



# Manasota 10-13 News

"AN ORGANIZATION OF RETIRED NEW YORK CITY POLICE OFFICERS OF ALL RANKS"  
THE NEXT MEETING

JANUARY 2022 ISSUE

**PRESIDENT**

Anthony "Tony"  
Marone  
941-706-6324 Cell  
[timarone@verizon.net](mailto:timarone@verizon.net)

**VICE PRESIDENT**

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941-232-2745  
[nyod10\\_13@aol.com](mailto:nyod10_13@aol.com)

**TREASURER**

Joe Timmons  
212-991-8314 Cell  
[Sijoe22@yahoo.com](mailto:Sijoe22@yahoo.com)

**SECRETARY**

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347-722-0288 Cell  
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**Sgt-At-Arms/  
Quartermaster**

Tim Van Schultz  
941-232-9823 Cell  
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**Health - Welfare Officer**

Len Salerno  
646-302-1849 Cell  
[Lsal11@aol.com](mailto:Lsal11@aol.com)

**IMMEDIATE PAST PRESIDENT**

Richard Adler  
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[Rha53@hotmail.com](mailto:Rha53@hotmail.com)

**CLUB HISTORIAN**

Victor Rohe  
941-302-3626 Cell  
[LawMan@virohe.com](mailto:LawMan@virohe.com)

**1013 CLUB WEB SITE**

[Http://www.10-13manasota.com](http://www.10-13manasota.com)

**PAST PRESIDENTS**

- \* Al Turi
- \* Walter Wunderlich
- \* Pat Martinucci
- \* Art Zabriskie
- \* Ken Stokes
- \* Andy Flock
- \* Nick Mattera
- \* Bill Kelly
- Jack Cantwell
- \* Joe Maier
- John Donovan
- Victor Rohe
- Rich O'Brien
- Lee Reeves
- \* Joe Monteleone
- Richard Adier

\*Deceased

TUESDAY, JANUARY 11<sup>TH</sup> 2022, 6 PM

FOP LODGE #3, SARASOTA



PRESIDENT'S MESSAGE

GREETINGS MANASOTA 10-13 CLUB MEMBERS

On behalf of the Manasota 10-13 Board of Directors and myself, we wish you & your family a very Happy & Healthy New Year. We will be starting off the New Year with a pizza party at the January 11<sup>th</sup> Meeting, pizza served 6 PM, meeting starts at 7:00 PM.

There has been a lot of confusion regarding the change of Medicare coverage for those of us 65 yoa or on SS disability. Of course, this also affects all those retiring from a "City" job in the future. This has led to NYS Court challenges. At this time there is an injunction in place stopping the "City" from placing this in effect at least until 3/01/22. We are awaiting the Judge's review & decision. The new Mayor Elect, retired NYPD Captain Eric Adams will have input now that the change will take place under his auspices. The Club's Health & Welfare Officer Len Salerno & assistant Madeline will have the latest details in the Health & Welfare report.

This injunction allows NYPD retirees additional time to opt-out of the new plan & join another plan. I have been recommending the AETNA Medicare plan which will only cost \$20.00 per person per month. No deductible nor co-pays. I'll have the necessary forms at the meeting. The "once in a life time change" option, box C, upper right hand corner of Health Benefits Change Form can be used up until 2/28/22. This includes LOD widows as well.

I've included in the newsletter the NY County DA Alvin Bragg's new procedures. After reading them, I'm sure you'll be glad you are not still actively working for the NYPD, (my opinion).

Be safe, stay well,

Fraternally, Tony.



## MANASOTA 10-13 CLUB MINUTES DECEMBER 21TH, 2021

### **I. CALL TO ORDER:**

President Tony Marone called to order the meeting of the MANASOTA 10-13 CLUB held at The Fraternal Order of Police Lodge # 3 Sarasota, at 7:25 pm.

### **II. ROLL CALL, PLEDGE OF ALLEGIANCE, AND PRAYER:**

The following Board Members were present; A Quorum was met.

**President:** Tony Marone

**Vice President:** Lee Reeves

**Treasurer:** Joe Timmons

**Secretary:** Reenie Ram

**Health & Welfare Officer:** Len Salerno

**Sgt. at Arms:** Tim Van Schultz

27 additional members were in attendance.

Pledge and prayer were led by Lee Reeves.

### **III. APPROVAL OF THE MINUTES FROM LAST MEETING:**

John Stewart made a motion to waive the reading of the minutes from the last meeting and was 2nd by Toni Maggio, approved.

### **GUEST SPEAKERS:**

No guest speakers at this meeting.

### **IV. COMMITTEE REPORTS:**

#### **PRESIDENT'S REPORT:**

**NEXT GENERAL MEETING IS JANUARY 11TH, 2022, FOOD SERVED AT 6PM, GAVEL AT 7PM.**

Last year we chose Tunnel to Towers charitable donations and I'm putting forms out on the tables for those who may be interested in donating for \$11.00 a month. It was posted in our newsletter as well. We are doing our usual donation of \$1,013.00 this year.

There was an October 19th, 2021 meeting in Albany by the Alliance of Public Retirees Organizations of New York that submit may bills that may or may not pass. The 2022 legislative session for the COLA Bill improvement that the survivor spouse will increase to 50% to 100% raise, five year addition look back, COLA at age 55 and retired for 5 years, increase from 3% to 5% of the CPI (Consumer Price Index).

#### **HEALTH & WELFARE REPORT**

Lenny and Madeline Salerno have been working on this Medicare issues with the City. The extended opt out is now GHI/Emblem Health Medicare Senior Care is March 31st, 2022 and Aetna is on February 28th, 2022, which was recently the judge decided to extend the injunction. The city OLR are sending out a packet that have a pay scale on them so on January 1st, 2022 the GHI/Emblem Health Medicare Senior Care plan they will be having deductibles for almost every diagnostic, MD or specialist. Steve Cohen ESQ., is now drawing a letter to the city attorneys disputing that and that the judge had ruled everything should stay "Status Quo" meaning nothing changes, he also has filed an article 78 hearing, was approved.

The FaceBook page and website for New York City Organization of Public Service Retirees, Inc., [www.NYCRetirees.org](http://www.NYCRetirees.org) has now about 12k members and have raised \$400,000 to date but as you know lawyers' fees this amount will go fast. So if you or any of your friends can donate \$10.00, \$20.00 or anything you can will help us in this lawsuit.

Davis Vision services for the PBA in Sarasota we can use with our benefits I recommend Susan Beck here in Sarasota on Bee Ridge Road is very good. Each union has their own benefits, but if you're interested in these eye Doctors I have a list of Davis Vision participating vendors in Manatee County, Sarasota County, Charlotte County, North Port & Venice.

I want to have a Board meeting on this at a later date as the club is growing and we are in need of a Sarasota Trustee and a Manatee Trustee to help run the club with outings, picnic or a boat ride, or any other events, we are looking for help, we need volunteers. We cover a four counties and have someone who could help clean up, set up meetings and answer questions for the Club.

Our picnic is scheduled for Sunday, April 24th, 2022 so we need a committee to help organize everything needed for the event. It will be at the pavilion on the North Jetty on the South end of Casey Key, Nokomis. We have the pavilion rented from 10am - 3pm. It will be catered by Mad Dog Hot Dogs.

We have 2 new members at this meeting, Frank Cicerello who worked in the 73 Pct., 69 Pct., and the outdoor range, and Robert Moran, Transit Police so welcome to the Manasota 10-13 Club. Our Club membership is now at 142 members. I hope all will renew membership for 2022.

#### **TREASURER'S REPORT:**

Joe Timmons reports that our bank account has \$5,640.00 and \$261.00 in petty cash, 1st motion Sy Bonarti and 2nd by Tony Maggio, motion approved.

**REMINDER:** Dues are due for 2022, still only \$30.00 per year. No dues for Life Members, 80+ yoa. Mail your check to Treasurer, Joe Timmons, 315 Chantilly Trail. Bradenton. FL, 34212.

#### **V. OLD BUSINESS:**

- A. Membership applications are in the newsletter and on the website [www.10-13Manasota.com](http://www.10-13Manasota.com) , please actively recruit new members. Applications can always be found in the Club's Newsletter.
- B. New 10-13 License plates (specially made) are in stock and for sale for \$10.00 each.
- C. Polo shirts are available for \$25.00 and T-Shirts are \$10.00 for gray and \$15.00 for white and blue with 5 color logos, see Quartermaster Tim Van Schultz, 941-232-9832.
- D. Members of the 10-13 Club with expired NYPD ID Cards get the benefit of receiving them through the mail. As of now the COVID-19 has caused delays. See Tony for details and ID Section form.
- E. To place a business card AD in the 10-13 Newsletter for the calendar year 2022, please make a check out to the Manasota 10-13 Club, mail business card or art work & check to Joe Timmons at 315 Chantilly Trail, Bradenton, FL. 34212. Yearly rates are as follows: Business Card, \$35.00; Half Page, \$50.00; & Full Page \$75.00. A great bargain considering the price of advertising today!  
**\*\*\*PLEASE PATRONIZE OUR SPONSORS\*\*\***
- F. Need to update any changes to your personal information with Joe Timmons when appropriate.  
**MOST IMPORTANT:** We need everyone's DOB, Appointment date and Retirement date on file. Forms are available at the meetings, please turn them into Joe Timmons our Treasurer.

