate.

12               DA DANIEL M. DONOVAN, JR.:   I believe it's a  
13       funded mandate.

14               SENATOR PERKINS:   Do you know what the funds  
15       amount might be for --

16               DA DANIEL M. DONOVAN, JR.:   I don't, Senator.  
17       I know, in my case, we built my predecessor,  
18       Bill Murphy, actually built the room; and, so, the  
19       only funding that it costs me when we do it in my  
20       office is the staffing.

21               SENATOR PERKINS:   So if you could find some  
22       of that -- if you can get me some of that  
23       information, I would appreciate it.

24               DA DANIEL M. DONOVAN, JR.:   Will do.

25               SENATOR PERKINS:   Because we're looking at

1 that, and it might be something --

2 DA DANIEL M. DONOVAN, JR.: I know --  
3 because, again, when I was the president of the  
4 State DA's Association, one of the things about  
5 doing it statewide, is we have 50,000 people that  
6 worked in the New York City Police Department.

7 Some of my colleagues upstate, there's a DA  
8 and a part-time DA. You know, there's a small  
9 police force. And so in some places in our state  
10 it's more difficult to do.

11 It's much easier for us to do.

12 SENATOR PERKINS: Right.

13 So I guess, in your state, you have to --  
14 you're suggesting some sort of customization per --

15 DA DANIEL M. DONOVAN, JR.: I just hate the  
16 idea of, a good friend of mine was the DA up in  
17 Franklin County. It was himself and, you know,  
18 two part-timers, and a handful of police officers  
19 that worked in there.

20 For them to do that in the radius of the area  
21 that they covered, and not to have the funding for  
22 it --

23 SENATOR PERKINS: I guess they could have  
24 done it with an iPhone.

25 DA DANIEL M. DONOVAN, JR.: Yeah, I guess so,

1 but I think, actually, that was even before they  
2 were around.

3 But we could get you the information about  
4 what we're doing on Staten Island --

5 SENATOR PERKINS: I'd appreciate that.

6 DA DANIEL M. DONOVAN, JR.: -- if that would  
7 be helpful.

8 SENATOR PERKINS: Thank you very much.

9 DA DANIEL M. DONOVAN, JR.: You got it.

10 SENATOR NOZZOLIO: Thank you members of the  
11 panel.

12 Especially, thank you District Attorney  
13 Donovan.

14 We appreciate your patience.

15 We appreciate your --

16 DA DANIEL M. DONOVAN, JR.: I'm just blaming  
17 Jerry Kassar, so don't worry about it, Senator.

18 Thank you.

19 SENATOR GOLDEN: Someone's got to blame him.

20 DA DANIEL M. DONOVAN, JR.: Thank you.

21 SENATOR GOLDEN: Thank you, Dan.

22 SENATOR NOZZOLIO: Professors O'Connell,  
23 O'Donnell, and Jenkins, please come forward.

24 SENATOR GOLDEN: Sorry for the delay,  
25 gentlemen. It's just been one of those afternoons.

1 SENATOR NOZZOLIO: Who did we lose?

2 SENATOR GOLDEN: O'Donnell. He's coming out  
3 now.

4 PAUL E. O'CONNELL: He will be here  
5 momentarily.

6 SENATOR NOZZOLIO: Good afternoon, gentlemen.  
7 I should say, good evening now.

8 Thank you very much for participating in the  
9 hearing, for waiting until this scheduled hour, at  
10 this hour, to testify.

11 We welcome your testimony.

12 First, for the record, if you could each  
13 identify yourselves as to, who you are, where you're  
14 employed, and what you do, briefly, and then, if you  
15 would be so kind, we'll submit --

16 Did all three of you submit testimony?

17 We have two.

18 The third will be -- each of your submissions  
19 will be a part of our official record.

20 So, feel free to summarize what you have, and  
21 then let's engage in a dialogue on the issues you  
22 present.

23 EUGENE O'DONNELL: Good afternoon, Senator.

24 Eugene O'Donnell, from the John Jay College  
25 of Criminal Justice, Department of Law and Police

1 Studies.

2 PAUL E. O'CONNELL: Good afternoon.

3 Paul O'Connell. I'm a professor of criminal  
4 justice at Iona College in New Rochelle, New York.

5 DR. MICHAEL JENKINS: Hello.

6 Michael Jenkins, assistant professor of  
7 criminal justice, sociology, criminology, at the  
8 University of Scranton.

9 SENATOR NOZZOLIO: Welcome, gentlemen.

10 And as I said, if each of you could summarize  
11 your testimony, and then we'll address questions as  
12 we get going.

13 PAUL E. O'CONNELL: Thank you very much.

14 I think I'll proceed.

15 First of all, it's an honor and a privilege  
16 to be invited here today.

17 Allow me to just give a very brief overview  
18 of my full testimony that you just received.

19 Our job today, as I see it, is to move  
20 cautiously and thoughtfully, to ensure that only  
21 necessary reforms are made, rather than drastic  
22 change made for purpose of appeasement or political  
23 expediency that will do nothing more than create  
24 unnecessary new layers of bureaucracy that would  
25 compromise the functioning and the integrity of the

1 criminal justice system; or, more importantly,  
2 interfere with the balance of safety and justice in  
3 this state.

4 The question of the day is: How do we  
5 improve the safety of both the public and the police  
6 who serve them?

7 Allow me to attempt to answer that.

8 First, with regard to the grand jury, the  
9 thought of creating yet another stratum of  
10 bureaucracy to review police-involved cases that do  
11 not result in indictment, or the proposal to more  
12 dramatically revise the grand jury process, is, in  
13 my opinion, both foolhardy and deserving of very  
14 little consideration.

15 "Broken-windows."

16 Broken-windows has been proven to work. The  
17 results speak for themselves.

18 Critics suggest that broken-windows policing  
19 simply serves as a hyperaggressive form of policing  
20 that is designed to further harasses citizens.

21 That is not the case.

22 We must recognize that broken-windows has now  
23 become an integral part of community policing.

24 If we abandon broken-windows, we will abandon  
25 community policing; indeed, we will abandon our

1 citizens.

2 It is wrong to assume that the police have an  
3 inflexible program of enforcement that they're  
4 seeking to aggressively impose upon the community.

5 In reality, the community has a great deal of  
6 input into formulating these strategies, and the  
7 police, with the community, share the responsibility  
8 to engage on this.

9 These are the issues that emerge at community  
10 board meetings.

11 Communities provide the police with the  
12 issues that concern them most, and it is up to the  
13 police to listen to them and to frame an appropriate  
14 response.

15 Broken-windows is that response.

16 It is not an offensive form of policing that  
17 is maliciously or gratuitously imposed upon a  
18 community; rather, it is a unique form of  
19 responsiveness that I believe must continue.

20 "Stop-and-frisk."

21 This is an issue of officer safety and public  
22 safety, plain and simple.

23 There is nothing whatsoever wrong with the  
24 stop-and-frisk procedure.

25 What deserves scrutiny is New York City's

1 former "stop-and-frisk program," as it has come to  
2 be known.

3 As I see it, the real problem began when  
4 stop, question, and frisk became a key performance  
5 measure for the NYPD.

6 As Silverman and Eterno found in their  
7 2010 study, police managers experienced significant  
8 pressure to produce numbers. Many succumbed to this  
9 pressure, and a very large number of needless stops  
10 were apparently made.

11 You see, and this is a very important point,  
12 in order to be lawful, stops must occur naturally.  
13 They cannot be mandated or created artificially  
14 without severely compromising civil rights.

15 Now, the analogy that I provide my students  
16 at Iona is this: Officer O'Connell, being  
17 instructed to prepare five vehicle accident reports  
18 during his eight-hour day shift.

19 If the traffic accidents do not occur,  
20 I cannot make or force them to happen.

21 I can, however, manufacture stop-and-frisks  
22 if I am pushed hard enough or far enough.

23 The NYPD itself, I believe, is well aware of  
24 this, and I believe well on their way to correcting  
25 these prior deficiencies, but, as long as police

1 officers are called upon to respond to and to  
2 investigate violent crimes, they will continue to  
3 have street encounters with some very dangerous  
4 persons.

5 Stop-and-frisk is a vital and a necessary  
6 tool for all police officers throughout this state;  
7 a safety issue, plain and simple.

8 Today I issue a challenge, for developing,  
9 not simply more training, but different training,  
10 with better training, more-effective police  
11 training.

12 The training-versus-education dichotomy has  
13 been discussed and debated among academics and  
14 professionals for many years.

15 There's a subtle but a very real difference  
16 between these two terms.

17 "Training" is primarily used in  
18 organizations, like police organizations, to impart  
19 basic core skills to new employees.

20 Police departments across this country,  
21 I believe, have been fooling themselves into  
22 thinking that ethics, or the topic of  
23 police-community relations, are appropriate subjects  
24 for training.

25 Ethics, as I'm sure you can see, is a topic

1 for "education." It really requires a deep  
2 conceptual understanding.

3 We need to engage a person's higher-level  
4 thought processes if we are ever to expect to make  
5 them agree to explore their core personal beliefs,  
6 and to internalize their learning, and then to  
7 conform their personal behaviors while policing the  
8 people of this state.

9 Traditionally, police training in America has  
10 been delivered in a somewhat disjointed, rather  
11 haphazard manner.

12 Stand-alone training modules are often  
13 delivered randomly, based largely upon an officer's  
14 work schedule, with little thought to curriculum  
15 design, or an overarching departmental training  
16 plan, or the possible interactive effects among  
17 different lessons. But lessons can no longer be  
18 delivered or understood as discreet topics.

19 Training must be interactive, it must be  
20 scenario-based, it must be dynamic, and above all,  
21 it must be realistic.

22 Many departments in this state have made  
23 great strides in this area, but more needs to be  
24 done.

25 Civilians, I believe, should be used to

1 supplement police actors during scenario-based  
2 training.

3 I believe that all training academies in this  
4 state and most of our larger police departments  
5 should have curriculum advisory committees that  
6 would be made up of civilian educators, clergy, and  
7 community leaders who can serve an advisory function  
8 when developing and delivering police training.

9 We should also examine the notions of  
10 developing the next generation of citizens' police  
11 academies.

12 And I think, also, encouraging  
13 properly-trained police officers who currently serve  
14 as school resource officers to actually stand in  
15 front of the classroom and deliver street-law  
16 classes to the youth of this state, to prepare them  
17 for encounters with the police, by explaining  
18 constitutional protections, as well as expectations  
19 for personal conduct.

20 I believe we must make every effort to  
21 improve the overall quality of police training and  
22 education in the state of New York.

23 There are indeed costs associated with this,  
24 but the costs of inaction are far greater.

25 From a risk management and a

1 community-relations standpoint, it is the only  
2 logical way forward.

3 This is the common ground.

4 In closing, let me say that our goal is  
5 clear, and I think it is, indeed, within reach.

6 Despite all the rhetoric, police departments  
7 in this state do not have to dramatically revise  
8 their procedures, or, devise a strategy for policing  
9 African-Americans, or, a plan, a specific plan, for  
10 policing Koreans or Haitian people.

11 Rather, they need to treat all people in this  
12 state with the same degree of respect and  
13 professionalism.

14 It's the Golden Rule: Do unto others.

15 Policing is a very noble profession, and the  
16 men and women drawn to it each have a moral compass  
17 that will guide them.

