

MEMORANDUM

TO: HON. SHELDON S. LEFFLER
FROM: ROBERT J. BENFATTO, BERNICE SIEGAL, COREY BEARAK & REGINA POREDA

updated 4/29 by Corey

RE: West Cunningham Park Civic Association

DATE: Wednesday, April 30, 8:00 p.m. [**arrive @ 8pm to speak first**]

LOCATION: Lutheran Church, 188th Street & 73rd Avenue

CONTACT: Bob Harris

FORMAT: 15-20 min. talk, followed by Q&A (approx. 10 min.)

PEOPLE TO RECOGNIZE:

Bob Harris, Pres.

Diane Cohen, CB 8 DM, WHO WILL SPEAK AFTER YOU IF YOUR ARRIVE @ 8PM

ISSUES: *Public Safety

*Housing & Zoning Enforcement [working w/ Bob & **John Steinberg**, many sites, including 197th Street - do not mention by name, you never know who's in audience!

*107th Pct. staffing

*Old 107th Pct. site, possible loss of use as a police site to the community

*PS 26 [you "rebuilt" park; plan to fund computer center @ CSB recommendation]

*funding for youth: mid-queens/ Pomonok

*funding for Cunningham Park improvements (ongoing)

[speech begins on numbered page two

4/30/97 West Cunningham Park]

Thank you for your invitation and for coming to listen to me this evening . . .

[good place for anecdote about people who are committed].

I respect the efforts you - especially people such as Bob Harris who finally applied for and was appointed to Community Board 8 and does yeoman work with United Civic Council and the Federation of Civics - puts in and the work you do to maintain and improve the quality of life in our community.

I have been asked to speak to you about how government is dealing with public safety (including the community policing program), and the illegal conversion of one and two family homes and other housing and zoning code enforcement issues.

Increasingly, New York City's story is **a tale of two cities**, separated by **a gulf between the more well-to-do enjoying their bonuses and stock options and the working and middle classes** who struggle to find the means to get their children a good education when college costs so much and worry about their parents' health care and their own retirements. Often we are pinched at both ends.

It is a tale of the *have-alots and have nots*. Where an average investor in N.Y. stock exchange stocks made more than a 30% return last year and 20% so far this year while a single, unemployed mother faces the prospect of losing her assistance check, her home, and her dignity due to changes in government policies; or where two employed parents wonder where they'll find the resources to pay for two kids in college at the same time a face retirement.

That's why we need to re-invigorate a City government which helped make a difference in our lives. It has provided us with the tools (e.g., education) and assisted us to take advantage of the opportunities around us.

Where government applies the necessary resources, it makes a (positive) difference in people's lives, especially those like us who feel the pinch (of paying more: for the cost of living, for gov't services, for our children's education, for our parents in long-term care and for our own retirements)

We have made great strides in working toward a safer city. My 1990 legislative proposals evolved into the **Safe Streets, Safe City** (SSSC) program.. Safe Streets, advanced by then Mayor Dinkins and the City Council in 1991, bolstered our police force from 31,000 to 38,000 - e.g., up almost 7,000 cops, about 20% [The pre-merger NYPD increased from 25,450 to 31,000].

The infusion of more police officers and the extra cops deployed by the (later) mergers of the Housing Authority and Transit Police Departments into the NYPD provided resources to attack the violence which afflicted too many neighborhoods. Companion to Safe Streets, we introduced the strategy of Community Policing - a modern return of the beat cop.

This strategy, apparently under attack by the Giuliani administration, proved effective in attacking quality of life offenses and crimes such as burglary and car theft which concern many residents in community such as Fresh Meadows.

Community policing decentralizes crime fighting to the precinct and sector levels. Police and community member cooperate in an effort to address local crime and quality of life offenses that - if tolerated encourage a climate of crime. Its **primary philosophy** involves a modern day return to **block-by-block policing**.

In this way, community policing - the frequent presence of cops in communities - contributes to an increased sense of security and safety in the city. When people fear crime less, they'll shop more, stay out later - it becomes almost self fulfilling.

Community Policing presumes training Precinct Commanders and personnel, especially neighborhood police officers to act as advocates for the community they serve. Highly visible officers spend time getting to know neighborhood residents, merchants and young

people. They gain intelligence on problem locations; they know the rotten apples who - if kept in line - gain a chance to mature into good citizens.