## **VI. NEW BUSINESS:**

- G. 10-13 Scholarship Raffle, \$10.00 per ticket for a Smith & Wesson M & P 9 Shield Plus Handgun (retailed value \$550.00) including a 10 and 13 round mags. The drawing will be held at the National 10-13 Presidents Meeting on February 12<sup>th</sup> 2022. These tickets will be sold at each meeting and a winner pulled at the quarterly President's meeting. LET'S GET ALL THESE TICKETS SOLD for this quarter. There are only 11 tickets remaining out of 30. THANKS TO ALL WHO HAVE PARTICIPATED SO FAR AND GOOD LUCK!
- H. The newly designed Manasota 10-13 Club's website has been established so please check it out at [www.10-13Manasota.com](http://www.10-13Manasota.com)
- I. Our Club is in need of a volunteer as a Newsletter Editor-in-Chief. Please let our President Tony Marone know if anyone is interested.

## **VII SICK AND DISTRESSED:**

Please continue your prayers for all of our recovering members to good health.  
Bill Gigante is recovering from an operation.

## **VIII GOOD OF THE ORDER:**

- J. 50/50 raffle was conducted, 1st prize of \$40.00 to Bob Moran, 2nd prize of \$25.00 to Mike Santoli, and 3rd prize of \$20.00 to Paul Redecha.
- K. Thanks to Tony Marone, Joe Timmons, Lee Reeves and Reenie Ram for volunteering to clean and sanitize the FOP building for our meetings to keep us all safe and healthy.
- L. Thanks for the Christmas Dinner that was purchased at the Der Dutchman for the 10-13 meeting tonight with Ham, vegetables, potatoes. We also had a cake and cookies for the desert.

## **IX ADJOURNMENT:**

- M. Motion for adjournment by 1st Richie O'Brien and 2nd by Tony Maggio, meeting adjourned at 8:16 pm.

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Anthony <tjmarone@verizon.net>  
Monday, January 3, 2022 3:33 PM  
Anthony "Tony" Marone Treasurer  
Agenda for JANUARY 11th 2022 Manasota 10-13 Club Meeting

## **HAPPY NEW YEAR !**

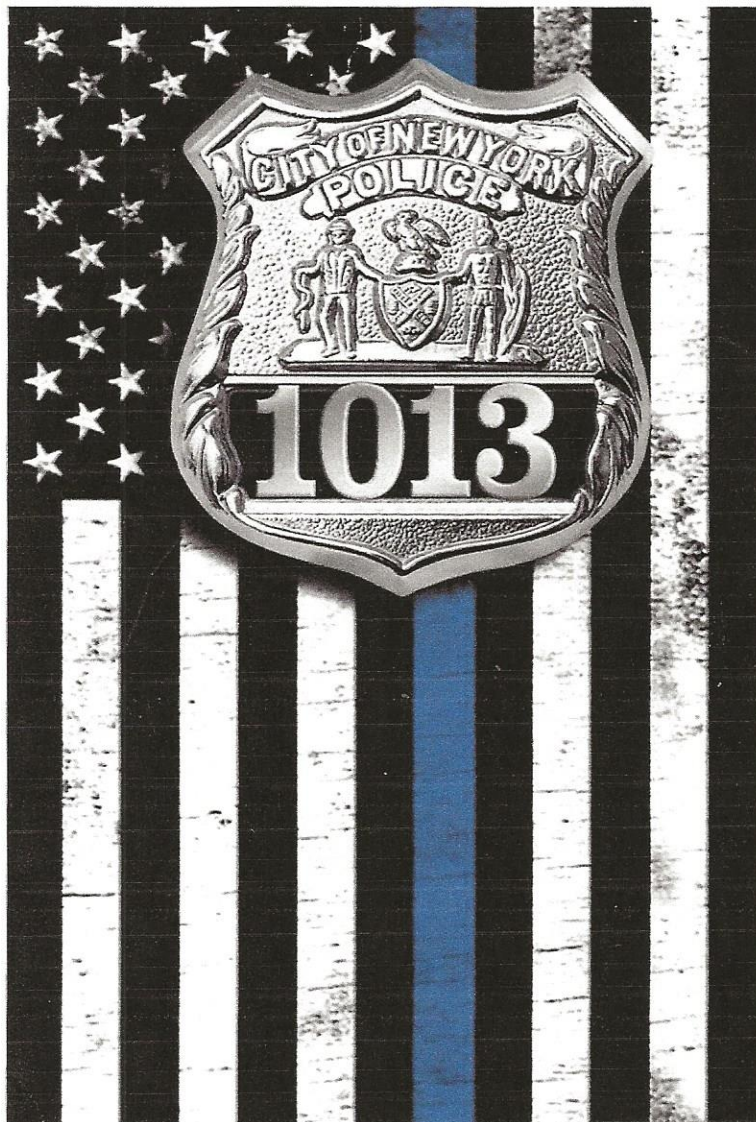
### **MANASOTA 10-13 CLUB AGENDA FOR JANUARY 11, 2022 CHRISTMAS MEETING**

#### **MEETING HELD AT THE FOP MEMORIAL LODGE #3 – 6 PM PIZZA PARTY**

- Prayer/moment of silence
- Pledge to the flag
- Call to order
- Determination of Quorum
- Reading/Approval of last meeting's minutes. (emailed in Newsletter with this agenda.)
  
- Guest Speaker
  - None.
  
- Committee Reports
  - President's Report
  - Vice President's Report
  - Treasurer's Report – Reading/approval of report
  - Health & Welfare Report – Update on Medicare coverage.
  - Secretary's Report – Sale of \$10.00 Scholarship raffle tickets, drawing 2/12/22.
  - Sgt-at-Arms/Quartermaster's Report – List of 10-13 items for Club sale.
  
- Old Business
  - New 10-13 Club License Plates (specially made) are in stock and for sale for \$10.00 ea.
  - Manasota 10-13 Club Official POLO Shirts now in stock embroidered on blue shirt for only \$25.00. Also have blue or gray "T" Shirts with 10-13 white shield for \$10.00. See Sgt-at-Arms/Quartermaster Tim Van Schultz, 941-232-9823.
  
- New Business
  - DUES for 2022 are due. Still only \$30.00. See Joe Timmons at meeting or mail to Mr. Joe Timmons, 315 Chantilly Trail, Bradenton, FL 34212.
  - Latest Medicare Change and related information. Awaiting the Court's decision and new City Mayor's input.
  - 10-13 CLUB SCHOLARSHIP RAFFLE, \$10.00 PER TICKET – HANDGUN. Drawing held at next President's Quarterly meeting February, 12, 2022 & other gun raffles

will continue on a quarterly basis throughout 2022. See Secretary Reenie for raffle tickets, only \$10.00.

- The Newly designed Manasota 10-13 Club's Website has been established, check it out, [www.10-13Manasota.com](http://www.10-13Manasota.com). Club pictures will be added under new photo section.
- **WANTED** Club Newsletter Editor-in-Chief. Tony will assist with info for Newsletter.
- Appointment of six (6) area Delegates to assist the Board & Club Members with various tasks & information. Areas to include Sarasota, Manatee, Charlotte Counties, Cities of North Port, Venice, Ellenton & Parrish.
- Good of the Order
  - Comments & suggestions from the membership/items to be added. (Attendees).
  - 50/50 winners announced at end of meeting.
- Sick & Distressed
  - Recuperating - Bill Gigante, Tony Maggio & Steve Wall.
  - Wishing good health to all 10-13 members and their families.
  - Always keep our active NYPD personnel safe.
- Adjournment
  - Motion to adjoin and seconded at \_\_\_\_ PM needed to close Meeting.





Dedicated to serving all N.Y.P.D. Retired and Active Members and members of other Law Enforcement Agencies

## Dues Renewal



Please fill out the first line and any information below that, that has changed this past year.

