

Testimony of Sheriff Lindsay Eason
New York City Department of Finance

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Before a Joint Hearing of the
Committee on Civil Service & Labor and the
Committee on Finance

on

The Role of the Sheriff in New York City

Good afternoon, Chairman Addabbo, Chairman Weprin and members of the committees on Civil Service & Labor and Finance. I am Lindsay Eason, the sheriff of the City of New York and a deputy commissioner within the New York City Department of Finance. On behalf of Finance Commissioner Martha E. Stark, I want to thank you for the opportunity to appear here today to speak about the role of deputy sheriffs.

I will start by providing a brief historical background on the Office of the Sheriff and explain how it came to be situated at the Department of Finance. I will then describe the various duties performed by deputy sheriffs. Finally, I will be happy to answer your questions.

Brief History

Although the Sheriff has roots in New York City as far back as 1626, the modern incarnation of this office was created in 1942 when Sheriff's Offices in each borough were combined into one agency, with a single Sheriff for the entire City. The Sheriff was selected through civil service procedures, starting after successfully passing an examination for deputy, deputy lieutenant, undersheriff and then sheriff. In 1995, the City Council passed legislation that folded the Office of the Sheriff into the Department of Finance. As part of this merger, the selection of the sheriff was changed from a civil service position to an appointment by the mayor. The rationale for this reorganization and merger into Finance was that it made sense for this office, which was largely responsible for enforcing

monetary judgments, to become an arm of the agency responsible for collecting judgments and other revenue on behalf of the entire City. Then, as now, the office's primary duty was to enforce civil law through the execution of court mandates, orders and warrants.

Twelve years later, the deputy sheriffs still enforce monetary judgments, but their duties have changed. In some cases, their roles have expanded to meet new needs both within the Department of Finance and the larger City government. In other cases, their roles have shifted in order to focus on what they do most effectively.

What Deputy Sheriffs Do Now

As one of 15 divisions of the Department of Finance, the Office of the Sheriff has 128 uniformed deputy sheriffs and 75 non-uniform employees working in four separate units: the Law Enforcement Bureau, the Patrol Bureau, the Warrants Unit, and the Marshals Support Unit.

The **Law Enforcement Bureau** enforces warrants issued by the various courts, such as Small Claims, Housing, Supreme and Civil Court. When a person or corporation files a civil law suit and is awarded a judgment or other court action, they will take the court order to the deputies of the bureau, who will work to collect the judgment or seek satisfaction of the court orders. These actions can include the seizure of assets, such as property or money or the attachment of the property to prevent its sale or disposal. The Law Enforcement Bureau also works to remove individuals who are

deemed a threat due to mental decompensation, after the family has filed and received a court order under Section 9.43 of the New York State Mental Hygiene Law. Deputies in this unit also coordinate with sheriffs in other counties of New York State and other states to transport individuals who have been arrested for civil court violations and who must be returned to the original court of jurisdiction. When an individual obtains an order of protection, the deputies within this unit serve these orders. The Law Enforcement Bureau has offices in each of Finance's Borough Business Centers.

The **Patrol Bureau** covers a wide range of activities. The deputies assigned to this unit conduct illegal cigarette tax operations, both in conjunction with the Office of Tax Enforcement of the Department of Finance and independently. Since January 2007, the Patrol Bureau has seized approximately 400,000 untaxed cigarettes and arrested more than 300 individuals who either failed to pay or were avoiding paying the New York City and New York State cigarette taxes. The deputies have also seized counterfeit cigarettes. Deputy Sheriffs have also seized counterfeit CD's, DVD's, Nike sneakers, weapons, drugs and even a Yamaha motorcycle. The Patrol Unit also is responsible for working with a number of different City agencies in advancing their missions - and I would be happy to offer you further examples.

The **Warrants Unit** serves an average of 930 Family Court summonses per month to parents who are delinquent in their child support payments. As part of a Memorandum of Understanding with the New York City Human Resources Administration, the Sheriff

serves summonses that tell parents the date, time and place they must appear to rectify overdue child support payments. When a parent fails to appear, an arrest warrant is issued, which the deputies will execute. Although the number of individuals arrested for these violations is minimal, these arrests send a powerful message to others who neglect their family obligations.

Also within the Warrants Unit is the Kendra's Unit, which locates and apprehends individuals who have failed to comply with their treatment and are decompensating. Although similar to what I previously mentioned in the Law Enforcement Bureau, the Kendra's Unit operates under the provisions of section 9.60 of the New York State Mental Hygiene Law, as well as a Memorandum of Understanding with the New York City Department of Health and Mental Hygiene. The Health Department and Sheriff work together to locate, apprehend and supervise the transport of these individuals to a treatment facility. A Health Department social worker and the deputies will locate the person and then have them removed for further treatment.

As you probably know, this unit was created after the passage of Kendra's Law, named for Kendra Webdale, who was killed on a Manhattan subway platform in 1999 by a troubled individual who had stopped taking his medications. This unit has been so successful in preventing a repeat of what happened to Ms. Webdale that other jurisdictions have followed suit and have modeled their units after ours. Recently, Kendra's Unit worked with the Nassau

County Sheriff's Office to assist them in the creation of their own Kendra's Unit. On average, 25 apprehensions are made per month.

On occasion, deputy sheriffs exercise their power as peace officers to make arrests in criminal cases. If a deputy observes a crime being committed, such as a store being robbed, then he/she can arrest the individual.

Parking Enforcement

Notwithstanding the variety of important duties that deputy sheriffs perform, I suspect that the public has come to associate deputy sheriffs most closely with the towing of cars for unpaid parking tickets. This is unfortunate, because as I said, the role of deputy sheriffs has expanded to include duties that are much more important, such as protecting the public's health and ensuring that parents who are delinquent in the child support payments pay what they owe.

Deputy sheriffs perform a very small percentage of "scoff tows" - less than 2 percent of the vehicles towed to be precise. City Marshals perform the rest. Towing is a collection tool of last resort, and it is not a very efficient tool when you consider that it requires tow trucks, storage space, and auctioning of cars. Fortunately, towing numbers have declined over the last several years, for a variety of reasons. Most importantly, Finance has provided more ways for people to pay their tickets, including online and by credit card. In fact, 30 percent of all parking tickets are now paid electronically, including 5,000 payments a day online. We have made it easier for people to contest their tickets, reducing the time

it takes to do so in person and by mail. We like to say that it is now possible to contest your ticket on your lunch hour. And we have cleaned up our database to improve collection methods. As a result, the percentage of parking tickets paid within 30 days of issuance has increased from 37 percent in 2003 to 54 percent in 2007. In 2007, 89 percent of tickets were paid within six months of issuance, up from 80 percent in 2003.

In addition, we strongly supported the City Council's decision to raise the debt threshold at which vehicles may be towed from \$230 to \$350 in 2005. This has greatly reduced the number of cars that are in danger of being towed. In fiscal year 2006, the City towed 96,943 scoff tows, down from 137,479 scoff tows in fiscal year 2005 and 139,558 scoff tows in fiscal year 2004.

Thank you. I will be happy to answer your questions.