18 Police officers need to be instructed and  
19 actively encouraged to treat the people they  
20 encounter each day exactly the way they would wish  
21 their family members to be treated.

22 What we ask is that our officers retain or  
23 acquire that degree of mindfulness to consider,  
24 perhaps, that the homeless man sleeping under the  
25 overpass might, in fact, be a war veteran with

1 two bronze stars, or, that the emotionally-disturbed  
2 woman on the subway platform might be a mother of  
3 three who is simply off her meds.

4 So the key, as I see it, is to reframe police  
5 training, to make it more transparent and to make it  
6 more inclusive, to allow and encourage our officers  
7 to be who they already are: decent people who strive  
8 to help others and to do the right thing.

9 Thank you.

10 SENATOR NOZZOLIO: Thank you, Mr. O'Connell.  
11 Mr. O'Donnell.

12 EUGENE O'DONNELL: Thank you, Senators.

13 And let me first acknowledge my friend and  
14 neighbor, Chairman Golden.

15 And, also, on the other side, Senator  
16 Perkins. We were co-workers and co-colleagues in  
17 the Dinkins' campaign 20-some-odd years ago.

18 So I don't want to talk ideology, and I'll  
19 speak very briefly.

20 I think a lot of what we should be talking  
21 about is civics, really.

22 And over the past few months, we've had a lot  
23 of misinformation. I wouldn't call it  
24 disinformation.

25 So any reforms we're talking about have to be

1 built on truth.

2 And the DA on Staten Island just alluded to  
3 one of the truths that's involved.

4 The grand jury is an important device, and it  
5 is not simply police people that escape indictment  
6 in the grand jury.

7 That was said, and resaid, over and over this  
8 summer. It's not true.

9 It is not unusual for ordinary citizens to go  
10 into the grand jury, assert that they acted in  
11 self-defense, and no-true bill will be returned.

12 Indeed, in this city, people go into the  
13 grand jury and claim they were unlawfully searched,  
14 drug- and gun-possession cases, and they're no-true  
15 billed.

16 So this issue that could you indict a ham  
17 sandwich, and that only a police officer can escape  
18 indictment, is simply not true. And the DA alluded  
19 to that.

20 Also, obviously, with the grand jury, it's  
21 very important to protect witnesses.

22 In a police shooting, I've investigated them  
23 as a DA, we are looking, always, for individuals on  
24 the street who have no connection to the incident.

25 And in this environment where there is

1 intimation, we want to give every assurance to  
2 witnesses they will not be intimidated.

3 I think there was some good-faith commentary  
4 made about NYPD this summer.

5 I don't need to revisit the bad-faith  
6 commentary made about NYPD.

7 I would just simply ask everyone across the  
8 partisan divide:

9 I come from a school where young people are  
10 thinking of a police career.

11 Surprisingly, not a lot of young people are  
12 thinking about running for office. I wish they  
13 would. They're not.

14 Think of the implication of saying some of  
15 the things that were said this summer.

16 And I think what we heard this summer, it's  
17 of absolute importance, when mistruths are said, to  
18 stop people; and particularly in light of the NYPD.

19 This is an organization of 35,000 people that  
20 have 5 million recorded 911 calls, uncountable  
21 numbers of other interactions.

22 This is a police department that has  
23 48 shootings a year.

24 Okay?

25 Almost invariably in those shootings, there's

1 a weapon found. The weapon has been brandished.

2 Also really importantly, we do have to  
3 dissect the fact of cases.

4 You hear sometimes people referring to  
5 Garner, Louima, Diallo, Curly. That's really not  
6 fair to the organization. These are all different  
7 situations.

8 Louima, obviously, is a brutal, unjustifiable  
9 attack on someone, where somebody is doing a  
10 tremendous period of incarceration.

11 But to lump these together, not only is it a  
12 disservice of trying to get to the truth of what the  
13 police do, but then you create a narrative. Just,  
14 here comes another NYPD example of abuse.

15 And it's just simply not, I don't believe,  
16 borne out by the record. And we could go over that  
17 in some great detail.

18 I think the roots of the Garner case is the  
19 failure to recognize that police ultimately do use  
20 force on people.

21 We don't recruit them on that basis.

22 We don't really want to train them on that  
23 basis.

24 We're not comfortable with the topic.

25 We don't go to the Gleason's Gym and get big

1 bruisers on the job. I don't think most of us would  
2 want that.

3 But, really, the roots of the Garner case, as  
4 I read it, in the absence of malice, unless somebody  
5 sees malice that I don't see evidence of, is really  
6 bungling and ineffectiveness and inability to -- and  
7 the Commissioner acknowledged this by talking about  
8 retaining.

9 I'll be brief. This is just a couple other  
10 things I want to say.

11 DA Donovan, just to go back to the  
12 grand jury, said something very useful, I think, in  
13 terms of reform.

14 I actually believe the DAs themselves, rather  
15 than presenting cases -- some of these police cases  
16 to the grand jury, or, if they do present cases to  
17 the grand jury, there should be a report.

18 The Kiko Garcia case in New York City in  
19 1992, some people may remember that case,  
20 radioactively hot. The Manhattan DA issued, I think  
21 it was a 78-page report, after the Kiko Garcia --  
22 basically demonstrating that the allegations made  
23 against the police in that case were completely  
24 unwarranted.

25 Nobody was in the dark.

1           Some people will remember that. It was a  
2 very hot time in the city.

3           I'm sure some of the Senators will remember  
4 that.

5           And, actually, once the evidence was laid  
6 bare, that case sort of went away.

7           Not that, ultimately, some people might not  
8 have thought it was an injustice, but the evidence  
9 was simply not there.

10          Finally, because I'm going to go real  
11 quickly, I'm going to make an appeal to the Senate  
12 today, and the Legislature.

13          And I think -- again, I think DA Donovan,  
14 because I heard him allude to this, there's a  
15 tremendous amount of lack of understanding what the  
16 police do.

17          Again, this wire form should not be based on  
18 disinformation.

19          In red states, in blue states, in our state,  
20 coast to coast, police officers don't get indicted  
21 for on-duty events, because when police officers do  
22 their job, they're acting differently than other  
23 people.

24          No matter how you change the model, I don't  
25 think you're going to change that result.

1           And that's a sobering reality people have to  
2           think about when they are law-making, because when  
3           we put the police forward, inevitably, and the  
4           lawmakers know this, under Article 35, the police  
5           have very broad, sweeping powers to defend  
6           themselves and defend others in connection with  
7           that.

8           And I'll stop now.

9           I want to make this appeal to the  
10          Legislature:

11          I believe the Legislature could help.

12          We should create a high school program,  
13          perhaps with a video, across the partisan divide, of  
14          people explaining what the police do; the powers  
15          they have; why it is that those powers should not be  
16          challenged on the street by people; why the  
17          legislators, in their wisdom, have given the police  
18          these powers; and how difficult it is to unwind  
19          this; and, also, that the laws are made in their  
20          name.

21          SENATOR GOLDEN: When would you do that?

22          EUGENE O'DONNELL: I'm sorry?

23          SENATOR GOLDEN: What age group would you do  
24          that with?

25          EUGENE O'DONNELL: Well, we did a program at

1 John Jay for -- I would say high school.

2 But I would like to see you guys do it,  
3 because you're the architects of the system.

4 And this ownership of the system, this idea  
5 that the system just floats out on its own, we have  
6 a Legislature that creates more laws every year,  
7 pushes the police forward every year. Your offices  
8 are hot beds of people calling up and making  
9 requests to the community.

10 We can talk about remedies for police abuse.  
11 That should be part of it.

12 But I would respectfully ask the Legislature,  
13 and now I will stop, to consider doing it.

14 Across the partisan divide, demographic  
15 divide, that you, face-to-face, own the system that  
16 you're the architects of, on behalf of the people of  
17 the city.

18 And I'm happy to help with specific ideas  
19 about how that should be done.

20 But continuing this idea that something is  
21 wrong because the police have powers that they're  
22 given repeatedly by the Legislature, is not true.

23 And, again, going off to reform, when we  
24 don't get our facts correct, will inevitably lead to  
25 bad reforms.

1 Thank you.

2 SENATOR NOZZOLIO: Dr. Jenkins.

3 DR. MICHAEL JENKINS: Dear members of the  
4 Joint Committee, I am honored to have the  
5 opportunity to address you today, especially  
6 alongside the two esteemed professors and former  
7 practitioners whom I join.

8 The safety of the police and the public is an  
9 area of civic life that should be at the forefront  
10 of every mind concerned with ensuring more vibrant  
11 and healthy communities.

12 The trend for violent interactions between  
13 police and citizens is generally downward.

14 Police use force in just 1.5 percent of  
15 police-citizen interactions nationwide each year.

16 The use of what a citizen can perceive as  
17 excessive force is even less common.

18 However, police-involved homicides of  
19 citizens have been increasing, and the number of  
20 law-enforcement officers killed by firearms in the  
21 line of duty jumped 56 percent from 2013 to 2014.

22 The determinants of police-citizen encounters  
23 gone bad are many. They range from inadequate  
24 police selection, training, and supervision, to  
25 organizational elements that focus on quantity over

1 quality, to ingrained disdain for the police by  
2 some, and, economic, educational, and criminal  
3 justice systemic failures that go far beyond the  
4 bounds of policing.

5 At the heart of our grappling to understand  
6 the many potential dangers of abuse by or of police  
7 is the impossible mandate that police face; a  
8 mandate that gives them the authority to infringe  
9 upon individual rights, even to take one's life;  
10 while at the same time, calling them to protect an  
11 individual's due process rights and to practice the  
12 utmost restraint.

13 An officer must equally and fully meet these  
14 two opposite ends of the spectrum every time they  
15 interact with a citizen.

16 The circumstances surrounding the deaths of  
17 Eric Garner and Michael Brown demonstrate the  
18 inherent difficulties in finding that balance in  
19 neighborhoods like those in which the two lost their  
20 lives.

21 We must acknowledge three realities that make  
22 the seemingly mundane encounter turn deadly.

23 First, a history that affects the situation  
24 at hand;

25 Second, police professional or individual

1 culpability;

2 And, third, the responsibility of the  
3 community or citizen involved.

4 The aftermath of the Michael Brown incident  
5 revealed that, by most calculations, positive  
6 relationships between the Ferguson police and their  
7 community were historically nonexistent. Policing  
8 was a one-way street: the police policed Ferguson.

9 This does not seem to be the case here with  
10 the NYPD, although the conversation surrounding the  
11 ruling in "Floyd versus City of New York" may  
12 suggest otherwise.

13 Second, there is no doubt that, in some  
14 cases, police overstep the boundaries defined by  
15 legal or departmental authorities.

16 It is not difficult for many of us to imagine  
17 situations where police might curse at or disrespect  
18 a citizen.

19 We must consider, then, what effect such  
20 salutations have on any ensuing citizen cooperation,  
21 or lack thereof.

22 If such interaction is possible, then we must  
23 train and hold accountable police officers for  
24 treating citizens in ways that increase police  
25 legitimacy and ensure procedural justice.

1           In the Eric Garner video, even those of us  
2           not trained in such areas can likely think of many  
3           other ways the officers could have handled that  
4           situation without using physical force.

5           Furthermore, NYPD officers had had multiple  
6           interactions with Garner prior to the fatal  
7           encounter on July 17th.

8           Were these lost opportunities to prevent the  
9           problem from arising in the future?

10          Did police learn information from Garner in  
11          his actions that affected the decisions they made on  
12          July 17th?