LAST NAME \_\_\_\_\_ FIRST \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ MALE ( ) FEMALE ( )

HOME PHONE ( ) \_\_\_\_\_ CELL PHONE ( ) \_\_\_\_\_

BUSINESS PHONE ( ) \_\_\_\_\_ SPOUSE'S NAME \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_



# Manasota 10-13 Club<sup>®</sup>

"AN ORGANIZATION OF RETIRED NEW YORK CITY POLICE OFFICERS OF ALL RANKS"

## MANASOTA 10-13 CLUB MEETING DATES 2022

TUESDAY, 1/11/2022, FOOD 6 PM, GAVEL 7 PM, PIZZA PARTY.

TUESDAY, 2/08/2022, FOOD 6 PM, GAVEL 7 PM, HOT DOGS & BEANS.

- MON. 3/07, FOOD 6 PM, GAVEL 7 PM, ROAST BEEF & SIDES, \$10.PP
- SUNDAY, 4/24, PICNIC 11AM FRANKS, BERGERS, SAUSAGES, SALADS & BEVERGES, \$10.PP. 12 YOA & UNDER - NO CHARGE.

TUESDAY, 5/10/2022, FOOD 6 PM, GAVEL 7 PM, PIZZA PARTY.

TUESDAY, 6/14/2022, FOOD 6 PM, GAVEL 7 PM, HOT DOGS & BEANS.

NO MEETING HELD IN JULY.

NO MEETING HELD IN AUGUST.

TUESDAY, 9/13/2022, FOOD, 6 PM, GAVEL 7 PM, BRATS & SIDES.

- MON. 10/10, FOOD 6 PM, GAVEL 7 PM, ZITI/MEAT BALLS.

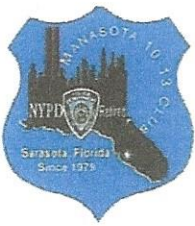
TUES. 11/15, FOOD 6 PM, GAVEL 7:30 PM, TURKEY/TRIMMINGS \$10.PP.

TUES. 12/20, FOOD 6 PM, GAVEL 7:30 PM, HAM & TRIMMINGS \$10.PP.

\* DATES ARE TENTATIVE AND FOOD SELECTION MAY VARY.

- NOTE: 2 MONDAY DATES- THOSE WHO CANNOT ATTEND TUESDAY





# Manasota 10-13 Club

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## PRESIDENT

Anthony "Tony"  
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- \* Walter Wunderlich
- \* Pat Martinucci
- \* Art Zabriskie
- \* Ken Stokes
- \* Andy Flock
- \* Nick Mattera
- \* Bill Kelly
- Jack Cantwell
- \* Joe Maier
- John Donovan
- Victor Rohe
- Rich O'Brien
- Lee Reeves
- \* Joe Monteleone
- Richard Adier

\*Deceased

## MEMBERSHIP APPLICATION

LAST NAME \_\_\_\_\_ FIRST \_\_\_\_\_ MI \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ MALE ( ) FEMALE ( )

HOME PHONE (\_\_\_\_) \_\_\_\_\_ CELL PHONE (\_\_\_\_) \_\_\_\_\_

BUSINESS PHONE (\_\_\_\_) \_\_\_\_\_ SPOUSE'S NAME \_\_\_\_\_

WEDDING DATE \_\_\_\_\_ SPOUSE'S DOB \_\_\_\_\_ (NO YR.)

EMAIL ADDRESS \_\_\_\_\_

BIRTH DATE \_\_\_\_\_ LAW ENFORCEMENT AGENCY \_\_\_\_\_

TAX # \_\_\_\_\_ APPOINTMENT DATE \_\_\_\_\_ RETIREMENT DATE \_\_\_\_\_

RETIREMENT MODE: SERVICE ( ) ORDINARY DISABILITY ( ) ACCIDENTAL DISABILITY ( ) VESTED ( )

LAST COMMAND \_\_\_\_\_ LAST RANK HELD \_\_\_\_\_

PREVIOUS COMMANDS \_\_\_\_\_

I declare my desire for membership in the Manasota 10-13 Club, Inc. I will submit my membership fee and regularly subscribe my renewal fee by the 1<sup>ST</sup> of March each year to remain a member in good standing. I attest that I am a bona fide honorably retired Law Enforcement Officer.

SIGNED \_\_\_\_\_ DATED \_\_\_\_\_

Make Check Payable To: Manasota 10-13 Club, Inc.

Mail check & copy of NYPD ID Card to Treasurer,

**Joe Timmons**  
315 Chantilly Trail  
Bradenton, FL 34212  
**MEMBERSHIP FEE IS \$30.00**  
LATE RENEWAL FEE  
AFTER 2/28, \$40.00.



# BOOSTERS

## Thank You

### FOR YOUR HELP

Thank you to all our members and associate members for your contributions. The 10-13 Club could not function without your continued support.

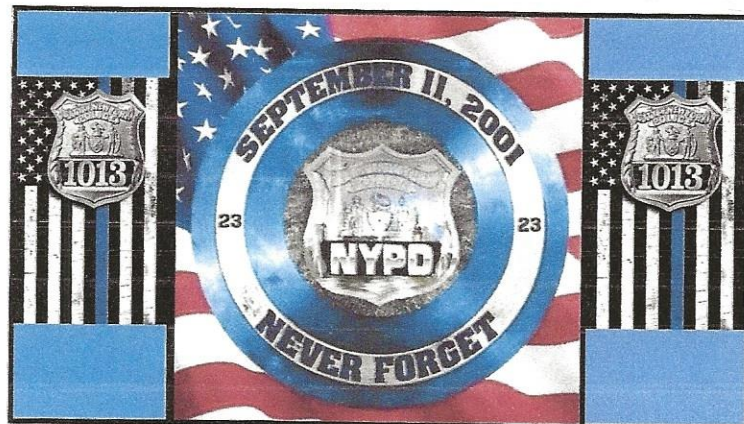
#### BOOSTER DONATIONS – 2021

**WILLIAM GIGANTI - \$100.00**

**WALLY TRAVIS - \$60.00**

**ANDY KING - \$50.00**

**ARNIE RING – \$25.00**



## BIRTHDAYS & ANNIVERSARIES

### MEMBERS

1/05<sup>TH</sup> DENNIS McMAHON  
1/05<sup>TH</sup> VIC ROHE  
1/13<sup>TH</sup> GERALD GARAFALO  
1/13<sup>TH</sup> JAMES MAURITZEN  
1/19<sup>TH</sup> HENRIETTA LANGE  
1/25<sup>TH</sup> LENNY GUTMANN  
1/29<sup>TH</sup> WOODY SCHUESSLER  
1/31<sup>ST</sup> CHRIS LUNDBERG  
2/06<sup>th</sup> DONNA K-REYNOLDS  
2/08<sup>TH</sup> DONALD GERVASI  
2/08<sup>TH</sup> MANNING EDMONDS 2/13<sup>TH</sup>  
JOHN FERRITO  
2/14<sup>TH</sup> KEVIN COSTELLO  
2/14<sup>TH</sup> FRANK CICERELLO  
2/15<sup>TH</sup> TIM VAN SCHULTZ 2/17<sup>TH</sup>  
PHIUP MANDZIK  
2/19<sup>th</sup> RICHARD QUINN  
2/21<sup>ST</sup> LES FEUER  
2/21<sup>ST</sup> NIKOLAS MARKRINIKOLAS  
2/27<sup>TH</sup> STAN PLANTY

### SPOUSE

1/03<sup>RD</sup> KERRY MAZZELLA  
1/05<sup>TH</sup> MIMI BONARTI  
1/07<sup>TH</sup> LUZ MALLOY  
1/10<sup>TH</sup> NEVILLE CHIN  
1/16<sup>TH</sup> DESIRAY LASCHKE

1/20<sup>TH</sup> SUZANNE SINGLETON

1/20<sup>TH</sup> CONNIE TIMMONS

1/20<sup>TH</sup> SIEW PHIEW MORAN

1/23<sup>RD</sup> DIANA PAGLIONE

1/25<sup>TH</sup> MILDRED SARDONE

1/27<sup>TH</sup> JOANNE LaGOIS

2/15<sup>TH</sup> MADELINE BRAJUHA

2/16<sup>TH</sup> TESHIA LUNDBERG

2/17<sup>TH</sup> PIA REX

2/26<sup>TH</sup> ROSE SCANTLEBURY

## ANNIVERSARIES

1/01<sup>ST</sup> ROBERT/ SIEWPHIEW MORAN

1/14<sup>TH</sup> AL & MARILYN SMOLINSKY

1/19<sup>TH</sup> ANDREW & MICHELLE HERR

1/25<sup>TH</sup> LANCE & BARBARA EISENGER

2/09<sup>TH</sup> CHRIS & TESHIA LUNDBERG

2/14<sup>TH</sup> DONNA & JOHN WENZEL

2/15<sup>TH</sup> ALAN/ENCARNACIAN CASTRO

2/19<sup>TH</sup> ED & LUZ MALLOY

2/20<sup>TH</sup> SAL & MADELINE BRAJUHA



# 2021 YEAR-END CAMPAIGN

## Your Gift Will Go 3X as Far!

December 6, 2021

Dear Friend,

With the holiday season in full swing and 2021 quickly coming to a close, I look back with gratitude, and ahead with great hope.