Policing NYC in the 1990s, a document prepared by the NYPD and released in January of 1991, outlined the **essence of** community policing. In this document, the NYPD committed itself to **moving from an incident-responding bureaucracy to a creative high-performing organization fielding officers who serve as neighborhood advocates, problem solvers and crime controllers.**

I believe that the emphasis on community policing in the early 1990's is in **large part responsible for the drop in the crime rate** that the City is now enjoying.

Thus, 1990 and 1991, we took aim at violence in our City and in 1997, we see it reduced to a levels not seen in over 20 years. Consider the citywide reduction over the last several years:

1. **Crime complaints down 41.7% in 107th Pct ('93 to '96).**

2. **Total crime dropped 38.2% since 1990,**

(1995: 438,264 v. 1990: 710,221)

3. Homicides are at the lowest level since the early 1970's, (1995: 1148 v. 1990: 2245)

107th Pct. Data for Crime

	<u>1995</u>	<u>1996</u>	<u>% Change</u>
Murder	4	13	-20%
Rape	27	30	-10%
Robbery	732	99	-26.51%
Felony Assault 241	241	0%	
Burglary	1187	1278	-7.12%
Grand Larceny	591	667	-11.39%
<u>Grand Larceny/Auto</u>	<u>2527</u>	<u>3832</u>	<u>-34.06%</u>
Total	5309	7049	-24.68%

The results demonstrate the success of a government-community partnership to invest greater resources to attack a major problem. The public made a clear priority of the need

to address crime. Government developed a program - Safe Streets - and enlisted public support to secure Albany's approval to enable the City to raise resources for a targeted need - more cops and resources for public safety.

As good as these statistics read, **more can and should be done**. We must work to **strengthen community policing, not abandon it as - despite their denials, the current administration persists in doing**.

Many constituents and residents in other parts of Queens complained that they find too few officers on the beat; that precinct staffing rarely reach and never maintained the levels needed to implement community policing. As early as 1994, I expressed this concern. That year **I issued a report, *A Review of the NYC Police Department's Community Policing Program***.

We **found that actually practices failed to parallel the department's definition of community policing**.

Also disturbing, we found inconsistent coverage of beats and a police culture that failed to adequately encourage community policing.

At my **October 2**, 1996 Public Safety Committee **hearing**, I raised these problems with NYPD Commissioner Howard Safir. I also made clear my concerns to Precinct and Borough Commanders.

Commissioner **Safir makes it clear that precinct commanders** - as long as crime statistics in the precinct do not cause the department any embarrassment - **remain free to deploy their command as they see fit**. This does not demonstrate a city-wide commitment to community policing.

In fact, periodic decreases in staffing cause some commanders to rethink community policing as we know it. Community Policing requires the infusion of more officers envisioned when the public and government entered into the partnership that funded Safe Streets some six years ago.

The current uniform staffing (as of April 1997) for the 107th Pct. stands at 191 officers (compares to 179 for '96) against a SSSC target of 217 officers.

City Hall must recognize that the public demands adequately staffed police

precincts which provide the community police presence we need, expect and were promised when we agreed to extra dedicated taxes to pay for SSSC.

In fact, the inadequate or failed implementation of community policing reflects the main dynamic effecting City government - **the budget problem**.

NYC revenues have not grown to match increased expenses.

The annual growth in the cost of past budgets, without a similar growth in the City's tax base, has led to:

1. Structural deficits,
2. Erosion of the City's credit rating and
3. Increased interest costs on its bonds.

One does not need to be aware of all this to know that **the economy is not supporting the largesse we have become used to**.

A new, truly balanced budget must be created for 1998. I have supported the reduced size of the budget.

We know **government at all levels is cutting down its size**. The **issue is not so much whether but how we make changes**. What we do has an impact; it has to affect people fairly.

Recognizing these budget realities and its effects on Public Safety, I have been working on instituting a more effective **deployment** of police officers. The administration's resistance and lack of commitment to **Civilianization** hinders the ability of the police department to re-deploy sufficient numbers of police officers at the precinct (and borough) level(s). Cops working as *clerks* fail to patrol community beats.

Increased **Civilianization** within the NYPD would empower the NYPD, within its existing budget, to re-deploy sufficient uniformed personnel to precincts to realize the promise of community policing.