13          Either way, we must ask ourselves: How have  
14          our previous actions gotten us into such  
15          life-threatening situations in which the killing of  
16          an unarmed person could be legally, and maybe even  
17          morally, justified?

18          The fact that an officer might ultimately be  
19          justified in the use of deadly force does not excuse  
20          the many prior decisions that got him or her to a  
21          point where deadly force was viewed as a reasonable  
22          option.

23          Milwaukee Police Chief Edward Flynn recently  
24          affirmed such thinking in his determination to fire  
25          an officer, not for using excessive force, but,

1       rather, for the choices the officer made in the  
2       moments leading to the shooting death.

3               How could we have precluded these negative  
4       exchanges from arising in the first place?

5               The use of technology to gather, analyze, and  
6       disseminate relevant information aids police in  
7       working with the community to define  
8       neighborhood-specific problems and to create  
9       realistic solutions that will likely include  
10      multiple stakeholders in which only, in certain  
11      circumstances, will rely solely on arrests.

12              We must also be honest about the  
13      responsibility of the community or citizen involved.

14              We must recognize those citizen behaviors  
15      that may contribute to their poor relationships with  
16      police or to the application of force against them.

17              When people repeatedly disrespect the police  
18      or when police are faced with the stop-snitching  
19      mantra as they try to gather information to solve  
20      robberies, shootings, or homicides, it is not  
21      surprising that officers might become jaded,  
22      suspicious, or defensive.

23              By all accounts, in both the Brown and Garner  
24      cases, the decedents failed to abide by the lawful  
25      commands of police officers.

1           We must look beyond individual-level  
2 explanations to understand why this seemed like a  
3 reasonable response.

4           In the history police-and-community equation,  
5 the police contribution must be weighted most  
6 heavily.

7           The police are those individuals whom we  
8 commission to serve the public good, and to whom we  
9 should give great respect in line with the power we  
10 grant them.

11           Finally, let me conclude with a caution  
12 against the suggestion that some reformers are  
13 positing, that police ignore lower-level offenses  
14 and give up on broken-windows policing.

15           I'll skip over some of the comments that  
16 I had prepared, and I just echo support that  
17 Professor O'Connell offered in his statements.

18           But let me just add, that taking police  
19 attention away from these problems of disorder would  
20 turn back the proverbial clock to a time when police  
21 viewed themselves as professionally-remote crime  
22 fighters, instead of the guardians and caretakers of  
23 our communities that we want them to be.

24           Communities plagued by the root causes of  
25 criminal behavior often lack the informal controls

1 necessary to deal with such quality-of-life  
2 offenses.

3 The police, traditionally seen as the  
4 defenders of status-quo-maintaining systems, would  
5 only further damage their legitimacy by turning  
6 their back on the so-called "minor offenses" that  
7 most often concern citizens and that diminish their  
8 quality of life.

9 Police attention to broken-windows, in the  
10 case of Eric Garner's selling of loose cigarettes,  
11 did not cause his death.

12 Turning the focus toward an assault on a  
13 proven policing practice will only further  
14 compromise the safety of neighborhoods and stifle  
15 the necessary changes police should make.

16 Thank you.

17 SENATOR NOZZOLIO: Thank you.

18 Gentlemen, questions from the panel?

19 SENATOR GOLDEN: I'd like to (a) thank the  
20 Panel for coming forward. Thank you for staying  
21 this afternoon.

22 And, obviously, this is a little bit belated  
23 and we would like to have gone on.

24 But, all of the testimony you've given is a  
25 good testimony that we will all take into

1 consideration as we write new legislation.

2 But I will tell, you talk about a case that  
3 went back in 1992.

4 You don't remember, there were 2245 homicides  
5 that year in the city of New York.

6 This year it will be 300 -- I think -- what  
7 did they finish up, 320 homicides last year.

8 And, right now, homicides are up, and so are  
9 rapes.

10 We're hoping -- and shootings.

11 But it's early in the year, and we're hoping  
12 that that gets corrected, and, God willing, it does.

13 But that all comes down to the broken-windows  
14 theory, it comes down to policing, it comes down to  
15 the ability for the police to go out there and do  
16 their job, and to do it and feel safe, that they're  
17 doing it with the support of the community.

18 You know, we talk about -- you talked about  
19 the thinking [unintelligible].

20 Was that the "beacon" program, when the  
21 "beacon" programs came into effect?

22 There's the perfect example of where we had  
23 2245 homicides in 1992, and now we have 320 or so.

24 We did a tremendous, tremendous, and I got to  
25 give Police Commissioner Bratton his due, and, of

1 course, Police Commissioner Kelly as well, their due  
2 in continuing to bring crime down under those two  
3 administrations.

4 But I got to tell you what we did not do, was  
5 keep up with the number of beacons that we had  
6 across the districts, across our city.

7 We didn't keep up with the after-school  
8 programs that we had, and should have had.

9 We didn't keep up with PALs. I don't know  
10 if any PALs in the communities, or across the  
11 districts, and across the our city.

12 Big Brother, I don't see any of them out  
13 there in a lot of communities where they should be.

14 I seen us cut back at City Council and state  
15 level when it came to funding, where we could have  
16 done something that you pointed out here, and that's  
17 called "education," bringing police and communities  
18 closer together.

19 I'm hoping some of this stuff that we hear  
20 today from the three professors here, that we will  
21 be able to coalesce around legislation that will  
22 bring our communities closer together, and give the  
23 police departments the ability to do their job, the  
24 district attorneys to do their jobs, without  
25 imposing legislation upon legislation upon

1 legislation.

2 Now, there's legislation on the books since  
3 the beginning of time. It never comes off; it just  
4 keeps mounting up.

5 It's not about legislation in a lot of cases.

6 It's just about common sense, and working  
7 together with our communities to make that happen.

8 So I want to thank you all for being here.

9 And you pointed about shootings.

10 Shootings go down in a split second and you  
11 got to make a decision.

12 You may take, you know, 10 years, 15 years in  
13 a police department, and, in a split second, you got  
14 to make a decision on life.

15 So, it's very troubling to some, but that's  
16 what they're trained for, that's what they've been  
17 trained for. And we should allow them the ability  
18 to do what they do.

19 And we should go to the training factor, and  
20 combat -- not combat -- but paramilitary training  
21 within our institutions, so that our police officers  
22 are better trained, as you seen the increase in the  
23 number of police shootings across the country. Not  
24 just here in the city of New York, but across the  
25 country.

1           So I want to thank the three of you for your  
2           service, and thank you for coming out here today to  
3           give us what I believe is great information.

4           PAUL E. O'CONNELL: Thank you, Senator.

5           SENATOR NOZZOLIO: Senator Gallivan.

6           SENATOR GALLIVAN: Thank you, Chairman.

7           Thank you gentlemen, all, for your testimony.  
8           Dr. Jenkins, because you happen to, in your  
9           written testimony, answered the question that I had  
10          in my mind: the broken-windows theory.

11          And I appreciate everybody's testimony about  
12          that.

13          Critics have suggested that it hasn't been  
14          proven with research, with empirical data, that it's  
15          a successful practice.

16          And, you made reference to three different  
17          researchers that, essentially, have examined it.

18          And I'm just asking if you would be able to  
19          provide us -- we can get your information  
20          afterwards -- provide us with that reference of  
21          those particular studies.

22          DR. MICHAEL JENKINS: Sure, I'd be happy to.

23          SENATOR GALLIVAN: I would be very interested  
24          in looking at it.

25          DR. MICHAEL JENKINS: It goes back as early

1 as the 1960s.

2 SENATOR GALLIVAN: Just a little bit of  
3 homework for you, not a question.

4 DR. MICHAEL JENKINS: My pleasure.

5 SENATOR GALLIVAN: Mr. O'Donnell, the notion  
6 of, the one thing that you had asked us, about a  
7 high school curriculum, I don't know how it's been  
8 lost, but, the whole notion of parents teaching  
9 their kids civic responsibility has been lost in  
10 some communities.

11 And, I think that's a great suggestion, that  
12 I would be interested in further conversations as  
13 well.

14 EUGENE O'DONNELL: If I could just say,  
15 really briefly, because I mention it in here, we  
16 also need to reignite a conversation about civility.  
17 We shouldn't be trying to intimidate people into  
18 being respectful to the police.

19 But over the last year or two, or however  
20 long it's been, we have this notion that it's okay  
21 to be actively disrespectful and combative with the  
22 police in a way we wouldn't tolerate with judges,  
23 in a way we wouldn't tolerate with prosecutors, and  
24 I hope with lawmakers we wouldn't tolerate it  
25 either. That there's a respect for the office.

1 UNKNOWN SPEAKER: It's tolerated with  
2 lawmakers.

3 [Laughter.]

4 EUGENE O'DONNELL: Well, I know it's  
5 tolerated with lawmakers, but I don't think you  
6 would tolerate disruption here very long.

7 I mean the idea is, and it shouldn't be  
8 imposed at the point of handcuffing people.

9 But, we have police officers, for example,  
10 who work demonstrations, that get yelled at for  
11 eight hours. You know, the most vile things are  
12 screamed in their face.

13 And it's a First Amendment right to do what  
14 you got to do, but maybe to reorient that  
15 conversation as part of civics.

16 You can do it. Should you do it?

17 Is it helpful to us as a society?

18 SENATOR GALLIVAN: I look forward to more  
19 conversations about that.

20 And, finally, now you really get to answer a  
21 question.

22 You -- I don't know if it was your direct  
23 testimony, but you seemed to imply school resource  
24 officers will help to improve police-community  
25 relations.

1           Can you expound on that?

2           I mean, do you believe that they would?

3           And how would that actually take place?

4           PAUL E. O'CONNELL: I've actually studied  
5 police departments now, I think, in 20 different  
6 states, and I've seen a spectrum of duties  
7 associated with the SRO title.

8           Some, literally, are just bodyguards.

9           After New Town, I would say virtually every  
10 community in this nation experienced the angst and  
11 the terror, and the knee-jerk reaction was: Put a  
12 cop in every school.

13           But beyond that, you know, the DARE officer,  
14 the DARE program has diminished dramatically,  
15 probably for good reason, over the years.

16           But as that diminished, the police had this  
17 law-enforcement role.

18           And what I'm suggesting is, if they're there  
19 already -- I mean, when I went on the job, I had a  
20 teaching degree. I was -- I had certification,  
21 grades 7 through to 12.

22           I got pulled off patrol and sent down to the  
23 academy to teach recruits, but I could just as  
24 easily have been sent to Bryant High School in  
25 Astoria to teach seniors, because I was certified.

1           There's a lot of extremely talented men and  
2 women in the NYPD. You know, we have people who are  
3 doctors, attorneys, and teachers.

4           If you could just get them out there to have  
5 these conversations that we're having today with the  
6 kids, and to get them early enough -- and I agree,  
7 you know, probably freshmen in high school  
8 throughout -- and get the communication.

9           This is all about communication.

10          It's not about restructuring the architecture  
11 of the criminal justice system.

12          You know, maybe I'm naive, but I'll stake my  
13 reputation on this: It's about teaching respect.

14          And once you -- you know, I would suggest --  
15 much like the District Attorney said, I would  
16 suggest that, in this state, probably 15 or  
17 20 percent of the population really understands what  
18 a grand jury is.

19          A grand jury is designed as a screen or a  
20 protection to guard against a runaway criminal  
21 justice system, and it has to be understood as such.