In this monumental year that marked the 20th anniversary of 9/11 and the founding of Tunnel to Towers, I'm more grateful than ever for friends like YOU. I know you care deeply for veterans and first responders facing life with catastrophic injuries and for families trying to carry on after losing their military or first responder heroes.

Because of your friendship and compassion, we're able to do more to serve these heroes and their families who are too often forgotten – and often face serious financial hardship – after giving so much. Through the Tunnel to Towers Foundation, you help right that wrong.

At the start of this year, as you'll recall, we received a very generous donation from a passionate supporter. This extraordinary donation meant that all gifts received throughout 2021 would be matched by 3X. A gift of \$50 triples to \$150... \$75 becomes \$225... \$100 triples to \$300 and so on!

**But this tremendous matching gift challenge ends soon.** This is the last opportunity for our loyal friends like YOU to help us accomplish even more in the new year ahead.

**Please, will you make a gift right now to our 2021 Year-End Campaign and have your gift of \$1,200... \$1,500... or even \$2,000 go three times as far?**

As you consider sending a gift today, please know your support makes a lasting difference in real lives. Consider just a few you've thanked and aided this past year:



**YOU helped the family of fallen Officer Eric Talley.** When a gunman opened fire in a Boulder supermarket in March, Officer Talley was the first officer to arrive on the scene. He didn't hesitate to run toward the gunman. He sacrificed his own life to save others. Because you cared, we were able to provide a mortgage-free home to the family he left behind.

*(over, please)*



**YOU also helped Navy veteran Ryan Reese** who served three deployments to Iraq and suffered severe injuries to his body during a skydive jump, leaving him paralyzed. With your support, we built a new custom-designed *smart home* for Ryan and his family in Montana where he can live more independently thanks to adaptive technology you helped provide.



**And YOU helped the family of NYPD Highway Officer Anastasios Tsakos** who was serving at an accident scene on the Long Island Expressway April 27 when he was struck and killed by an intoxicated driver. The driver fled the scene and was later arrested and charged with DUI and driving on a suspended license. Your generosity paid off the mortgage on the Tsakos family's home.

Thanks to the compassion and action of caring friends like YOU, we were able to help Ryan and the families of Anastasios and Eric this past year – among many others.

Your support also allowed the Tunnel to Towers Foundation to host an incredible series of events this year to honor the fallen of 9/11, two decades after our nation came under attack by terrorists. With your help, we are making sure that our nation will NEVER FORGET.

**But there's still much to do... many heroes and families still in need. We mustn't forget. Not when they've sacrificed so much.**

*Please, will you help today?* Your generous year-end gift today will be TRIPLED to allow us to do even more good in the coming months.

Your response now will help determine how many injured veterans and families of fallen military and first responders we can assist in early 2022, so please reply today.

Thank you for going beyond mere words of thanks – and for taking action to help the courageous men and women who put everything on the line for you and me.

With gratitude and best wishes for the new year,

Frank Siller  
Chairman and CEO  
Tunnel to Towers Foundation

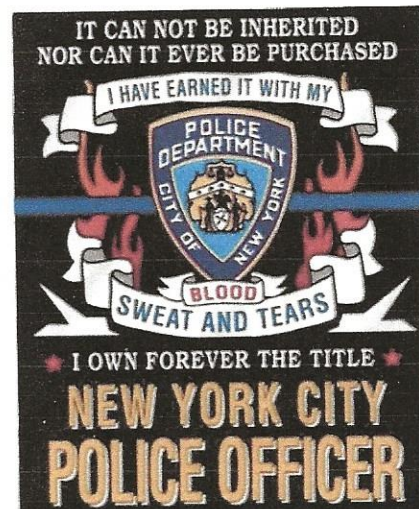
P.S. There is no better time to consider becoming a monthly supporter than now, when your monthly gift will be tripled. Our generous benefactor has agreed to match the first 12 months of your monthly gift commitment. A monthly gift of \$11 will now triple in value to \$33 each month for the entire first year!

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**Joe Crocitto (RIP):** I met Joe in 1973, when he was my Academy Instructor in charge of Company 73-40. He taught Police Science. Joe was a very caring person who cared about the welfare of others. He was promoted to Detective Specialists for his dedication at the Police Academy spending much of his own time helping his recruits. He also updated the Police Science Recruit Training Syllabus. While I was a recruit at the First Academy drill team my Graduation at Madison collection for my daughter's recruit class. Joe became a Pct for a short time and then Joe lived in the West Village who was active in Our Lady of Fire Dept Chaplain Jablonsky worked briefly with Joe as an esteem by his colleagues. In Commanding Officer Of the Park Police at Prospect Park, Brooklyn, NY and helped to organize that Department. January 2022 In 1985, Joe returned to the NYPD to become a Sergeant and was the Commanding Officer of the Staten Island Health Clinic and remained there until his retirement in 1994. Although retired, Joe remained active in Police Community Relations forming the "Police Partnership" and later having his own tv pod cast "Building Bridges" which aired on Staten Island Cable TV. He was also involved with the NYPD Jazz Band. Joe passed away on Dec 8, 2021. My family and I will miss Joe Immensely. He was an integral part of our lives and we knew him for forty eight year and shared many happy and sad occasions. Rest in peace my friend.



***FIDELIS AD MORTEM (FAITHFUL UNTO DEATH)***



## **Property Fraud Alert**

### **What is Property Fraud?**

Scammers file fake deeds, making it appear as if they own homes that are not actually theirs. These scammers then trick people into giving them money to rent or buy those homes. Property Fraud Alert is a free service to help you protect your property from fraud by monitoring the documents being recorded in the Official Records of the Clerk of the Circuit Court & Comptroller's office.

### **Protect Yourself with Property Fraud Alert for Free**

Register for FREE Property Fraud Alerts today! Register to receive free alerts when a document such as a deed or mortgage is recorded with our office using your name or your business's name. Choose to get alerts by email or by phone.

If you receive an alert about activity not initiated by you, this early notification can provide valuable time to stop criminals in their tracks.

### **Sign Up for Alerts**

Signing up is quick and easy! Simply follow these steps:  
Go to the [Property Fraud Alerts website](#) or call 800-728-3858.

Click 'Continue' to begin the registration process.

Choose whether you would like to monitor a person's name or a business name.

Enter the name you would like to monitor.

Enter either an email address or telephone number you would like the alerts sent to.

You may repeat the process to monitor additional names. If you entered an email address, you will receive a confirmation message.

### **If You Receive an Alert**

If a document is recorded that matches your monitoring criteria, you will receive an alert within 48 hours.

The alert will provide you with a document number, which is the Clerk's File Number or CFN. Search the [online Official Records](#) to view the actual document. To search using the Clerk's File Number, choose the CFN tab at the top and enter the document number from your Property Fraud Alert.

For assistance, please contact the Clerk of the Circuit Court & Comptroller's Recording Department at (561) 355-2991 or [PropertyFraudAlerts@mypalmbeachclerk.com](mailto:PropertyFraudAlerts@mypalmbeachclerk.com).

If you suspect you are a victim of fraud, contact law enforcement.

Reviewing your property records is an important way to protect yourself from fraud. Don't delay, sign up today!

### **Change or Cancel Your Subscription**

To change or cancel your Property Fraud Alerts subscription, please call 1-800-728-3858. All features of the Property Fraud Alert website have been verified to work with the following browsers:

Internet Explorer – version 9 or greater

Chrome – all versions

Firefox – all versions





# HEALTH AND WELFARE



## Renewal of Transit ID card that is expired or nearing expiration.

For the retirees that live out of state, they can email a copy of their driver's license and id card and in the body of the email they can put their name, address and a phone number where they can be reached. We run a background check to make sure no one is wanted (you'd be surprised).

Also they need to attach a digital photo of themselves from the waist up in front of a neutral colored wall (please no hats or sunglasses).

We need a digital photo, not a photo of a photo, to put on a new id card that we mail certified.

Please tell your members they can call the Personnel Unit at 1-718-610-4660 and we will be more than happy to walk them thru the process.

Be well and keep collecting those retirement checks.