Civilianization **uses of civilians in precincts, borough commands and at One Police Plaza** for paperwork, computerization and data analysis. At the precinct level, it **frees up officers** to walk their beats more often. At borough and the main HQs, it allows the re-deployment of officers in non-police functions to serve as police in local precincts.

Instead, civilian staffing remains much **lower than envisioned** under SSSC. **6635 civilians** (as of February 1997 compared to 6,813 the previous year (February 1996) and 7000+ (not counting those with the TA and HA) in 1991. The current budget plan for FY'98 which begins in July 1997 calls for an even further reduction to 6,309 civilians. And don't let the Mayor's spin artists fool you. They may try to pad these numbers with the 2,038 civilian traffic enforcement agents transferred into the NYPD from the Transportation Department. Just too many cops work as clerks instead of on patrol.

[July 1	'96 Uniform/Civilian	v.	'95 Uniform/Civilian	
[105th Pct.	263 / 28		264 / 22]	
[103rd Pct.	270 / 29		277 / 27]	
*107th Pct.	178 / 23		195 / 20	
[111th Pct.	157 / 16		156 / 14]	

The agreements implementing SSSC and financial constraints placed the City in a strait jacket and prevented full implementation of Civilianization. SSSC emphasizes headcount at the expense of deployment. It imposes no requirement on how police officers function. As a result, I continue to raise the failure of the Mayor to try to make SSSC functional. The recent renewal in Albany was a missed opportunity.

I am hopeful, lower crime rates will not discourage mayoral contenders from raising this important issue during the 1997 campaign. We must not be content with good results when we know more can be- and we need more to be - done.

Unless the City fully implements Civilianization, it will be hard to maintain community policing, even at present low levels.

The Public Safety committee, which I chair, will continue to **press the NYPD and the administration to move police officers from behind desks to patrol.**

I need your help as well. Please raise these issues in other public forums and, at mayoral debates, forums, or candidates nights. Continue to raise it as a priority in this civic and encourage other groups to do the same. We can make a difference.

Efficiency in public safety does not stop with increasing Civilianization. **In addition**, I have been working to **make** our public safety **agencies more productive** by:

1. Expanding the scope of agencies;
2. Introducing modern technology, including E9-1-1, video tele-conferencing and computerization of police documents and records; and
3. Introduction of competition.
4. Accelerating the adjudication of criminal cases
5. Prompt [Probation Department] pre-sentencing reports.
6. Alternatives to Incarceration
7. Strengthening our cops' commitment to appropriately enforce the law

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1. Expanding the scope of agencies:

(A). My law requires the upgrading of fire alarm boxes citywide to voice activated boxes [and the limited deactivation of alarm boxes in certain targeted communities]. As this reduces false alarms, this should enable Fire Department units to respond to medical emergencies, providing CPR (and CFR-D), thereby saving lives.

(B). A second law provided for the EMS/Fire merger. In addition to realizing some limited administrative savings, I extracted commitments from the Giuliani administration to assure improvements in ambulance and other responses to medical emergencies:

- a. 90% of the responses to potentially life-threatening calls under six minutes for basic life support units;
- b. 90% of the responses to potentially life-threatening calls between 8-10 minutes for advanced life support units;
- c. 90% of the responses to non-threatening calls under 10 minutes;
- d. 10% increase in the number of ambulances available within six months; and
- e. A report, by a committee of medical experts, to me on or about March 1997 to enable the council to evaluate the effectiveness of the merger.

A hearing earlier this month revealed the failure of the Giuliani to fulfill the commitments it entered into with the Council on the public's behalf. I will monitor compliance through the budget hearings this month.

It is not enough to pass a law or announce a program; this administration must

honor its commitments to improve public safety, broadly defined, not just reduce violence in communities infested with drugs.

Introducing modern technology:

(A). E911

The Enhanced 911 (E911) digital telephone system provides New Yorkers with the most advanced, most state-of-the-art system, of its kind anywhere in the United States. It includes:

- a. automatic number and location identification,
- b. clear voice communication &
- c. a records management system to record repeat and fraudulent calls.

E911 also features mobile data terminals allowing communication of visual information between dispatchers and patrol cars. This includes

- a. Past violations,
- b. Outstanding warrants,
- c. Orders of protection, and
- d. Driving license suspensions and revocations.

Officers equipped with cellular phones can communicate directly with callers to the 911 system.

(B). Video Teleconferencing (to speed up the arrest to arraignment process).

(C). Computerization of police documents and records.

