

The Chief

Civil Service LEADER

THE CIVIL EMPLOYEES' WEEKLY

PRICE \$1.00

116th YEAR - Vol. CXVI, No. 12

thechiefleader.com

NEW YORK, NY • FRIDAY, JUNE 1, 2012

Policing Experts Claim NYPD May Be 'Gaming' Decline in Homicides

Department Denies Delaying Murder Listings Pending Further Investigation

By MARK TOOR

The conventional wisdom is that it's hard to fiddle with homicide statistics because you can't hide the bodies, but a pair of policing experts say it appears the NYPD has figured out ways to do just that.

"We've been told by people on the force that they're doing everything they can to game the system, including homicides," said Eli Silverman, who with retired Police Capt. John Eterno wrote a book, "The Crime Numbers Game: Management by Manipulation," making the case that the department's Compstat crime-analysis system has made middle-managers downgrade crime reports and take other questionable actions to show never-ending decreases.

City Claims Historic Low

The Police Department and the Bloomberg administration claim homicides are occurring this year at the lowest rate since police began recording statistics in 1963. The department announced that it recorded 129 homicides through May 11, down 21 percent from a similar period in 2011. At the same time, however, shootings were up 6 percent from last year.

Mayor Bloomberg brags that the decline in homicides since he took office has saved 5,600 lives compared to the totals during the prior decade. He uses this figure to defend the department's controversial stop-and-frisk program, which a rising number of critics say

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ELI SILVERMAN: Found way to downgrade murders?

Cop-Killer Sentenced To 28½ Years Behind Bars, Pleading PBA

By MARK TOOR

The Patrolmen's Benevolent Association applauded the stiff sentence given May 23 to the man convicted of aggravated manslaughter for pushing Police Officer Alain Schaberger over a porch railing, sending him to his death, while struggling to avoid arrest on domestic-violence charges 14 months ago.

'Keep Him Off Our Streets'

"While it will not bring back a fine New York City police officer," PBA president Patrick J. Lynch said in a statement, "the maximum sentence of 25 years to life pronounced by the court today was appropriate and will keep a very violent career criminal off our streets. We are hopeful that the

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PATRICK J. LYNCH: Justice for career criminal.

Negligence a Factor in Death 'Deutsche' Fireman's Widow Agrees to \$10M Settlement

By SARAH DORSEY

The widow of Firefighter Joseph Graffagnino, who was killed at age 33 in the 2007 Deutsche Bank blaze, announced May 20 that she would accept \$10 million from contractor Bovis Lend Lease and the city for her husband's death.

Bovis, along with subcontractor John Galt Corporation, was found to have committed multiple safety violations at the site where Mr. Graffagnino and Firefighter Robert Beddia died, but avoided prosecution after agreeing to compensate the families of the slain men. The company will pay \$9 million to Linda Graffagnino, whose children with her late husband are now 5 and 8, while the city will pay \$1 million. The family of Mr. Beddia, who died at 53, accepted a settlement of \$6 million in 2010.

'They Don't Make it Easy'

Joseph Graffagnino Sr. said he was happy the case had finally been settled and that he hopes a separate civil suit filed by his son's wife against John Galt Corporation will be successful.

"They've been blocking us for years so far," he said. "They don't make it easy on you, the city."

The two firefighters died Aug. 18, 2007 in a seven-alarm blaze at the Deutsche Bank building, which had been damaged on 9/11 and was simultaneously being demolished and undergoing toxic abatement by Bovis.

Mr. Graffagnino and Mr. Beddia became trapped on the 14th floor, in a stairwell whose protective safety walls had been removed. Every other floor was blocked off to contain the



JOSEPH GRAFFAGNINO

toxins being removed, and the required kick-out panels, which would have allowed escape, had not been installed. There was no working sprinkler system, and arriving firefighters were told the building's standpipe, which allows water to travel to upper floors, was operational, though it had been dismantled weeks before.

A Litany of Safety Complaints

Then-Manhattan District Attorney Robert M. Morgenthau slammed the Lower Manhattan Development Corporation, a joint city-state entity that owned the property, in 2008 for failing to report nine fires in the previous 2½ months to the FDNY, and

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Claim He's a Serial Harasser TWU Demands Suspension Of 'Disgusting' Supervisor

By SARAH DORSEY

Bronx Bus Operator Nancy Jenkins says she just wants the supervisor who licked her face April 9—and allegedly groped and verbally harassed several other employees over the years—to be suspended so he can't molest other workers.

Her boss, Earl Bryant, was instead merely transferred out of the Kingsbridge depot pending a Metropolitan Transportation Authority investigation.

Transport Workers Union Local 100 President John Samuelsen said at a protest at New York City Transit headquarters in lower Manhattan May 21 that this wasn't enough. He angrily asserted that if an employee had licked a supervisor, the MTA would have had her suspended immediately and fired quickly. An MTA representative said he could not discuss an ongoing investigation, but that the matter was being looked into and appropriate action would be taken.

'Double Standard for Workers'

"What he did to me was disgusting," Ms. Jenkins told the crowd. "I'm still suffering from it. Knowing that other women [will still be] suffering because of this guy... It tears me up."

She filed a formal complaint against Mr. Bryant with the MTA April 9, charging that when she became upset about something he said that morning, he held her shoulders

and licked her face from under her chin up to her eyebrow.

The next day, he was still at work, with no change in status. Ms. Jenkins took a leave rather than continuing to see him and facing her co-workers' jokes and gossip.

"I didn't know I was working in an environment [with such a] double standard" for employees and supervisors," she said of the agency's refusal to suspend Mr. Bryant.

"We are outraged at the mistreatment of our female employees by the MTA," Mr. Samuelsen told reporters and the small crowd of Local 100 members who'd marched through the NYC Transit headquarters lobby in protest May 21. "Without justice to the ladies of Local 100, there will be no peace."