PO Georges Bazile

New York City PD  
Transit Bureau Personnel Unit  
130 Livingston Street, 3rd Floor  
Brooklyn NY 11201  
718-610-4660

718-610-4555 Fax

Email: [georges.bazile@nyc.gov](mailto:georges.bazile@nyc.gov)

**This procedure only applies to pre-merger Transit and Housing ID cards which works on a different system than the NYPD ID Card Section.**



Medicare retirees remember to save your Social Security 1099 form for 2021 that you will receive in January 2022. Use it to compare to your 2021 Medicare reimbursement that you will receive in April 2022.

### **Medicare Part B Reimbursement**

The City will reimburse retirees and their eligible dependents for Medicare Part B premiums paid, excluding any penalties. You must be receiving a City pension check and be enrolled as the contract holder for City health benefits in order to receive reimbursement for Part B premiums.

For most retirees, the refund is issued automatically by the Health Benefits Program. If you are currently receiving your pension check through Electronic Fund Transfer (EFT) or direct deposit, your reimbursement will be deposited directly into your bank account. This will be separate from your pension payment. If you don't have EFT or direct deposit, you will receive a check in the mail in June.

The reimbursement amount is based on the standard Medicare Part B premiums. If your Medicare Part B reimbursement amount was less than what you paid in Medicare Part B premiums, excluding penalties, you may be eligible for a Medicare Part B Differential reimbursement. To receive the differential reimbursement, please complete the Medicare Part B Differential Request form (below).

If you were eligible for Medicare Part B Reimbursement for prior years but did not enroll by providing a copy of your Medicare card, reimbursement is limited to the previous three (3) calendar years. To enroll, please complete the Medicare Part B Reimbursement Program Application.

**Learn More about Medicare Part B Reimbursement:** <https://www1.nyc.gov/assets/olr/downloads/pdf/health/faq-medicare-part-b.pdf>

**Medicare Part B Reimbursement Program Application:** <https://www1.nyc.gov/assets/olr/downloads/pdf/health/med-b-application.pdf>

### **IRMAA Medicare Part B Reimbursement**

If you paid more than the standard monthly reimbursement rate for Medicare Part B, as an Income Related Monthly Adjustment Amount (IRMAA), you may be eligible for additional reimbursement. **If you submit the required documentation for Medicare Part B IRMAA reimbursement, your reimbursement will be deposited directly into your bank account.**

**Learn More about IRMAA Medicare Part B Reimbursement:** <https://www1.nyc.gov/assets/olr/downloads/pdf/health/faq-irmaa.pdf>

### **Questions about your IRMAA or Medicare Part B Reimbursements?**

**Medicare Part B 2020 reimbursements were issued in April 2021. Please check your bank account/statement (or the mail, if you are receiving a physical check) for your payment. If you already submitted your Medicare Part A & B card to the Health Benefits Program, this payment is automatic and you will receive it annually.**

**Medicare Part B 2019 differential reimbursements were issued in March 2021. Please check your bank account/statement (or the mail, if you are receiving a physical check) for your payment. For those retirees/eligible dependents who are not eligible for IRMAA, Medicare Part B 2019 differential payments up to \$318 will be issued once the Medicare Part B and IRMAA payments are processed in calendar year 2020.**

Those retirees/eligible dependents who are eligible for 2019 Medicare Part B differential reimbursements must submit the **Medicare Part B 2019 Reimbursement Differential Request Form**, along with required documentation.

Please submit this form, along with all required documents, electronically to: <https://nycemployeebenefits.leapfile.net>

### **IRMAA 2020 reimbursements will be issued in October 2021.**

If you are currently receiving your pension check through Electronic Fund Transfer (EFT) or direct deposit, your reimbursement will be deposited directly into your bank account. This is separate from your pension payment. If you don't have EFT or direct deposit, you should receive a check in the mail.

Please submit the **IRMAA 2020 Reimbursement Application**, along with all required documents, electronically to: <https://nycemployeebenefits.leapfile.net>

**IRMAA 2019 reimbursements were issued during October and November 2020. Please check your bank account/statement (or the mail, if you are receiving a physical check) for your payment.**

If you are currently receiving your pension check through Electronic Fund Transfer (EFT) or direct deposit, your reimbursement was deposited directly into your bank account. This is separate from your pension payment. If you don't have EFT or direct deposit, you should have received a check in the mail.

If you did not receive your IRMAA reimbursement by December 1, 2020 or if you did receive the reimbursement and you believe the amount is incorrect, you must resubmit the **IRMAA 2019 Reimbursement Application**.

Please submit this application, along with all required documents, electronically to: <https://nycemployeebenefits.leapfile.net>

### **IRMAA 2019 Differential payments were issued at the end of November 2020.**

For those retirees/eligible dependents of a retiree with a Medicare Part B effective date prior to 2016, they received an additional amount up to \$318.



## Citizens for the Extension of the James Zadroga Act

COALITION TO HELP INJURED AND DYING  
9/11 RESPONDERS AND SURVIVORS

### 9★ HEALTH WATCH

#### **BRYANT GLADNEY'S LIFE OF SERVICE INCLUDED DEPLOYMENT TO NEW YORK CITY AFTER 9/11 ATTACKS**

Columbia Daily Tribune | December 30, 2021

Bryant Gladney leaves behind a legacy of serving mid-Missouri during his 25 years with the Boone County Fire Protection District.

<https://www.columbiatribune.com/story/news/2021/12/27/bryant-gladney-boone-county-assistant-fire-chief-deployed-new-york-city-9-11/9028495002/>

#### **EPA SUED OVER REFUSAL TO REGULATE CORROSIVE 9/11 DUST**

Public Employees for Environmental Responsibility (PEER) | December 27, 2021

The U.S. Environmental Protection Agency's corrosivity standard is so lax that it illegally subjects people who breathe or ingest unregulated alkaline dust to serious harm. <https://peer.org/epa-sued-refusal-regulate-corrosive-dust/>

#### **FAILURE TO PASS BUILD BACK BETTER PLAN THREATENS 9/11 HEALTH CARE FUNDING**

NY Daily News | December 22, 2021

The death sentence Joe Manchin declared for President Biden's massive domestic policy bill is also threatening a key priority of New York lawmakers — plugging a nearly \$3 billion gap in the 9/11 health program. <https://www.nydailynews.com/news/politics/us-elections-government/ny-failure-pass-build-back-better-threatens-911-health-funding-20211221-ieihs5c2jadbkx6dfz7tcwtha-story.html>

#### **FDNY ASSISTANT CHIEF IS 264TH MEMBER TO DIE OF WORLD TRADE CENTER-RELATED CANCER**

ABC 7 NY | December 8, 2021

Assistant Chief of EMS Alvin Suriel, a 32-year veteran of Emergency Medical Service, is the 264th member of the FDNY to die of WTC-related illness. <https://abc7ny.com/fdny-911-death-cancer-alvin-suriel/11308137/>

#### **REPS. MALONEY, NADLER, UNION LEADERS, AND ADVOCATES APPLAUD FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM IN HOUSE PASSED BUILD BACK BETTER ACT**

Rep. Carolyn B. Maloney | December 2, 2021

The WTCHP needs adequate funding now and in the future so that every injured and ill 9/11 responder and survivor has access to the medical treatment they need and deserve.

<https://maloney.house.gov/media-center/press-releases/reps-maloney-nadler-union-leaders-and-advocates-applaud-funding-for-the>

#### **ELECTED OFFICIALS SPOTLIGHT NEW 'BUILD BACK BETTER' FUNDING FOR WTC HEALTH PROGRAM**

Spectrum News NY1 | December 1, 2021

According to the FDNY, nearly 75% of its members who worked at the World Trade Center site now have some form of long-term illness.

<https://www.ny1.com/nyc/all-boroughs/news/2021/11/30/build-back-better-funding-for-wtc-health-program>

#### **BUILD BACK BETTER ACT WILL HELP FUND WORLD TRADE CENTER HEALTH PROGRAM**

amNY | December 1, 2021

Mario Ciento, President of NYS AFL-CIO, says that elected officials need to take immediate action to ensure medical care for those who risked their lives in 9/11 aid. <https://www.amny.com/news/build-back-better-act-will-help-fund-world-trade-center-health-program/>

#### **Staten Island ex-NYPD sergeant gets prison time for 9/11 benefits fund theft**

Dec. 1, 2021 — *SILive.com* —

Authorities said Spinosa lied about her time at the landfill and falsely stated that she worked at the location, sifting through materials for human remains from September 2001 to June 2002.

<https://www.silive.com/crime-safety/2021/12/staten-island-ex-nypd-sergeant-gets-prison-time-for-911-benefits-fund-theft.html>

**TELL CONGRESS:**

**“REMEMBER 9/11” SHOULD BE  
MORE THAN A BUMPERSTICKER**

**CITIZENS FOR THE EXTENSION OF THE JAMES ZADROGA ACT**

This is from an email from Emblem Health outlining instructions to nominate a provider for participation in the Emblem Health network.