22          And the question is, how do you do that?

23          And I think it's taking these professionals  
24 who do put their lives on the line, have them go  
25 into the class and sit down with these kids, and,

1 you know, respect them and open the communications.

2 I know in my heart of hearts it will bear  
3 fruit out on the streets, and it's going to diminish  
4 the risks both for the public and for the police,  
5 going forward.

6 SENATOR GALLIVAN: Thank you.

7 SENATOR NOZZOLIO: I just have a couple of  
8 comments and questions.

9 The first is a comment.

10 When Professor O'Donnell was indicating that  
11 educational process, Senator Gallivan and I think  
12 it's a great idea. We've reviewed your testimony  
13 and I think it makes all the sense in the world.

14 I remember my Cub Scout den mother taking her  
15 little pack of Cub Scouts, at the 9- or  
16 10-years-old, to the local police department to see  
17 what it was all about.

18 And that kind of education is very important.  
19 It instills something in a young person to respect  
20 law enforcement, to understand the role of  
21 law enforcement. To see a lock-up. To see the fact  
22 that you can be involved in those kinds of issues as  
23 a young person; understand what they are all about,  
24 or try to understand.

25 And that's -- that education process is part

1 of -- I think, is essential to our democracy.

2 And I'm glad you raised it, and it's  
3 something we want to pursue.

4 Professor O'Connell, I'd like you to address  
5 two subjects.

6 The first is the training issue.

7 I think you're right on target regarding one  
8 size doesn't fit all.

9 The type of training is important, as  
10 anything. And just simply training something,  
11 coaching in a way that teaches you the wrong play or  
12 the wrong role is counterproductive.

13 Have you analyzed -- earlier,  
14 Commissioner Bratton talked about the new programs  
15 that they're establishing.

16 Have you had an opportunity to look at any of  
17 those?

18 PAUL E. O'CONNELL: I have not, but I can  
19 tell you this: Everything I've read, and,  
20 certainly, what I heard from the Commissioner this  
21 afternoon, suggests that Commissioner Bratton  
22 understands this issue intimately, and that he's  
23 moving a very large organization that -- I did my  
24 doctoral dissertation on CompStat, and its  
25 development in the NYPD. And the one thing

1 I learned is police organizations change slowly.

2 They're quite resistant to change.

3 Cultural changes take time.

4 I think we're running out of time, and

5 I think the Commissioner understands that.

6 So everything I've read, including the new  
7 proposals that, literally, are just coming out  
8 today, about a new patrol-staffing plan, and really  
9 getting cops back out of the police cars.

10 You know, I personally don't believe that  
11 bulletproofing the police cars is the right  
12 direction to go.

13 I think it's getting the cops out to converse  
14 with individuals.

15 That's where the --

16 UNKNOWN SPEAKER: Good luck.

17 PAUL E. O'CONNELL: Well, yeah.

18 But I believe Commissioner Bratton  
19 understands this.

20 So, no, I apologize, I have not examined it  
21 in detail.

22 SENATOR NOZZOLIO: No need to apologize.

23 If you ever -- those kinds of things will  
24 certainly be tested in time.

25 PAUL E. O'CONNELL: Absolutely.

1           SENATOR NOZZOLIO: I didn't get a total price  
2 tag. I think he mentioned a multimillion-dollar  
3 program in his testimony.

4           But the fact is, what types of resources  
5 should we be deploying towards that training  
6 objective?

7           And, it's one that this Committee has been  
8 trying to grapple with.

9           Lastly, the "grand jury" issue, all three of  
10 you touched on it in a variety of different ways.

11           We're going to be presented with a very  
12 specific request.

13           We already have been.

14           Others have said they oppose it;  
15 diametrically oppose it.

16           Others say they think it's an intriguing  
17 idea.

18           Others have said they support it.

19           Have you -- and particularly you,  
20 Professor O'Connell, addressed in your comments  
21 directly -- all three of you, I would appreciate  
22 your thoughts on that subject.

23           PAUL E. O'CONNELL: I'd like to distinguish  
24 between the proposal to make the process somewhat  
25 more transparent, and then the process to create

1 another layer of review.

2 The latter I would dismiss out of hand.

3 As far as shining a light into the inner  
4 workings of the grand jury process, again, to  
5 educate the public, because, again, I would suggest  
6 most people really don't understand it.

7 The District Attorney, if he's in favor of  
8 it, if the -- I would be guided by what they say.  
9 They're the people doing it.

10 If they think that more, you know, knowledge  
11 is power, more information would benefit the  
12 process, by all means, who am I to stand, you know,  
13 in between that.

14 But as far as creating another layer of  
15 review, it's -- you know, it's the old saying,  
16 "Don't raise the bridge, lower the river."

17 We're making far too much out of it.

18 I think the process can be efficient, can  
19 work as it was intended, with a little bit more  
20 information provided.

21 EUGENE O'DONNELL: Can I just quickly add,  
22 one of the reasons I was suggesting that the  
23 legislators be involved with this, Article 35 in  
24 this state requires that if you claim self-defense,  
25 it has to be disproved beyond a reasonable doubt.

1           Now, I spent a summer talking to the press,  
2           with all due respect, and because of the format of  
3           news reporting, we've had conversations about police  
4           work that never involved the law.

5           Okay?

6           Whether it's hard to describe to people or it  
7           bores people or it's seen as inside baseball, the  
8           law is dispositive in these cases the more doubt you  
9           have about whether somebody is or is not justified.

10          When a police officer says, unless you have  
11          some reason to doubt the officer, "That I believed  
12          at that moment, my life or somebody else's life was  
13          in danger, somebody was in peril," unless a  
14          prosecutor can, basically, put that beyond doubt,  
15          then the defendant, ultimately, if he's in a  
16          criminal trial, must be found not guilty.

17          That's not trivia. That's central to the  
18          conversation.

19          Rolling off on reforms without stopping and  
20          explaining that to people, is crucial.

21          Any prosecutor will tell you, when a case  
22          comes in, civilian or police, and it's a  
23          self-defense case, that is, inherently, going to be  
24          a difficult case.

25          When it's a police case, it's almost going to

1 be an impossible case.

2 Again, coast to coast, red state, blue state,  
3 no matter who the demographics are, the police are  
4 vested with broad powers. It's very hard to tamper  
5 with that.

6 And, again, this is why these cases, why DAs  
7 should be explaining this in a, perhaps, written  
8 document.

9 It may not get any attention because the  
10 emotion overrules this, but the law is what points  
11 you to what happens in these cases. And the law is,  
12 basically, a very high standard for a prosecutor to  
13 prove somebody not justified beyond a reasonable  
14 doubt.

15 Very high standard.

16 SENATOR NOZZOLIO: It's an important  
17 standard.

18 And, I had a number of police officers, we  
19 all have, but, this week in the state Capitol, we  
20 were visited by a number of police organizations,  
21 individual officers, and not just from big-city  
22 police forces, but small town -- relatively small  
23 compared to New York City -- town offices. And each  
24 of us was visited by them, and this was an issue of  
25 great concern to them, because it -- the finality of

1 the process is so undetermined under what's being  
2 suggested.

3 Having another review puts, certainly,  
4 another whole layer on the process that doesn't  
5 necessarily have a timeline or a definitive  
6 conclusion.

7 At least, it can be, in effect, putting an  
8 individual's conduct in limbo for years.

9 So, it's something that we're all trying to  
10 weigh.

11 Dr. Jenkins, did you have anything to add?

12 DR. MICHAEL JENKINS: I would just add to the  
13 point that, you know, perceptions do matter with  
14 these circumstances. And, if there's a perception  
15 that a grand jury is not proceeding in a just way,  
16 that affects relationships.

17 And that's what we're trying to talk about  
18 here, are relationships between police and the  
19 community.

20 And so, practically speaking, logistically  
21 speaking, and in terms of the law, we have to talk  
22 about that, but we have to be mindful of the  
23 perceptions that the community might be getting if a  
24 grand jury process is not viewed as just.

25 SENATOR NOZZOLIO: Senator.

1           SENATOR SANDERS: Thank you.

2           Thank you very much, Mr. Chair.

3           First let me say that I think that problems  
4 with the police departments certainly existed --  
5 police and community existed before these policies  
6 came about.

7           These policies, I would argue, have made  
8 things worse to some degree, but existed before  
9 them. And it would be unscientific just to say that  
10 these are -- were it only that simple that we can  
11 say, These are the problems.

12           And I wish that the world were that simple.

13           I would just urge everybody, that I'm sitting  
14 here, and it seems that we're talking about  
15 two different worlds.

16           Two different worlds, my friends.

17           And I have the privilege, and the  
18 responsibility, of communicating to both of these  
19 worlds, to say that there are things that -- well,  
20 I am reminded, of course, of the  
21 philosopher Disraeli who spoke of statistics.

22           And all of you remember that he said, "There  
23 are three types of lies: Lies, damned lies, and  
24 statistics."

25           And, there's a thing called "group memory."

1           Group memory, it's related to history. It's  
2 basically history.

3           And I'm telling you of a group memory that  
4 says there were very few people who believed that  
5 there would be an indictment.

6           And there are -- and that group, that number,  
7 is declining, not increasing.

8           My friends, that is not a good thing. It's  
9 going the wrong way.

10          We have to figure out what to do with it.

11          If fewer and fewer people believe that there  
12 is justice, then, sadly, no amount of conversation  
13 is worthy as conversation is going to be.

14          You could do a pizza party, you could do a  
15 basketball game, you could do whatever you wish,  
16 people need to see a type of justice.

17          Now, we all will have to wrestle with what  
18 does this mean, this word "justice"?

19          I mean, you know, from Russo to Mills, say  
20 all of these guys, we've been wrestling with this  
21 idea.

22          What does this mean? And what does this mean  
23 in this context?

24          Now, concretely, with all due respect, I will  
25 certainly take issue with, that the broken-windows

1 equals community policing.

2 I had a very small role, very, very small  
3 role, in Safe Street, Safe City program.

4 I actually was in the Department of Youth  
5 Services, and we helped design, Senator, the beacon  
6 schools.

7 I was one of those functionaries way down in  
8 some basement that helped design that part of it.

9 So I understand that community policing does  
10 not necessarily equal the broken-windows theory.

11 You can certainly do it without that.

12 And, the stop-and-frisk, which is a  
13 legitimate policing practice, can be abused. That  
14 you can make vast abuse of this; and, therefore,  
15 counteract it.

16 I mean, if we say that broken-windows was a  
17 working philosophy, and, frisking got stopped and  
18 frisked, the counterargument is, then, with the  
19 decline of stop-and-frisk, crime should be spiking  
20 through the roof.

21 And, the counterargument to broken-windows  
22 is, during the police slowdown, or whatever, we  
23 haven't given it a real name, crime should have  
24 spiked through the roof.

25 We did not see these things; therefore, there

1 is more afoot. There must be more afoot.

2 It may be a part of the truth, but it's not  
3 the whole truth. There must be more to this.

4 So, therefore, there may be other ways.

5 There are other cities, large cities, that do  
6 not use these policies; and, yet, are bringing down  
7 crime.

8 Crime in the nation, of course, is going  
9 down.

10 We should point those things out.

11 Now, I will -- to respect time, I will ask  
12 each of you a question, and then I will stop.

13 And I'll ask the questions first, and then  
14 you can answer them.

15 To Professor -- Lecturer, I'll be kind --  
16 Lecturer O'Connell, can you explain what I just said  
17 about broken-windows and why there was no spike?