'His Behavior Has Escalated'

Mr. Samuelsen said employees had faced "decades of disparate treatment," adding that if a worker had licked the face of a supervisor, he "would have been dragged off the property in handcuffs."

The union president, who stopped to collect himself at one point after shouting angrily for several minutes, said he knew of at least four harassment allegations against Mr. Bryant, including an incident where he squeezed a subordinate's testicles.

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SAYS HARASSER MUST GO: Bronx Bus Operator Nancy Jenkins told reporters May 21 that the supervisor who licked her face—and allegedly groped and harassed others over more than a decade—should be suspended pending a Metropolitan Transportation Authority investigation. Keeping him on the job is like 'putting wood on the fire,' she said.

State Plans to Hire Biologist Trainees

Headcount Due for 13.5% Hit

Say Short-Staffed Parks Can't Get Clipped Again

By DAVID SIMS

The Parks Department will take a hefty cut to personnel, particularly the Job Training Participants it has relied on in recent years, to fill budget gaps, Commissioner Adrian Benepe announced at a City Council hearing.

As part of a 2.6-percent funding cut, the Parks employee headcount will plummet by 13.5 percent, Mr. Benepe said, unless the Council restores money to the budget as it did last year. Job Training Participants, transitional workers who have the chance to move into full-time jobs and are represented by a District Council 37 association, would be cut by 43 percent, a loss of nearly 700 positions.

One Patrol Officer Per Borough?

Parks Enforcement Patrol Officers, who help enforce public safety issues in the city's parks, would be cut by



ADRIAN BENEPE: Appeals to Council for funding.

\$570,000, leaving only one officer to cover an entire borough at times, DC 37 Local 983 Vice President Joe Puleo said.

"There's not going to be anybody to cover PEP patrols in most of the boroughs this year," he said in a phone interview. "Queens is only going to have one officer, Brooklyn is only going to have two."

The city employed a high of 450 PEP Officers in the 1990s but has seen those numbers dip below 100 due to a hiring freeze imposed after the 2008 financial crisis. Staffing has been reduced by 48 percent since 2008, Mr. Puleo said.

"They're claiming it's a result of the hiring freeze, but the hiring freeze wasn't supposed to include public safety," he said. "There's nobody really out there."

Mr. Benepe testified that the head-

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JOE PULEO: Fears 'dramatic decline in quality.'

MTA to Pay Up to \$2,000

Cuomo Backs Rewards For Reporting Transit Assaults

By SARAH DORSEY

Governor Cuomo announced May 21 that people who witness assaults on Metropolitan Transportation Authority employees can receive up to \$2,000 for reporting the crimes.

The "Transit Watch" program, which will be paid for by the MTA, arose from a conversation at a May 10 conference on transit-worker assaults organized by Transport Workers Union Local 100, the MTA, and two other unions representing agency employees.

'Big Win for Transit Workers'

Under the program, witnesses may call the NYPD's Crimestoppers hotline at 800-577-TIPS (800-577-8477) to report a crime anonymously. Someone offering information leading to an indictment for assault against a bus or subway employee is eligible for the reward.

"This is a big win for transit workers, who face physical assaults, verbal abuse and threats every day on the job, and who have long felt that transit assaults are given a low priority," said Local 100 President John Samuelsen. "We very much appreciate Governor Cuomo's immediate action to turn a good idea into reality virtually overnight."

"Assaults on transit workers are on the rise, and the MTA is committed to making them stop," said MTA Chairman Joseph J. Lhota. "An attack on any one of our workers is an attack on all of us, and we share the goal of protecting our employees as they put their lives on the line every day." Mr. Samuelsen previously acknowledged that the May 10 conference was a step forward for the MTA, and wouldn't have happened under Mr. Lhota's predecessor, Jay Walder, with whom the union leader feuded bitterly.

The idea of paying witnesses in transit-assault cases was mentioned



JOHN SAMUELSEN: Governor's support 'a big win.'

by Bronx Executive Assistant District Attorney Anthony Schepis, who suggested giving a free year of unlimited Metrocards to witnesses who weathered the long legal process to testify against assailants.

Attacks on the Rise

Mr. Samuelsen has called on the MTA and prosecutors to take such incidents more seriously as the numbers of assaults have risen over the last few years. According to the MTA, 48 were reported between Jan. 1 and May 21, 2012, while only 40 occurred during the same period in 2011. When spitting and violent threats are included, the numbers are significantly higher.

Mr. Samuelsen and other union advocates contend that despite a 2002 law that raised penalties for assaults against certain transit workers who

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Pay Starts at \$39G And Rises to \$52G; Deadline is July 2

Bachelor's Degree, Specific Courses Required For 2-Year Program

The Department of Environmental Conservation and other state agencies are looking for Biologist Trainees 1. Concentrations are available in Aquatic, Ecology, Marine and Wildlife. The application deadline is July 2, and the filing fee is \$35.

The starting salary is \$38,934 per year. After the first year, it rises to \$41,170. After the second year,

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Nassau Unions Sue To Pre-Empt New Law Allowing \$40M in Cuts

By MARK TOOR

The Nassau Civil Service Employees Association and another union representing Correction Officers went to Federal court May 22 in an attempt to block implementation of a law that gives County Executive Edward P. Mangano authority to unilaterally

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EDWARD P. MANGANO: Unions don't trust him.

Correction

In the print edition of May 25, 2012, Richard Steier's column about the fatal shooting of Patrolman Phillip Cardillo 40 years ago inside a Harlem mosque erroneously stated that among those who were key players in the incident who have since passed away was then-Chief of Detectives Albert Seedman. Chief Seedman is 93 years old and still very much among us.

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