Gentlemen,

I have the following information regarding adding providers to the Florida, North Carolina, South Carolina Emblem Health in network medical panels.

We are pleased to announce, the process for GHI non-Medicare retirees nominating doctors with the intention of being added as CBP participating providers, has been restored as of today.

EmblemHealth's Customer Service, Provider Network and Grievance & Appeals advocates (representatives) have been informed that the network is in fact, open for provider nominations; letters will no longer state the network is closed.

Members who wish to nominate their provider may contact EmblemHealth via telephone or email. If an Emblem advocate receives a call from a CNY PPO (GHI) Retiree member requesting information on how to nominate their provider for participation, advocates will:

- Confirm the member is an active CNY PPO Retiree plan member
- Obtain the following information:
  - Provider's full name
  - Practice name
  - Contact person
  - Address
  - Telephone #
  - Specialty
  - Email the information to [cityofnyretireesprovidernomination@emblemhealth.com](mailto:cityofnyretireesprovidernomination@emblemhealth.com)
- If a member sends the request via a secure email from the portal, the correspondence advocate will:
  - Review the request to ensure all the necessary information has been provided, see above
  - If so, will forward the request to [cityofnyretireesprovidernomination@emblemhealth.com](mailto:cityofnyretireesprovidernomination@emblemhealth.com)
  - If the request has incomplete provider information, a reply will be emailed to the member requesting the additional information
    - Advocates will not send a letter to a CNY Retiree member indicating that their network is closed
- If an Out of Network Provider calls requesting to join the CBP network, they will be directed to the EmblemHealth website, Provider Resources > Join Our Network page to access the Provider Credentialing Form: <https://www.emblemhealth.com/.../resources/join-our-network>

Below are the updates implemented on our City of NY micro-site page [www.emblemhealth.com/city](http://www.emblemhealth.com/city):

On the member CBP page we posted,

Nominate Your Providers!

Did you know that the EmblemHealth CBP Network is open to new providers? If you are a City of New York retiree who does not have Medicare, you can ask us to invite your doctor into our network. The process is simple—just send us an email to [cityofnyretireesprovidernomination@emblemhealth.com](mailto:cityofnyretireesprovidernomination@emblemhealth.com) and include the following information so we can reach out:

- Full name of the provider you're nominating
- Practice name
- Contact person
- Address
- Telephone #
- Specialty

We can't guarantee that they will join the network, but we will reach out to them on your behalf and offer them an invitation.

On the provider Join Our Networks page, we edited the copy to reflect this specific situation

Joining EmblemHealth HIP and GHI

To join the GHI PPO or EmblemHealth EPO/PPO National Network, please make sure you have reviewed the "Credentialing EmblemHealth Applicants" section above.

Our network in Florida is closed except for our CBP network\* (non-Medicare City of New York retirees), primary care physicians, cardiologists, orthopedic surgeons and any provider that is joining a group that is already participating with EmblemHealth. The network outside of New York, New Jersey, Connecticut and Florida is currently closed unless the provider is joining a participating group. To join the GHI PPO or EmblemHealth EPO/PPO National Network, please make sure you have reviewed the "Credentialing EmblemHealth Applicants" section above.

## Member Self Service - webCOPS

We're excited to announce a new service for our members: webCOPS. This is a secure website to view your pension account and connect with us online.

Once you register on webCOPS, you'll be able to:

- Verify contact information
- Download and submit certain request forms
- Check your current account balance and beneficiary information (active MOS only)
- Send and receive secure messages

You can register on webCOPS right now by visiting <https://www.webcops.org/ppfmss>. See the Registration Instructions found here: (How to **Create a webCOPS account**)pdf

This is just the first version of webCOPS. In the future, we'll add more features so that you'll be able to do things like change beneficiary information and get pension estimates using an automated benefit estimate calculator. The Police Pension Fund will post new functionality (on the website and Facebook) as it becomes available. For now, please enjoy this early version.

If you need help or have questions, please contact our Call Center at (646) 905-5596

### Police Pension Fund - Documents & Requests Center

The Documents and Requests center allows you to view documents and submit requests to the Fund. Available requests are available for download. Once downloaded and completed, you may upload and submit the request. Once the request has been uploaded, it will appear on the right-hand side of the screen. Once a request has been completed and processed, you will receive an email notification. Please allow 48 hours for changes to appear in the system.

You may download and upload or mail any request available below.

Department	Name of Request
Safeguards	Financial Disclosure Questionnaire and Instructions (2018)
Membership Services	Chapter 431 Tier 3 Cadet Buyback
Safeguards	Financial Disclosure Questionnaire and Instructions (2019)
Pension Payroll	Federal Income Tax Withholding Form (W4-P)
Safeguards	Employment Certification (RSSL 212)
Membership Services	Beneficiary Designation
Membership Services	Chapter 646 Service Credit Purchase - Prior NYC or NYS Service
Membership Services	Chapter 594 Child Care Buyback
Pension Payroll	Change of Contact Information
Loan Services	Change of Loan Repayment Amount (Tier 2)
Legal	Change of Social Condition
Membership Services	Chapter 552 Service Credit Purchase - Prior NYC or NYS Service
Pension Payroll	MCU Deduction Request
Membership Services	Member Contributions while on Military Leave
Membership Services	Minor Beneficiary Custodian Designation
Legal	Member Records / File Request
Pension Payroll	Pension Award Letter Request
Loan Services	Pension Loan Application (Tier 2)
Membership Services	Pension Statement OnDemand Request
Legal	Pension Valuation in Matrimonial Action Request
Membership Services	RSSL 1000 - Military Service Credit Purchase
Membership Services	Shortage Status Request (Tier 2)
Pension Payroll	Start or Change Direct Deposit (EFT) Request
Membership Services	Start or Stop 50% Additional Contributions (Tier 2)
Membership Services	Start or Stop ITHP Waiver (Tier 2)
Pension Payroll	Stop Direct Deposit (EFT) Request
Membership Services	Supplemental Beneficiary Designation
Legal	Third Party Authorization
Calendar Preparation	WTC Notice of Participation

# ALLIANCE OF PUBLIC RETIREE ORGANIZATIONS OF NEW YORK



## RPA LEGISLATIVE CORNER REPORT:

December 2021 / January 2022 Report

### LEGISLATIVE REPORT:

**2021-2022 Alliance Legislative Bill Agenda:** We have been and are working diligently with our Legislators, to prepare to do a massive push to move our bills forward at the start of the January 2022 Legislative Session. With 2022 being an election year, we believe that this will be an added opportunity to help us get some bills through to completion and signed into law. This has to be a **"TEAM EFFORT"** by all retirees voicing their displeasure personally, emotionally and emphatically to each of your legislators at their District Offices, that retirees deserve and need these bills passed and signed into law, to preserve and protect retirees hard earned benefits and maintain a "quality of retirement life " that all retirees worked so hard for as career New York State employees and are entitled to period. **Some key points to stress with your Legislators:**

**Inflation** is at a record high and only going higher with sky rocketing gas prices, food prices, heating oil, propane, natural gas and electric price increases **BUT** our pensions are not going up to meet this inflation rate, not even close. Many of our more senior retirees, those who retired in the 70's, 80's and 90's, have only paltry Pensions and Social Security to live on and are directly feeling the effects of financial strain and having to make difficult choices, which is not right. We must never forget them as they need us to fight for them so they can continue a dignified quality of life in retirement. That's why it's so important for all of you to make two phone calls ASAP to your local Assemblyman and Senator to motivate them.

All Legislators need to be reminded that they work for us and we can vote them out of office for not doing their jobs for all retirees on Election Day 2022 !

### **THIS IS OUR " FORGOTTEN VETERAN'S BILL "**

**NEW Bill # S-5110A-2021 / Veterans Supplementation Bill / Senator Brooks**  
**In Senate Finance Committee / Only 1 Co-Sponsor**

**NEW Bill # A-6468-2021 / Veterans Supplementation Bill / Assemblywoman Barrett**  
**In Governmental Employees Committee / Only 3 Co-Sponsors**

**NEW Bill # S-5030-2021 / Health Protection Bill / Senator Lanza**  
**In Civil Service and Pensions Committee / Only 1 Co-Sponsor**

**A-4203-2019 / Health Protection Bill / Assemblyman Weprin**  
Requested to be re-submitted made to the Assemblyman, who appears to be more interested in running for his election to New York City Comptroller and I would hypothesize that our bill might be counter intuitive to his campaign, although he has advised us that he would re-submit this bill for us numerous times including most recently in the last week or so.