18 If this policy was so central and critical,  
19 then why is the information counters -- well, I'll  
20 let you do that.

21 To Professor Jenkins, if you would be kind  
22 enough -- well, not kind enough -- that's a -- let  
23 me do it a different way:

24 How can we -- what can we do to weed out  
25 and -- or -- weed out and/or -- to more effectively

1 weed out and change, if need be, latent racism  
2 within an institution?

3 What can we do about that?

4 And, of course, to Professional O'Donnell,  
5 your civil rights -- your video is very  
6 interesting -- your civic video is very -- to call  
7 it something, I trust that it will take into account  
8 that -- Thoreau, Gandhi -- that just because you  
9 have an authority doesn't mean that it is moral, and  
10 that there must be a way of challenging immoral  
11 authority?

12 And, of course, I understand, the Gandhi and  
13 Martin Luther King, there's a responsibility, and a  
14 way of doing things, and things that go with things.

15 But, if you're going to do a video about  
16 respect, or civic virtues, you should -- you  
17 couldn't do it fairly without including that, if an  
18 immoral authority has the authority, that it is  
19 beholdng on people -- isn't that Thomas  
20 Jefferson? -- that it is beholdng on people that  
21 they have to challenge such an authority?

22 We can argue of how to go about it.

23 And I'll stop.

24 SENATOR NOZZOLIO: Senator, could we get to  
25 the question?

1           SENATOR SANDERS: I stopped, sir.

2           SENATOR NOZZOLIO: Thank you.

3           SENATOR SANDERS: They have their questions.

4           PAUL E. O'CONNELL: If I could, the  
5 broken-windows issue, a very insightful question,  
6 Senator, about crime rates and stop-and-frisk.

7           Once again, I would suggest that everybody  
8 make the distinction between stop-and-frisk program,  
9 which I believe has been discontinued, and  
10 stop-and-frisk as a necessary procedure, which,  
11 again, I feel quite strongly of.

12          SENATOR SANDERS: Agreed.

13          PAUL E. O'CONNELL: Now that the program has  
14 been discontinued, would you expect to see some  
15 change in crime rates?

16                 The answer is yes.

17                 I would expect to see more at the misdemeanor  
18 level and the violation level, as opposed to  
19 violent-crime levels and the UCR levels.

20                 But I still think it's still somewhat too  
21 soon to make any definitive judgment on this.

22                 I think it should be monitored, going  
23 forward, because I think it's a very legitimate  
24 question that you have here there.

25          SENATOR SANDERS: Okay, worthy to monitor.

1 DR. MICHAEL JENKINS: If I may add about  
2 broken-windows, too, it's important not to conflate  
3 broken-windows policing with stop, question, and  
4 frisk.

5 And I think you're right, that a lot of  
6 individual police officers, as well as police  
7 departments, do make that assumption.

8 And I think Professional O'Connell is right,  
9 is that it is more in line with the community  
10 policing model of engaging with the community and  
11 working with the community to define the problems  
12 that they think are problems to them.

13 And, then, how are you going to prevent those  
14 problems from arising?

15 And it shouldn't rely on arrests  
16 specifically, and, it should engage other groups in  
17 that community.

18 I agree that, you know, you can't make -- you  
19 can't draw conclusions about the current history of  
20 the stop, question, and frisk and/or reduction in  
21 broken-windows policing and it's effect on crime.  
22 It's too soon, statistically, to tell that.

23 But I think we need to keep in mind, too,  
24 that the connection -- or, the relationship between  
25 disorder and crime, as it comes out in the research

1 and in practice, is that this is kind of a  
2 longer-term process in which the mood is set for the  
3 types of behaviors that are going to be deemed  
4 acceptable in a certain area.

5 So that's what I would like to add about  
6 broken-windows.

7 Do you have any questions? Or I can move on  
8 to the --

9 SENATOR SANDERS: I will be kind and respect  
10 the Chair.

11 DR. MICHAEL JENKINS: Okay.

12 And then, your specific question to me about  
13 latent racism in an institution, I think one of the  
14 themes that's arisen here is that communication and  
15 empathy go a long way.

16 And it's the face-to-face positive  
17 interaction between the police and the community  
18 that, for so long, did not interact in positive  
19 ways, and did not have understanding of where the  
20 other group was coming from.

21 You know, both groups have wronged the other.

22 Both groups have done wrong.

23 And it's time to acknowledge those wrongs and  
24 to move past those wrongs.

25 And we are seeing that done in some

1 communities.

2 Specifically, I'd like to mention  
3 David Kennedy's work in police legitimacy, and what  
4 he is doing with community groups and law  
5 enforcement.

6 EUGENE O'DONNELL: I'll just be mercifully  
7 brief, I hope.

8 But this -- the idea of broken-windows is not  
9 something that I'd subscribe to.

10 But having said that, on Staten Island,  
11 through 311, it was community people that asked the  
12 police to do that.

13 So this is the problem with -- again, I'm  
14 asking lawmakers to, respectfully, own the system  
15 they create.

16 Okay?

17 And the idea that we are going have reforms,  
18 I think Senator Golden mentioned this, it's pretty  
19 notorious, every year the Legislature adds laws,  
20 every year they may very well add some of the PBA's  
21 requests, because it's a complicated topic.

22 But to ask people to basically dump this on  
23 the street cops, to get frontally into the face of  
24 police people, that's not right, that's  
25 disingenuous, when lawmakers, again, are the

1 architects of the system.

2 So I got what you're saying, I got the Gandhi  
3 stuff, it's absolutely correct, and it's legitimate.

4 But, the district attorneys, if we have in  
5 the room, five of them, they can explain why it's so  
6 hard to indict the police. They should do that.

7 Before we go forward with a reform package,  
8 five DAs, we can have DAs -- we have DAs --  
9 I think we have an African-American DA in  
10 Albany County -- we can have the DAs come in. It's  
11 not really a "pick a side" thing.

12 It's a legal issue, and it's very hard to  
13 indict police officers. And it's always going to be  
14 unless somebody comes up with something different.

15 That's why it's so uniformly --

16 SENATOR NOZZOLIO: But to be fair,  
17 Mr. O'Donnell, that you heard one of the district  
18 attorneys today suggest that he indicted and  
19 convicted a number of police officers for  
20 misconduct.

21 EUGENE O'DONNELL: Misconduct.

22 SENATOR NOZZOLIO: He didn't say that was  
23 difficult. As a matter of fact, he said it was  
24 pretty straightforward.

25 I asked him the question of, what type of

1 special hash marks are necessary in that process?

2 And he indicated none. It should be the same  
3 process it is for every citizen.

4 So I don't know if that's really -- I mean,  
5 you said that it's so extraordinarily difficult to  
6 convict a police officer.

7 EUGENE O'DONNELL: I meant use of force,  
8 Senator. I didn't mean for criminal corruption.  
9 That's not --

10 SENATOR NOZZOLIO: You meant, in the  
11 performance of their duty --

12 EUGENE O'DONNELL: On-duty use of force.  
13 Off-duty improper stuff, that's an easy  
14 indictment.

15 On-duty use of force, where there are  
16 surrogates being sent into uncertain situations, no  
17 matter where you are in the country, that's a hard  
18 indictment to get.

19 SENATOR NOZZOLIO: Point well-taken.

20 Thank you very much for all your inputs,  
21 gentlemen, and we appreciate your time very, very  
22 much.

23 PAUL E. O'CONNELL: It's an honor to be here.  
24 Thank you very much.

25

1           SENATOR NOZZOLIO: Stephen Cassidy is  
2 president of the Uniformed Firefighters'  
3 Association, and, Israel Miranda, president of the  
4 Uniformed EMTs, Paramedics & Fire Inspectors.

5           First and foremost, President Cassidy and  
6 President Miranda, thank you for your willingness to  
7 come together as opposed to individual.

8           The hour is late. You have been waiting here  
9 for the longest time, and we thank you for your  
10 patience.

11           And, if we can, we're just changing the name  
12 tags.

13           If we could have assistance in changing name  
14 tags?

15           Great, thank you, Rodney.

16           And for the record, gentlemen, if you could  
17 just state your name, and your --

18           STEPHEN J. CASSIDY: Sure.

19           SENATOR NOZZOLIO: Also, there's another  
20 gentlemen. We don't have your card, but thank you  
21 for introducing yourself for the record.

22           STEPHEN J. CASSIDY: This is Bob Unger, my  
23 lobbyist.

24           Steve Cassidy, president of the  
25 Uniformed Firefighters' Association.

1           Thank you for taking the time, this important  
2           topic.

3           I'm not going to read my testimony.

4           I'm going to summarize two points that  
5           I think are critical for firefighters and for public  
6           safety in the city of the New York.

7           The first one, we just marked the  
8           10th anniversary of the Black Sunday fatal fires,  
9           where six firefighters were forced to jump out of a  
10          window in the Bronx because of an illegal conversion  
11          of an apartment.

12          It is rampant in New York City.

13          The housing shortage has forced people, some  
14          with good intentions, but many landlords with bad  
15          intentions, to turn a single apartment into an SRO  
16          where three or four or five bedrooms now exist.

17          It is a hazard for the people who live there.

18          It's a hazard for the people who live in the  
19          building.

20          And it is certainly a hazard for  
21          New York City firefighters, because, when you crawl  
22          into a burning building and you have zero visibilty,  
23          you can't see where you're going, and you are really  
24          in a maze now that's been reconstructed.

25          What was a one-bedroom with an open-floor

1 plan is now four bedrooms.

2 It's a nightmare.

3 It's what happened in the Bronx.

4 It happens time and time again.

5 It's a challenge for New York City  
6 firefighters.

7 I would like the Senate to take a look at my  
8 testimony on this topic, and any assistance you can  
9 give us on this is critical.

10 The real problem and challenge is access.

11 How do we get access to review these  
12 apartments?

13 How do we get to file, hear complaints, and  
14 get in and say: This is unacceptable. You've  
15 turned a one-bedroom into a four bedroom.

16 They're artificially inflating rents  
17 throughout the city of New York because they can get  
18 more money.

19 And, so, some of it is greedy landlords, but  
20 it's a real challenge for safety for firefighters.

21 The second is something that's critical.

22 Since 2009, when then-Governor Paterson  
23 vetoed the Tier 2 extender bill, all New York City  
24 firefighters and police officers were dumped into  
25 Tier 3.

1           There are no disability benefits in Tier 3.

2           It was an unintended consequence.

3           I spoke to Governor Paterson several times  
4 about it. He had no idea that that was a part of  
5 what was going to happen.

6           So all New York City firefighters and police  
7 officers hired after 2009 do not have real  
8 disability benefits.

9           When I say "real disability," I mean, they  
10 get \$27 a day for a new probationary firefighter if  
11 he's injured in the line of duty.

12           They come out of probie school, 18 weeks, and  
13 they run into burning buildings to earn their  
14 paychecks.

15           They're willing to risk their lives, but they  
16 need to have the benefits that everybody else has.

17           They need to know that if they're seriously  
18 injured that someone will take care of them and  
19 their families.

20           And that's the way it has always been.

21           This is not some massive benefit.

22           And by the way, I view it as a public-safety  
23 component.

24           The people throughout the city of New York do  
25 not want a firefighter getting off an apparatus,

1 looking up at a burning building, and saying to  
2 themselves, "Oh, my God, I better not get hurt  
3 today. Who's going to take care of my family?"