(D). Introduction of kiosks to enable non-violent offenders to report, which allows the department to decrease caseloads for the violent probationers.

3. The introduction of competition: e.g., Legal Aid Society RFP.; using private companies to repair police vehicles and maintain police offices

4. Speeding up the adjudication process of cases: e.g., extensive coordination between the courts, district attorneys, defense bar and legal aid society.

5. Accelerated production by the Probation Department of pre-sentencing reports.

6. Use of Alternative Sentencing for non-violent offenders. Last Friday's

committee hearing demonstrated how the use of ATI programs reduce the costs of incarceration. More importantly, from the public safety vantage point, these programs prove effective in moving their clients to lead productive, non-criminal lives.

7. We must **strengthen our cops' commitment to appropriately enforce the law**. The documentation of police corruption and brutality by the Mollen Commission demonstrates this need.

Addressing police brutality and misconduct helps instill public confidence, especially in the many communities where the police officers look different than those in the community. We need to instill a police-community partnership in every community and every precinct.

Thus, I fought to create the new **Civilian Complaint Review Board (CCRB)** - in July 1993. The CCRB has jurisdiction over allegations of misconduct involving excessive force, abuse of authority, discourtesy and offensive language. The administration has failed to allow this agency to staff at the levels budgeted by the Council. This hinders its ability to address a backlog of cases and timely investigate and make findings to the police commissioner on new cases. Moreover, under this administration, the police commissioner has yet to discipline a police officer following a CCRB finding.

We all see public safety as not just policemen and firemen. Public Safety includes the City's **quality of life** as a whole.

We must work on the city's quality of life with the same effectiveness and the input of the necessary resources, as we did with SSSC. Quality of Life means a better education, adequate services for seniors and youth, a functional transportation system, rational zoning and the enforcement of land use and building and housing codes - to name but a few.

Educating our youngsters can no longer take a back seat to politics as usual. A sound education provides young people with hope and opportunity. Better educated people remain less likely to get into trouble or require (much) public aid.

We must fight to fund our school system at a more equitable level. The State and Federal governments fail to provide NYC a fair share of their education funds.

This would not only provide more funding to poor and low-performing districts, it

would increase the level of funding in District 26 and the high schools serving our communities. Without such funding we will fail in our job to educate our children. City Hall must be a forceful advocate in Albany and Washington. The present administration has proved woefully inadequate in making this case for us; it just hasn't bothered!!

As financial circumstances force both parents more and more to work outside the home, government's scale back of **day care and after school programs** leave children unsupervised and at risk and families unduly stressed.

We recognize **seniors** as a source of stability in our communities. We all gain when our older population can remain in our community. We need their knowledge, skills, compassion and experience.

I strongly support programs like SCHE and SCRIE to help seniors maintain their homes or apartments. The Council recently **lowered the tax rate for senior home owners by raising the income eligibility level on the senior citizen real property tax exemption program to \$26,900.**

My office works with senior centers to address senior's needs, including counseling and transportation.

I will continue to fight for the **maintenance and/or restoration of a number of programs** that are of assistance to seniors. Such as:

(A). the Home Energy Assistance program,

(B). the Home Equity Conversion programs and

(C). the Emergency Home Repairs Program.

(D). the continuation of **6 day service at branch libraries (note: this was provided for in the last fiscal year budget).**

I've been working with your community and civic leaders such as Bob on a serious quality of life issue that, until recently, too many in government left on the back burner.

The tragic fire last week in an illegal boarding house was not, as the article suggests, the inspiration for government action. I have been pursuing legislative and administrative remedies to address **the proliferation of illegal uses of one, two and three family homes**, which predominate in my district in eastern Queens. I am also aware and support

efforts to address illegal conversions of larger size dwellings.

In spite of procedural changes implemented specifically by the Department of Buildings ("DOB") to deal with community concerns about illegal conversions, and discussions and meetings regarding enforcement with members of the Giuliani administration, illegal uses continue to proliferate. Hazardous buildings continue to endanger their inhabitants and neighbors. Councilmember Archie Spigner, chair of the Council's Housing Committee, and I introduced a measure last year to enhance the coordination among various city agencies in response to a number of deadly fires. The common thread running through these tragedies was a breakdown in enforcement and governmental consistently worked with community groups, community boards and others to address this plague.

I recognize and commend Queens community groups for placing a great priority on improving code enforcement. My staff works closely with the United Civic Council and the Queens Civic Federation to advance sound policies.