**NEW BILL # S-5184-2021 / Health Protection Bill for Police Officers and Firefighters / Senator Sanders**  
**In Civil Service and Pensions Committee / Only 4 Co-Sponsors**

**NEW BILL # A-05108 / Health Protection Bill for Police Officers and Firefighters / Assemblyman Abatte / Only 1 Co-Sponsor**  
**PASSED NYS ASSEMBLY AWAITING NYS SENATE ACTION !**

**NEW Bill # S-5631B-2021 / COLA Bill (Increase surviving spouse 50% to 100%) / Senator Gounardes**  
**In Civil Service and Pensions Committee / Not one Co-sponsor**

Not submitted in the Assembly for a bill number yet.

Continued next page.....

# ALLIANCE OF PUBLIC RETIREE ORGANIZATIONS OF NEW YORK

NEW BILL # S-6651-2021 / COLA Bill (Provide COLA - age 55 retired 5 yrs) / Senator Gounardes  
In Civil Service and Pensions Committee / Not one Co-Sponsor

Not submitted in the Assembly for a bill number yet.

NEW BILL # S6060-2021 / COLA Bill (5 year additional look back) / Senator Gounardes  
In Civil Service and Pensions Committee / Not one Co-Sponsor

Not submitted in the Assembly for a bill number yet.

NEW BILL # S6030-2021 / COLA Bill (Increase from 3% to 5% of CPI) / Senator Gounardes  
In Civil Service and Pensions Committee / Not one Co-Sponsor

Not submitted in the Assembly for a bill number yet.

S-5835-2019 / COLA Bill ( raise base calculation from 18K to 21K ) / Senator Breslin  
Requested to be re-submitted

A-7413-2019 / COLA Bill ( raise base calculation from 18K to 21K ) / Assemblyman Steck  
Requested to be re-submitted

*First of all a huge thank you to everyone who took the time and did what needed to be done...*

## VOTING DOWN PROPOSITION 1, 3 AND 4

This brings back memories of when we voted down the Constitutional Convention Proposal, when retirees and everyone came together overwhelmingly voting to protect our constitutional rights which were under attack.

It's my belief that if we can keep up this retiree grass roots momentum going strong to the 2022 elections and the 2024 election, that we can save our great New York State and nation. Retirees and their families comprise a HUGE VOTING BLOCK and a force to be reckoned with at the polls.

The politicians running our state and nation have forced everything into an intentional downward spiral of massive increases in inflation, unnecessary high gasoline, heating oil, propane, natural gas and electricity pricing, building material price increases and shortages of all essential goods. Retirees should not have to choose between having enough food, heat, electricity, medications or health care ever !

Retirees are proud people who don't want government handouts nor do we want to become dependants of corrupt politicians running our lives. **Politicians work for us, not the other way around.** There is absolutely no legitimate logic to undo a well oiled, fiscally sound economy, public safety, border security and the Covid 19 pandemic under control. The intentional CRT educational brainwashing of our innocent children and grand children should not nor will not be tolerated ! Don't ever mess with Mama Bears, Poppa Bears or Grand Parent Bears !

In just under one year the present administration has destroyed our robust economy, energy efficiency and independence, low unemployment, our secure southern border and worldwide respect for our country has sunk like the Titanic and will continue to do so until we vote these useless politicians out of office. The most egregious results are the sky rocketing crime, especially violent crimes and then releasing the criminals out a revolving door. This has to stop as well as the "defund the police movement". What about all the victims of this violent crime...where is their justice and protection from being violated over and again and in some cases killed ?

We have our work cut out for us but the results in the Virginia state elections, should be the catalyst to bond us together and propel us forward, to fight this fight until we win and take back our great state and the greatest nation in the world restoring peace, wealth, security and the rule of law as stipulated under the Constitution of the United States and New York State. Please do not give up and be complacent as Virginians should serve as role models for us all that we can make this happen.

***Last Legislative Report I wrote and exposed quite a bit on the tyrannical tenure of ex-Governor Cuomo before he resigned in disgrace from office.*** At that time we had the NYS AG's report outlining a very detailed investigation into ex-Governor Cuomo's actions, some of which suggested criminality. Even though Assembly Speaker Heastie declined to move forward with an Impeachment Proceeding against Gov. Cuomo, the Speaker Heastie did on March 19, 2021, "charged the Assembly Judiciary Committee with determining whether there was evidence to support a finding that Governor Andrew Cuomo had engaged in conduct, as governor, that would have constituted serious and corrupt conduct in office that may have justified articles of impeachment." (<https://nyassembly.gov/Press/?sec=story&story=99809>)

Continued next page.....

# ALLIANCE OF PUBLIC RETIREE ORGANIZATIONS OF NEW YORK

The Committee's task was to examine all credible allegations, including but not limited to allegations that the Governor:

Used his office to sexually harass or assault women who were his employees;

Directed his staff to unlawfully withhold or misrepresent information that was required to be reported to the State Legislature or other governmental entities regarding the effects of COVID-19 on populations of New Yorkers:

Directed, or had knowledge of, executive personnel withholding information regarding safety concerns about New York State bridges: or

Directed, or had knowledge of, executive personnel attempting to suppress related investigations.

The Committee retained the counsel of Davis, Polk & Wardell LLP to lead the investigation. Although the Governor resigned from August, you directed the Committee to prepare a report on its findings.

During the course of this investigation, Davis Polk reviewed approximately 600,000 pages of documents, including photographs, text messages, BlackBerry PIN messages, emails, policies and procedures, recordings of phone calls, social media accounts, materials from prior litigation, video recordings, interview memos, transcripts and other relevant material. In addition, the firm interviewed, received proffers from, and/or reviewed interviews and/or deposition material from 212 individuals. Davis Polk also reviewed the statements and writings of the former Governor and his counsel throughout the investigation, including those made to the Office of the New York Attorney General in response to its report of August 3, 2021.

Davis Polk has completed its work and issued a report to the members of the Committee, which I herein transmit to you for your review. The report concludes that former Governor Cuomo:

Engaged in multiple instances of sexual harassment, including by creating a hostile work environment and engaging in sexual misconduct;

Utilized state resources and property, including work by the Executive Chamber staff, to write, publish, and promote his Book regarding his handling of the COVID-19 crises - a project for which he was guaranteed at least \$5.2 million in personal profit; and at the same time

Was not fully transparent regarding the number of nursing home residents who died as a result of COVID-19.

I thank the members of the Committee for their diligence and hard work during this challenging time. I also commend the extraordinary attorneys and investigators at Davis Polk for their professionalism and expertise.

Sincerely,  
Charles Levine

(The above letter was authored and issued on November 22, 2021 by Charles Levine, Judiciary Committee Chairman to Honorable Carl E. Heastie, Speaker of New York State Assembly.)

***I would suggest that you click on the following NYS Assembly Press Room link (<https://nyassembly.gov/Press/?sec=story&story=99809>) and at the bottom of the press release, click on the right tab to view the entire 63 page report by Davis, Polk & Wardell LLP dated 11-22-2021. VERY EYE OPENING DETAILED, FACTUAL FINDINGS THAT REVEAL THE TRUE SCOPE OF CUOMO CORRUPTION!***

Wishing everyone a safe, healthy Happy Holiday season with your families

**" UNITED WE WILL PREVAIL...DIVIDED WE WILL FAIL "**

Legislative Report respectfully submitted by,

Bryant Kolner, RPA Legislative Representative

President of the Alliance of Public Retiree Organizations of New York



2021-2022 Legislative Agenda  
July 28, 2021

<u>New York State Legislation</u>	<u>Senate #</u>	<u>Sponsor</u>	<u>Assembly #</u>	<u>Sponsor</u>
1- Health Ins. Protection (Retirees) -Protects Benefits We earned upon Retirement	S5030-21	Lanza	A4203	Weprin
2- Veteran's Supplementation (Retirees) ¼% per month up to 36 months (total 3%)	S5110-21	Brooks	A6468-21	Barrett
3-COLA Enhancement Bills		Gouardes	A-Pending	Abbate
**a) Reduces Eligibility age From 62 to 55 with 5 years' service	S-Pending	"	A-Pending	Abbate
**b) Five year additional (look-back) for older retirees	S6060-21	"	A-Pending	Abbate
**c) Increases the COLA from 50% to 100% of CPI (not to exceed 3%)	S60451-18	"	A-Pending	Abbate
**d) Raises the maximum CPI from 3% to 5%	S6030-21	"	A-Pending	Abbate
**e) Raises the Surviving Spouse COLA from 50% to 100%	S5631-21	Gouardes	A-Pending	Abbate
**f) Increases the CAP from \$18,000 to \$21,000	S 5835-20	Neil Breslin	K07413-20	Steck
4- Form Temporary Task Force	S268-21	Addabbo	A3716-21	Gunther
5- Extend VSF To All NYC Police, Firefighters and Corrections	S5107	Sanders	A-Pending	
6 - Prohibits the diminution of Health Insurance benefits to certain retired firefighters, police officers and their dependents	S5184	Sanders	A-05208	Abate