4 That thought has never been in our minds.  
5 We took this job. It's a dangerous job,  
6 we're willing to risk our lives.

7 But we cannot have to be worried about  
8 what-if?

9 What if I get burned?

10 What if I get hurt?

11 You know, it's a bad policy. It needs to be  
12 corrected.

13 We are having some challenges with the  
14 City Council on this, although we do have some  
15 momentum.

16 And I certainly would like the support of the  
17 Senate and the Assembly.

18 We're going to need a bill to get this  
19 resolved.

20 And, maybe, if we don't have the support in  
21 the council for what I view as some possible  
22 political reasons, there's some unhappiness, this  
23 needs to be done for firefighters and police  
24 officers in the city of New York.

25 And it absolutely is something they deserve.

1           You can't have some firefighters get off a  
2           rig, look at a burning building and not be worried  
3           about anything but doing their job, and some getting  
4           off and saying, "Oh, my God, if I get hurt, who's  
5           taking care of my family?"

6           So that's my testimony today.

7           SENATOR NOZZOLIO: Points well-taken.

8           Any questions?

9           SENATOR GOLDEN: Real quick, yes.

10          SENATOR SANDERS: The man is right.

11          SENATOR GOLDEN: He is absolutely right.

12          But you know what? I believe that we can  
13          take a look at doing a statewide bill, versus  
14          waiting for a home-rule message here, because this  
15          is a universal issue across the state of New York;  
16          so, therefore, it hits every county.

17          So, therefore, I think we, as four  
18          Committees, should take a look at a statewide bill  
19          on that disability bill, so that those officers,  
20          both police and fire, have the ability to get that  
21          disability.

22          There's only one county, I think, that is not  
23          in sync in the entire state of New York, and  
24          I believe that might be Nassau County. And  
25          I believe that that can be corrected in this

1 statewide bill.

2 So, if we can't get that from the  
3 City Council, we should, as a Senate body, seriously  
4 look at this, and see how we can put a statewide  
5 bill forward.

6 That's number one.

7 Number two, the illegal conversions that have  
8 cost those six firemen their lives, they forget, the  
9 people, the memories are short here in the city of  
10 New York, when you lost another five firemen over in  
11 Brooklyn on Flat Bush Avenue. That was not an  
12 illegal conversion. That was a supermarket fire.

13 But, again, we lost large numbers of firemen  
14 over the years.

15 When it came to 9/11, a captain looked at the  
16 men on that truck as they were running into that  
17 building, and he looked at the men and he looked  
18 them in the eye and said, "Some of us are going to  
19 die here today."

20 Not one of them, not one of them, turned  
21 their back. Every one of them ran into that  
22 building and ran up that stairs, and, some of those  
23 men on that truck died.

24 So they went in there for a reason: to  
25 protect life and property.

1           And we have to make sure that those officers  
2           don't have to second-guess, when they're going into  
3           a fire, if their family, and that police officer  
4           that's going out that night on patrol, that their  
5           families are not going to be taken care of.

6           It's wrong, and we got to make sure we do the  
7           right thing.

8           STEPHEN J. CASSIDY: Well, thank you for your  
9           comments on that.

10          SENATOR GOLDEN: The other areas that we  
11          would like to talk to you, is if there's anything  
12          else that we can do for the fire department, if  
13          there is anything that you need to talk to our  
14          finance people about, besides this three-quarter  
15          bill, I would suggest you do it quickly, because  
16          it's important that it get done quickly.

17          STEPHEN J. CASSIDY: Okay, I will.

18          And let me just add one thing.

19          The New York City Fire Department is going  
20          through, after a federal lawsuit and court  
21          challenges, a new hiring process.

22          They hired a company to come up with a new  
23          exam. That new exam has yielded much more  
24          diversity.

25          The last graduating class of probie school

1 was, two-thirds of the probationary firefighters  
2 were Black, Hispanic, or women.

3 That's never happened before.

4 It's a good change for the department.

5 They need to reflect the diversity of the  
6 community, as long as they continue to recruit good  
7 people, which they are.

8 I've been an advocate for the standards, but  
9 now that we are getting diversity in the fire  
10 department that so many people have wanted, they  
11 have second-class benefits.

12 It's a disgrace.

13 I'm not going to let it happen. It's going  
14 to get resolved.

15 I want to have all of your help.

16 But we are not going to have -- we're not  
17 going to have two separate groups of people running  
18 into buildings, and some saying, "I'm okay if I get  
19 hurt," and the new kid saying, "I'm not okay if  
20 I get hurt."

21 It's unacceptable.

22 SENATOR GOLDEN: The unfortunate reality in  
23 the New York City Police Department, the morale is  
24 desperate.

25 In the NYFD, on the other hand, you see

1 firemen wanting to stay on that job 30 years.

2 When you're a police officer, you see them  
3 counting the days and hours to get out on a 20-year  
4 retirement.

5 It's unfortunate that we have that.

6 So we need to be able to change that dynamic,  
7 and to find out how we can make this job a real  
8 career job and keep these people on the job longer,  
9 and do as you said, make these officers feel that  
10 they have the support of the people of this state,  
11 in making sure that there are benefits, as well as  
12 the police department.

13 But you are a model for keeping people on the  
14 job.

15 Keep up your good work.

16 STEPHEN J. CASSIDY: Thank you.

17 SENATOR NOZZOLIO: President Cassidy, your  
18 testimony will be submitted in its entirety for our  
19 record.

20 We want President Miranda to have the same  
21 opportunities.

22 Your testimony, President Miranda, will be  
23 part of the entire record.

24 If you would be so kind as to summarize your  
25 major points.

1           ISRAEL MIRANDA: Yes, I'll keep it as short  
2 as possible.

3           Thank you.

4           First of all, I'd like say, on behalf of the  
5 firefighters and police officers, they're  
6 100 percent right about those benefits, and  
7 I support that 100 percent.

8           You know, this is a no-brainer. They should  
9 have their three-quarters.

10          Everybody who puts their lives on the line  
11 should have those benefits.

12          But now I'm going to get to my issues. Okay?

13          First of all, I thank you for the opportunity  
14 to testify today.

15          My name is Israel Miranda. I represent about  
16 3500 EMTs and paramedics. We do about 1.6 million  
17 emergency calls a year.

18          That's about 4,000 a day.

19          Unlike our brothers and sisters in law  
20 enforcement, we do not respond to emergency calls  
21 expecting possible confrontation.

22          So what's been happening is, my people have  
23 been getting assaulted, unfortunately. They  
24 continue being assaulted at a higher rate than any  
25 group in the 911 system.

1            Nationwide, assaults is the number-one injury  
2            suffered by emergency medical personnel.

3            52 percent of reported non-vehicular injuries  
4            are assaults.

5            Based on the size of my workforce, our  
6            statistics reveal that emergency medical-service  
7            field providers are, at most, twice as likely to be  
8            assaulted in the line of duty than a police officer  
9            or correction officer.

10           Many of these cases go unreported.

11           Under the current law, which is  
12           Penal Law 120.5, assault in the second degree, which  
13           is a Class D felony, the language of this law is  
14           problematic.

15           Prosecutors in the court in pursuing a felony  
16           conviction have a hard time with it.

17           Terms such as "physical injury" or  
18           "impairment" or "intent" can be very subjective, and  
19           vague, in the court of law.

20           Many violators receive community service.

21           We've had many members who have been  
22           pummeled, and members with broken bones, and the  
23           assailants were prosecuted to minor penalties with  
24           no jail time.

25           I have attached stories that you can look at.

1           These assaults are not considered serious or  
2 permanent in the eye of the law.

3           Unfortunately, the psychological aspects of  
4 this encounter will affect this provider every time  
5 they are in the back of the ambulance for years to  
6 come.

7           Irrespective of whether such assault leads to  
8 impairment or serious physical injury, we must  
9 strengthen the existing law to protect our  
10 front-line protectors.

11           When it's Ebola, or anything else, my people  
12 are on the front line.

13           We need to protect these first responders so  
14 they know that the law works for them.

15           You know, they say that you can indict a ham  
16 sandwich. Right?

17           I heard that said here earlier today.

18           Then why is it that we can't indict someone  
19 who punches a paramedic and pummels him, and he's  
20 out six weeks, for performing his duty?

21           I don't understand it.

22           I'm asking this Joint Committee to include in  
23 your legislative package some real language that  
24 protects the best EMS professionals in the country.

25           I thank you, and I will answer any questions

1 you may have.

2 SENATOR GOLDEN: You have that bill?

3 UNKNOWN SPEAKER: Yes, we do.

4 SENATOR GOLDEN: Yes, okay, so now we got to  
5 get it passed. It's that simple.

6 I think it's the important thing for the  
7 paramedics that are out there protecting our city,  
8 that they have the protections of this great court  
9 system --

10 SENATOR NOZZOLIO: And we pass this in the  
11 Senate every year.

12 SENATOR GOLDEN: Yes, we pass it every year.  
13 We can't get it passed in the Assembly.

14 SENATOR NOZZOLIO: It's important to mention  
15 that.

16 SENATOR GOLDEN: We cannot get this passed in  
17 the Assembly, and we have to get it passed in the  
18 Assembly, and we got to get the Governor to sign it.

19 And I think that's the problem, one of our  
20 problems.

21 But we have new leadership in the Assembly,  
22 and, hopefully, the individual that's taken over  
23 leadership will see the value of this bill and get  
24 this bill passed in the Assembly this year coming  
25 up.

1           But it's an important bill, and I hate to see  
2 anybody get hurt.

3           You're very important in your work.

4           ISRAEL MIRANDA: I want to thank you, guys.

5           Just like we have been here all day, you've  
6 been here all day. And I want to thank you for your  
7 patience, and staying here all day with us, just to  
8 hear what we had to say.

9           SENATOR NOZZOLIO: Thank you, Israel.

10          Israel, these clippings you showed were  
11 terrible. Just absolutely terrible.

12          There are laws on the books that can be  
13 prosecuted.

14          We are trying to get more of them in  
15 Senator Golden's bill.

16          We have other bills, where there's the  
17 indignity of individuals using their bodily fluids  
18 as weapons.

19          The indignity to firefighters, to EMTs,  
20 other emergency medical personnel, and police  
21 officers, where individuals have just done the  
22 unspeakable to people that are trying to help them.

23          And, we want to continue.

24          Thank you for putting your comments on the  
25 record because we share your concerns.

1                   We'll do everything we can, and we'll  
2                   continue to push for these measures.

3                   SENATOR GOLDEN: One quick question.

4                   On the Ebola issue, are you guys well-trained  
5                   on the Ebola?

6                   ISRAEL MIRANDA: Actually --

7                   SENATOR GOLDEN: The police department, they  
8                   came up and made comments earlier that they're not  
9                   that well-trained.

10                  ISRAEL MIRANDA: Actually, I think that the  
11                  process that we put together, because we have  
12                  members that were trained to respond to these type  
13                  of calls, based on their -- it's being followed all  
14                  over the country now.

15                  Obviously, if it wasn't for these people in  
16                  place, working with the firemen, we don't know, we  
17                  could have had another Texas, or somewhere else over  
18                  here, where they were unprepared.