Two basic problems hinder the prevention of illegal and unsafe housing:

1. **Perlongo** - a decade old court decision - has prevented the Department of Buildings from getting access to any home where an alleged illegality has occurred unless the inspector or another party (e.g., the complainant) swears out a statement - **an affidavit**. The information contained in the affidavit provides a legal basis for buildings to get a criminal judge to issue a warrant requiring the owner to let the inspector come in.

Many people who have knowledge of an illegality are reluctant to swear out an affidavit against their neighbor because of concerns over confidentiality.

My legislation would allow the Council or Community Board District Managers swear out the affidavit. The Guiliani administration opposed as insufficient, but failed to offer any other means to get at owners who deny access to inspectors. One of the Democratic candidates has committed to signing it into law; the other three have not - to my knowledge - been contacted concerning this bill. I would welcome their support.

The recent news media attention, particularly the page one story in Sunday's NY Times, indicates a reversal of sorts by the Mayor. In an interview for Sunday's story, Building Commissioner Silva indicated his inspectors would know sign the affidavits. My office will

closely follow this development. We plan to start by re-submitting all outstanding and unresolved complaints where access proved to be a problem in securing enforcement.

2. The lack of sufficient inspectors to investigate all the complaints continues to impede enforcement. I'll let Diane Cohen address the effectiveness of each Community Board getting an inspector a month for half a day. My office has been promised the use of inspectors for part of a day, but have not seen any yet. Cuts in inspectors and other personnel imposed by the Mayor's Office of Management and Budget [OMB] impeded the ability of Buildings Department [DOB] and the Department of Housing Preservation and Development [HPD] to inspect premises and issue violations.

Buildings' answer to the lack of sufficient inspectors. is to permit greater **self-certification** by architects, engineers and licensed plumbers. These professionals would certify their own work at the risk of losing their licenses if they are caught falsely approving a building application (e.g., designing or constructing an illegal multiple dwelling in a one or two family zoned area). This would, simply put, perpetuate illegalities in housing. Economic pressures would make it likely that some of these professionals may approve unsafe and illegal plans.

Where some may comply by trying to legalize the illegality, others may pay the fine and hope they never get inspected again and some will just ignore the order. Thus, it is important that we work together on each identified illegal dwelling and follow up until the illegality gets corrected.

3. Other measures. The City not only often fails to enforce the law, many times, when it does enforce, it fails to collect fines and penalties until a building is sold. I also propose five legislative initiatives:

- 1) make certain Building Code violations Health and Fire violations as well, thereby allowing access without a warrant the respective departments;
- 2) increase fines for failure to certify that a violation has been cured;
- 3) legislate access for certain DOB violations as a public safety matter (e.g., OSHA inspections, health inspections) particularly to verify violation cure;
- 4) provide alternate in rem relief for the City on unsatisfied ECB fines and penalties relating to DOB violations for illegal conversions, illegal use and illegal

occupancies and attach to the premises as a lien; and
5) make unsatisfied ECB judgments non-dischargeable in bankruptcy proceedings
and a priority over other non-governmental judgments.

In addition, Environmental Control Board and judicial orders should require that parties stipulate to permit access for a re-inspection to confirm subsequent compliance.

Many of these initiatives are also enunciated in the Policy on Building Code/ Zoning Resolution Enforcement developed by Bob's United Civic Council and adopted March 24, 1997 by the Federation of Civic Councils of the Borough of Queens. I've endorsed this civic policy statement which calls for more inspectors and other enforcement measures. I expect to introduce legislation next month to give all of my colleagues on the Council an opportunity to endorse it.

In the interim, do not be deterred. **Please inform my office of any illegality you have knowledge about. My office takes complaints in writing but never identifies the complainant.** In addition, I will take complaints through a civic. We will follow it through, but please have patience. I have a number of illegal sites in the W. Cunningham Park area already submitted to the Buildings Department and awaiting action.

It is a time of **challenge to provide an efficient, effective and equitable government** while **extending opportunity, hope and a stake in society to all our citizens.** Any **suggestions** you have, or advice you think I would find useful, would be greatly appreciated.

[Concluding] Those of us in government have **a lot of work ahead of us.** While it's the **"best of times" for some, it's still the "worst of times" for others.**

I would now like to answer any questions you in the audience may have.

Thank you.