19                  STEPHEN J. CASSIDY: The Fire Commissioner  
20                  did a great job.

21                  The Fire Commissioner did a great job getting  
22                  firefighters prepared.

23                  So, we're happy.

24                  ISRAEL MIRANDA: We're very happy.

25                  SENATOR GOLDEN: Thank you.

1           SENATOR NOZZOLIO: President Cassidy and  
2 President Miranda, thank you very, very much.

3           ISRAEL MIRANDA: Thank you.

4           STEPHEN J. CASSIDY: Thank you.

5           SENATOR NOZZOLIO: Last, but certainly not  
6 least of our testifiers, is Michael Palladino,  
7 president of the Detective's Endowment Association.

8           SENATOR GOLDEN: A man of great patience.

9           MICHAEL PALLADINO: The gentleman with me is  
10 Philip Karasyk, general counsel to the detectives'  
11 union.

12           Senator, before I speak, you mentioned before  
13 about the difference between the police and the  
14 fire.

15           The distinct difference, over the years, is  
16 that instead of asking, "Hey, how much time do you  
17 have on the job?" they ask, "How much time do have  
18 you left?"

19           SENATOR GOLDEN: That's sad, though, isn't  
20 it? It's a sad comment.

21           SENATOR NOZZOLIO: It's almost like a  
22 sentence.

23           MICHAEL PALLADINO: All right, if I may  
24 start --

25           SENATOR NOZZOLIO: Please.

1           MICHAEL PALLADINO:  -- my written statements  
2           are brief.

3           Starts out with, "Good afternoon," but  
4           I think I'll change it to, "Good evening."

5           SENATOR GOLDEN:  It will be "good night"  
6           soon, too.

7           MICHAEL PALLADINO:  Good evening members of  
8           the New York State Senate, and thank you for  
9           permitting me to testify before you today.

10          Being last in the lineup, there is not much  
11          left to say that hasn't already been said, but  
12          I would like to re-enforce some key points.

13          In our post-9/11 world, law enforcement's  
14          role has become even more essential as our daily  
15          duties now include counterterrorism to go along with  
16          proactively policing our neighborhoods against  
17          traditional crime.

18          The brave men and women of law enforcement  
19          strive each and every day to ensure a safe society  
20          for all members of the public in a fair and  
21          democratic way, pursuant to our Constitution.

22          As many of you already know, I hold two  
23          positions.

24          I'm the president of the  
25          Detective's Endowment Association, which represents

1 17,000 active and retired detectives of the NYPD.

2 At the same time, I hold the position of  
3 president of the New York State Association of  
4 PBAs, representing approximately 75,000 active and  
5 retired law-enforcement officers throughout the  
6 state of New York.

7 Equally important to me, though, I'm in my  
8 36th year as an active member of the NYPD and very  
9 proud of every minute served.

10 The NYPD is a magnificent agency charged with  
11 the awesome responsibility of protecting this city  
12 from crime and terror.

13 I know I'm preaching to the choir when I say  
14 that New York City is the economic engine for our  
15 great state, and maybe the world.

16 I do believe the energy source for this  
17 engine is the public safety provided by the NYPD and  
18 the other local, state, and federal law-enforcement  
19 agencies operating in New York State.

20 The hard-working men and women of the NYPD  
21 put their lives on the line every day for the people  
22 of this city.

23 All we request in return is a little support  
24 and respect.

25 I am before you today to discuss a few

1 important issues regarding the upcoming budget as it  
2 relates to the NYPD and law enforcement.

3 The first is a request for funding to assist  
4 the City of New York in increasing the NYPD  
5 staffing, and to improve much needed equipment,  
6 including up-to-date bullet-resistant vests.

7 The second issue is the Governor's proposed  
8 legislation, bill Senate 2011, as it pertains to law  
9 enforcement; specifically, an independent monitor.

10 With respect to the NYPD headcount,  
11 pre-September 11, 2001, the NYPD's total headcount  
12 was approximately 41,000, and of those, 7100 were  
13 detectives.

14 Today the headcount is barely 35,000, and the  
15 detectives have been reduced from 7100 down to  
16 5,000. That's almost a 30 percent reduction.

17 This reduced-staffing model is going on at a  
18 time when the world is in turmoil and our city  
19 remains the number-one terror target.

20 The rank of detective has also been spread  
21 quite thin due to the counterterrorism duties in  
22 addition to investigating traditional crimes.

23 For instance, a precinct detective squad is  
24 really considered the patrol force of the NYPD's  
25 famous detective bureau.

1           The detectives assigned to those squads  
2           investigate all the crimes occurring in their  
3           respective commands; and more importantly, they deal  
4           directly with the victims of the crime in a  
5           one-to-one relationship.

6           The victims come to know their investigators  
7           quite well during the course of an investigation,  
8           and they rely heavily on them to investigate their  
9           cases and bring them to a successful conclusion.

10          Needless to say, because the precinct  
11          detective squads are so short-staffed, assigned  
12          detectives are carrying caseloads far greater than  
13          they once handled.

14          As a result, delivery of service to the crime  
15          victim gets delayed by no fault of our detectives.

16          In addition, technology has created new leads  
17          and new avenues of investigation that are quite  
18          helpful in developing a case and tracking those  
19          responsible.

20          However, you still need the warm body, the  
21          human being, to chase down those leads.

22          It is extremely time-consuming, and  
23          detectives can spend an entire day accessing  
24          technological information and reviewing videotapes  
25          on just one fraud investigation, so they can easily

1 get backed up on their other investigations.

2 Now, despite being short-staffed, too often,  
3 detectives are reassigned from their active  
4 investigations to police parades and demonstrations.

5 In the most recent series of demonstrations  
6 following the Eric Garner case in Staten Island,  
7 detectives were regularly reassigned to police those  
8 demonstrations, putting their active investigations  
9 on hold, while still catching new cases, even though  
10 they were standing out in uniform working the demo.

11 Having worked in a Bronx detective squad  
12 myself for 11 years, I can tell you firsthand that  
13 the last thing a victim wants to hear is that you  
14 could not work on their investigation because you  
15 were at either a parade or a demonstration.

16 But this is common in a busy detective squad  
17 that's understaffed.

18 And having said that, I would welcome any  
19 funding that the State could provide, of course, for  
20 equipment and bullet-resistant vests.

21 But what is really needed is for the budget  
22 to include funding to restore the NYPD's overall  
23 headcount to at least 38,000.

24 So I respectfully ask the members of the  
25 Senate to consider that because it is in the best

1 interests of your constituents and mine.

2 Second issue I would like to discuss is the  
3 Governor's proposal for an independent monitor to  
4 review a grand jury decision not to indict police  
5 officers when deadly physical force is used against  
6 an unarmed individual.

7 I respectfully submit to you that it's  
8 unwarranted, redundant, and it creates, at the very  
9 least, a double-standard just for cops while  
10 eviscerating their constitutionally guaranteed right  
11 to equal justice under the law.

12 Sp I respectfully request that the Senate  
13 reject the idea of the independent monitor.

14 The idea, obviously, emanated from the  
15 Eric Garner controversy in Staten Island last  
16 summer. The grand jury decision was not to indict  
17 the police officers involved.

18 Legislating an independent monitor would  
19 suggest that the integrity of Mr. Dan Donavon, his  
20 assistant DA who presented the case, as well as the  
21 integrity of every single prosecutor in this state,  
22 is suspect.

23 It also implies that the 23 grand jurors who  
24 were peers of Mr. Garner were being influenced by  
25 their own prejudice and disregarded the evidence,

1 the eyewitness accounts, and testimony of expert  
2 witnesses when they voted to clear the officers  
3 involved.

4 I think it's simply absurd and could not be  
5 farther from the truth.

6 In my 36 years in law enforcement, I have  
7 found that our criminal justice system works very  
8 well.

9 My experience with the district attorneys in  
10 the five boroughs and the surrounding counties in  
11 New York State tells me that they perform the duties  
12 of their elected positions in a fair and even-handed  
13 manner.

14 In my capacity as a union president over the  
15 last 11 years, I can tell you firsthand, that if one  
16 of my members was involved in criminal activity,  
17 either on or off duty, they were prosecuted and  
18 received no special treatment.

19 In 2006, three of my detectives were indicted  
20 in the death of Sean Bell in Queens.

21 The case received global publicity and media  
22 coverage consistent with controversial deaths in  
23 police custody.

24 Death in police-custody cases receives so  
25 much attention that a district attorney would have

1 to be out of his or her mind to give even the  
2 appearance of special treatment to the police  
3 involved in such a case.

4 When the detectives were indicted,  
5 I disagreed with the indictment, but I didn't  
6 condemn the justice system, nor did I call for  
7 legislative reform, because I didn't get my way.

8 I accepted the indictments and I prepared for  
9 the next phase in the system, because I believe in  
10 the system, I trust the system, and I respect our  
11 criminal justice system.

12 The independent monitor is unnecessary  
13 because there presently exists two avenues to review  
14 a grand jury's decision not to indict.

15 One is under the criminal-procedure law.

16 The other is provided by the executive law,  
17 and already authorizes the governor to replace a  
18 local district attorney with a special prosecutor if  
19 he feels an injustice has been committed.

20 So I am opposed to the appointment of an  
21 independent monitor for a number of reasons.

22 It can be easily construed to be a mandate to  
23 indict police officers in controversial situations  
24 when the facts do not justify an indictment.

25 Speaking realistically, no one wants to be

1 scrutinized or second-guessed, especially by a  
2 politically-appointed monitor.

3 I feel the specter of the monitor looming  
4 over the district attorney could have a chilling  
5 impact on the impartiality of the prosecutor's  
6 presentation to a grand jury.

7 A strong possibility would then exist that a  
8 prosecutor could be inclined to indict simply to  
9 avoid the monitor and the negative publicity  
10 accompanied with it.

11 An independent monitor could pervert the  
12 system by substituting political considerations in  
13 place of the facts and the law, resulting in a  
14 police officer being denied his or her due process.

15 On any given day in this city, there are  
16 about 10 million people, between the commuters, the  
17 tourists, the residents; and at the same time, there  
18 are about 35,000 police officers in the city that  
19 cross paths with the public.

20 That equates to hundreds of thousands of  
21 interactions a day.

22 On rare occasion, there's an encounter that  
23 generates intense media attention.

24 However, the controversies are miniscule in  
25 comparison to the overall number of interactions

1       between the public and the police.

2               What occurred in Staten Island was tragic,  
3       but it is unfair to condemn the NYPD and deprive  
4       dedicated police officers of their right to due  
5       process.

6               New York City police officers are the most  
7       restrained officers in the country.

8               Annually, we effect about 400,000 arrests per  
9       year, and despite the countless number of encounters  
10      with armed felons, we discharge our weapons far less  
11      per capita than other departments in other big  
12      cities.

13              The Governor's proposal for criminal justice  
14      reform misses the real point and focuses only on the  
15      police.

16              The proposal fails to address the underlying  
17      problem that led to the Eric Garner incident, and  
18      that's resisting arrest.

19              So how do we train for, and what do we do in  
20      a situation, when an unarmed suspect verbally  
21      resists and does not offer any physical resistance?

22              Should we be expected to simply walk away?

23              And even though resisting a lawful arrest is  
24      a crime, many district attorneys rarely prosecute  
25      defendants for resisting unless the officer receives

1 a serious injury.

2 Many assistant district attorneys view  
3 resisting arrest as simply a cost of doing business  
4 and they decline to charge the suspect.

5 Effective criminal justice reforms should  
6 mandate stricter penalties for resisting arrest and  
7 require that district attorneys prosecute offenders  
8 to deter them from committing resisting arrest.

9 In closing:

10 In recent weeks, the Governor has been  
11 quoted, reminding the public, to "Trust and respect  
12 the justice system."

13 Well, I agree with the Governor, as long as  
14 that trust and that respect extends to the men and  
15 women of law enforcement who risk their lives every  
16 day.

17 I would be happy to answer any questions.

18 But, being that Senator Perkins isn't here,  
19 if I may, you know, fill in the blanks with respect  
20 to the interrogation questions, the videotaping  
21 questions, he asked.

22 Quite a few years ago, when  
23 Commissioner Kelley was in charge of the NYPD,  
24 working along with me and the DEA, we put a pilot  
25 project together, and that pilot project was to

1 commence videotaping in the 48th Precinct in the  
2 Bronx, the 67 in Brooklyn, the 122 in Staten Island,  
3 and the 113 detective squad in Queens.

4 And the original pilot project was the  
5 videotaping of simple assaults. And, I think we  
6 were just videotaping the suspects.

7 As a result of the pilot project, it was  
8 expanded slightly to include now homicides.

9 And, we're going to start including  
10 assaults -- I mean, burglaries and robbery, first  
11 and second degree.

12 And we also are finishing out the 71 Precinct  
13 interview room and getting that ready for  
14 videotaping as well.

15 So that's where we are right now with that  
16 pilot project.

17 I like pilot projects.

18 That's why I agreed to it with  
19 Commissioner Kelley, because it gives both labor and  
20 management an opportunity to examine the issue, work  
21 the kinks out, see if it works, and, see what's good  
22 and what's bad.

23 SENATOR NOZZOLIO: What have the results been  
24 so far?

25 MICHAEL PALLADINO: The results have been

1 pretty good so far.

2 You know, it was limited to the crime of  
3 assault. They're going to expand it a little bit.

4 I have been on the record quite a bit over  
5 the years with respect to the videotaping.

6 My concern is that, you know, it works in  
7 some of these smaller police departments, but  
8 I think the issue that we are going to have in the  
9 NYPD, especially, you know, with short-staffing and  
10 the detective squad and the caseload being so low,  
11 is that the volume of cases that we handle in a  
12 detective squad, I don't know if one interview room  
13 is going to be enough.

14 And, I foresee it being, you know, an  
15 overtime bonanza for detectives.

16 But, certainly, it's going to be difficult,  
17 I think, for the police-department budget and the  
18 City Council to fund the overtime that's going to be  
19 had by detectives, you know, sitting in an interview  
20 room. Or, you know, some detectives have 10,  
21 12 detectives in a squad catching cases, and I could  
22 see them lining up, just waiting for that interview  
23 room to free up.

24 And you can't say, Well, the 48, let's send  
25 them over to the 52 up in the Bronx and let them use

1 their interview room, because the 20 detectives in  
2 the 52 are going to be lining up to use that  
3 interview room as well.

4 SENATOR NOZZOLIO: I'd like to take you to  
5 another point, President Palladino, the issue of --  
6 that you addressed, and we've asked others to  
7 address as well; and that is the issue of upping the  
8 penalties for those who are resisting arrest, again,  
9 as an effort to protect those officers, particularly  
10 line officers who are making the arrests.

11 The proposal, or suggested proposal, is to  
12 take it to a Class E felony.

13 Your opinion?

14 MICHAEL PALLADINO: Well, I think a stricter  
15 penalty would be helpful.

16 And, certainly, I think that it has to be a  
17 commitment by the district attorneys to charge it,  
18 though.

19 So, they have to go hand in hand.

20 SENATOR NOZZOLIO: With a misdemeanor,  
21 there's less of a reason, I think, for district  
22 attorneys, we find it, generally, that if an issue  
23 rises to the level of a felony, they're more likely  
24 to prosecute them on a measure such as that, as  
25 opposed to a misdemeanor.

1           MICHAEL PALLADINO: Yes. And, once it rises  
2 to the level of a felony, then it has to be  
3 presented to the grand jury as well.

4           SENATOR NOZZOLIO: So that's something we are  
5 certainly going to be considering as a  
6 recommendation, and your endorsement of that is an  
7 important element to us.

8           The other issue you recommended was,  
9 basically, to oppose the so-called "monitor"  
10 proposal to add an additional layer of review.

11           Elaborate on that just a bit.

12           MICHAEL PALLADINO: Well --

13           SENATOR NOZZOLIO: And maybe to be helpful,  
14 District Attorney Donovan suggested he already has a  
15 monitor when he has to present a case, and that's a  
16 supreme court judge.

17           Isn't it different, if you have a  
18 supreme court judge having to decide not to report a  
19 case [unintelligible] negative --

20           MICHAEL PALLADINO: As opposed to a monitor.

21           SENATOR NOZZOLIO: -- as opposed to a monitor  
22 reporting a case?

23           Yes.

24           In effect, that adds the additional layer,  
25 regardless.

1           In effect, you have, in order not to  
2           prosecute a police officer, you have to have an  
3           additional layer, as you would today, if there's  
4           no-bill, there's no-bill by the grand jury.

5           Here, under the proposal, if you had no-bill,  
6           you would have to have another review, and that  
7           being that of the supreme court judge.

8           That was District Attorney Donovan's  
9           suggestion.

10          I think the Governor has another so-called  
11          "independent" review process that he's proposing.

12          MICHAEL PALLADINO: Well, my understanding of  
13          the law that I read, I guess the CPL, and that's  
14          with respect to the CPL, that if a no-true bill is  
15          voted, then a second grand jury can be convened, if,  
16          there is new significant evidence. And the other  
17          reason would be, if there was some type of  
18          procedural error.

19          SENATOR NOZZOLIO: Let me be more clear.

20          That we're not talking about the mechanisms  
21          today.

22          MICHAEL PALLADINO: Okay.

23          SENATOR NOZZOLIO: What we're talking about  
24          is the proposals that some are making, to say to the  
25          grand jury process, if a police officer is involved,

1 that, in effect, another review, above the grand  
2 jury, or on top of the grand jury, has to be  
3 established.

4 I think you in your testimony indicated that  
5 you thought that that was inappropriate.

6 MICHAEL PALLADINO: Oh, we're against that,  
7 yes. I think it's redundant, and I do not think  
8 it's necessary.

9 I mean, you know, realistically speaking, the  
10 district attorneys, they lock us up all the time.  
11 You know, there's no special treatment that's given  
12 to us.

13 And, you know, to suggest that either  
14 Dan Donovan, or the assistant who presented, or even  
15 the 23 grand jurors, just, you know, abandoned their  
16 civil duty just to give the cop a break, I mean,  
17 that's absurd.

18 This is 2015 in the United States. It's not  
19 the 1960s.

20 It's quite different time.

21 And you have videotaping that's out there,  
22 too.

23 So, you know, I just do not think it's  
24 necessary.

25 I think it was, you know, just a political

1 response by the Governor, you know, due to the  
2 marches, and due to -- let's face it, I'm sure that  
3 it ran parallel with Ferguson, what happened out in  
4 Ferguson, Missouri.

5 And I think that, you know, running parallel  
6 with that, there was a lot of emotionally-charged  
7 feelings there.

8 And I don't think it's necessary at all.

9 SENATOR NOZZOLIO: Senator Golden.

10 SENATOR GOLDEN: I think your testimony was  
11 outstanding.

12 And I want to thank you for putting in the  
13 time here this evening and being here, and giving us  
14 your testimony. And that's why you are the  
15 president of the greatest detective unit in the  
16 country.

17 But I got a question for you.

18 The -- you see the number of detectives that  
19 you have today, and you see the impact on these  
20 different events that going on around the city of  
21 New York, and how you have to participate, and how  
22 you are pulled out of the precincts to go to do  
23 these different events, and how it puts a drain on  
24 manpower.

25 Then we talk about having video on the

1 violent crimes, we'll say.

2 So we're are going to video them, so that's  
3 going to be more work that your men and women are  
4 going to have to do.

5 And then, of course, what's brought into it  
6 is technology.

7 Technology is -- has become a tremendous  
8 friend of the police department; but, obviously,  
9 that is immensely time-consuming. And that, again,  
10 takes the men and women from case to case, and it  
11 takes them a long period of time.

12 So how many men and women do you effectively  
13 need to be able to run your unit, especially with  
14 the -- or the detectives here in the city of  
15 New York, especially coming up, as the Commissioner  
16 has announced, that he has another new unit coming  
17 out of which I'm sure you are going to be part of?

18 MICHAEL PALLADINO: Well, in my testimony  
19 I said that, if we can bring the headcount up to  
20 38,000, and I don't mean a one-shot deal.

21 We have to continue to hire above and beyond  
22 to offset the amount of retirements and to keep the  
23 NYPD head count at around 38,000.

24 I say 38,000.

25 You know, I don't know what the -- you know,

1 what the Commissioner would say.

2 But, 38,000. And we get, about 15 percent of  
3 the headcount is of the rank of detective.

4 So that would give us probably another 450 to  
5 500 detectives, and that will help us staff the  
6 understaffed detective squads.

7 SENATOR GOLDEN: The redefinition of -- not  
8 the redefinition -- but the focus of the Governor on  
9 deadly physical force, you didn't mention that in  
10 your testimony.

11 What is your -- since we haven't seen the  
12 language on the bill, so, that is very concerning.

13 But, do you believe that the council that he  
14 wishes to create, where you have deadly physical  
15 force, a council that would create a legislation on  
16 deadly physical force on a statewide level?

17 And then if you did not adhere to what the  
18 council -- the way I understand it, that you did not  
19 conform to the council, that you would have to come  
20 up with your own independent "deadly physical force"  
21 legalization, which all counties, cities, towns, and  
22 villages already do across this state.

23 Do you see a problem with that?

24 MICHAEL PALLADINO: Well, yes, I do.

25 I guess what the Governor is proposing

1 that -- with whatever "deadly physical force" policy  
2 he comes up with, that would be the bare minimum  
3 that departments around the state would have to  
4 employ.

5 Well, you know, without seeing the  
6 legislation, or exactly what he is talking about,  
7 it's very difficult to really weigh in, but, you  
8 know, I find that really problematic.

9 I think what we have done here in  
10 New York City, I think it works, it has worked.

11 And as I said, the controversial police  
12 incidents that we have, when you compare them to the  
13 hundreds of thousands of encounters a day that the  
14 police have with the public, they're really  
15 miniscule.

16 So I think the Governor is trying to address  
17 an issue that, really, it doesn't exist.

18 SENATOR GOLDEN: I want to thank you.

19 No, that's all right, we're finished. We're  
20 finished.

21 I want to thank you for coming here today,  
22 for putting in the time.

23 But I also want to thank the Senate staff,  
24 from all of our offices, that came down from Albany,  
25 and the Mayor's people that are still here, and,

1 Kelly Comings [ph,] and all of the -- Beth and  
2 Garvey, and all of the staff, and Adam, for putting  
3 in this extra-long day.

4 There's is no overtime for this.

5 So we want to thank you guys for doing all  
6 the great work that you do.

7 Thank you very, very much.

8 MICHAEL PALLADINO: Thank you, gentlemen.

9  
10 (Whereupon, at approximately 6:06 p.m.,  
11 the public hearing held before the four  
12 New York State Senate Standing Committees  
13 concluded, and adjourned.)

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