NYS SENATE & ASSEMBLY STATUS OF BILLS:  
[www.nysenate.gov](http://www.nysenate.gov)  
[www.nysassembly.gov/leg](http://www.nysassembly.gov/leg)  
 1-800-342-9860

Medicare Part B Reimbursement Form: [https://www.nationalnycpd10-13.org/forms/Medicare Part B .pdf](https://www.nationalnycpd10-13.org/forms/Medicare%20Part%20B_.pdf)

Medicare Part B IRMAA Reimbursement Form: <https://www.nationalnycpd10-13.org/forms/irmaa-form-2015-2017.pdf>

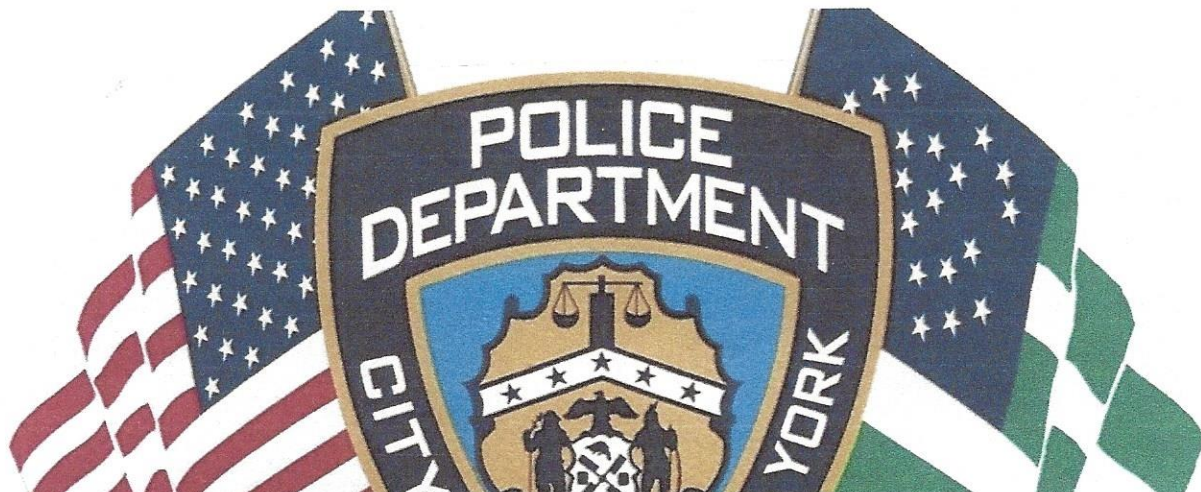
New NYPD ID Card Renewal Form (updated 2019) and NYPD Retiree Application: [https://www.nationalnycpd10-13.org/forms/NYPD Renewal Retiree Application ID Card 2019.docx](https://www.nationalnycpd10-13.org/forms/NYPD%20Renewal%20Retiree%20Application%20ID%20Card%202019.docx)

CCW SAFE Nationwide Gun Protection Coverage: <https://www.nationalnycpd10-13.org/forms/CCW.pdf>

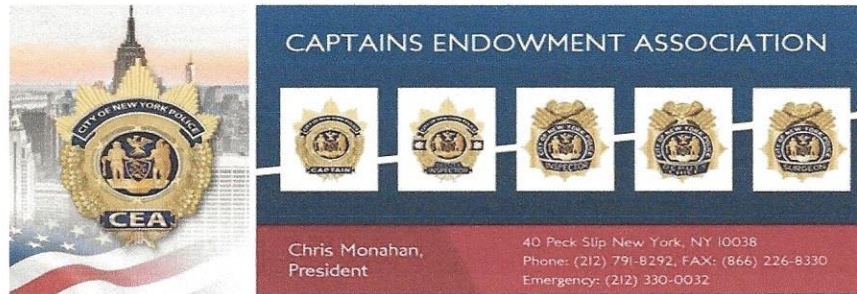
WTC Notice of Participation: [https://www.nationalnycpd10-13.org/forms/WTCNoticeofParticipation\\_withcoverletter\\_201609.pdf](https://www.nationalnycpd10-13.org/forms/WTCNoticeofParticipation_withcoverletter_201609.pdf)

WTC HEALTH PROGRAM APPLICATION: [https://www.nationalnycpd10-13.org/forms/WTC\\_Application\\_2019.pdf](https://www.nationalnycpd10-13.org/forms/WTC_Application_2019.pdf)

9/11 Victims Fund: [https://www.nationalnycpd10-13.org/forms/911\\_Victims.pdf](https://www.nationalnycpd10-13.org/forms/911_Victims.pdf)



# LINE ORGANIZATIONS



**The next CEA General Membership Meeting will be held on January 5, 2022, 10am  
Antun's  
96-43 Springfield Blvd.  
Queens Village, NY 11429**

Dear CEA Member:

The NYC Medicare Advantage Plus Plan, a Custom Program for City Retirees, will not be implemented on January 1, 2022.

### **Joint Statement from the Office of Labor Relations, the Alliance and the Municipal Labor Committee Regarding 2022 Health Benefits Program for City Retirees**

In July, Mayor Bill de Blasio and Labor Relations Commissioner Renee Campion announced an agreement with the Municipal Labor Committee to implement the NYC Medicare Advantage Plus Plan, a custom program for City retirees. Two companies that were not selected following the fair and competitive procurement process have filed lawsuits challenging the award of the contract to the Alliance. Those lawsuits were dismissed by the Court on October 21, 2021.

A group of City retirees also filed a lawsuit challenging the City's decision to implement the NYC Medicare Advantage Plus Plan. In that case, the Judge has requested a revised implementation plan and has extended the date for retirees to decide whether they want to opt-out of the plan. The judge has put the plan on hold until that issue is resolved. This, of course, affects when the plan can be implemented. We recently learned that the judge is not expected to decide these issues any earlier than the second week of December. A new date for implementation will be announced after a decision by the Court.

Our priority right now is to keep our retirees informed of these updates so that they know how this process will affect their health benefits in 2022. Our goal is to ensure as little disruption as possible as we work to provide high quality healthcare to our retirees and their dependents.

In that spirit, below please find a few key points about what we know now and how it impacts our retirees:

- Until there is a Court decision, no retirees will be moved into the new Medicare Advantage plan. Retirees will remain in the plan they were in for 2021 unless they utilized the once in a lifetime option to change plans or transferred plans during the annual transfer period. Retirees do not have to take any action at this time.
- The EmblemHealth / Empire BlueCross BlueShield Senior Care plan will remain premium-free until the new Medicare Advantage plan is implemented.
- Once the Court announces an implementation date, we will notify retirees of the period of time they will have to opt out of the Medicare Advantage plan. As soon as we have an approved implementation date from the Court, we will advise retirees. The most current information we have will be posted on the OLR website at [www.1nyc.gov/site/olr/index.page](http://www.1nyc.gov/site/olr/index.page) and the Alliance website at <https://nyc-ma-plus.empireblue.com/>.

We will continue to keep our retirees updated on any developments.

For additional information, you can call the **special Alliance call center at 1-833-325-1190, Monday to Friday, 8 a.m. to 9 p.m.**

**The next general membership meeting will be on Wednesday, December 8th, 6PM at El Caribe 5945 Strickland Avenue, Brooklyn**

**Hope everyone has a happy holiday**

**CHRIS**

# RETIRED LIEUTENANTS ASSOCIATION NYPD



We have received several emails with updates on the status of the Medicare Advantage Plus Plan so we have combined the information below from the NYC Organization of Public Service Retirees

## Updates

Today, is Wednesday December 15th.

\*\*\*\*\*

Judge Frank posted his decision last night. He is setting a POTENTIAL start date of the new MAPP of April 1st and an opt out deadline of March 31, IF the city meets all the criteria set forth and provides satisfactory periodic updates to the court. The judge extended the ability to opt out of the plan through June. This is a major win for retirees in the first phase of our case. Read the decision here: <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=wL1bDfv2QTn8bWjh/CCCXQ==>

According to the city, co-pays on the GHI Senior Care plan are scheduled to take effect January 1. We argue that the copays are part of the TRO and should not be implemented. Please advise us if you receive a new GHI card with co pays indicated or you are charged a co-pay after January 1.

We have yet to see if the city can satisfy the Judge's requirements, leading to the implementation of this plan. If the restraining order is lifted, we will argue the merits of our case that this change was illegal and is a reduction of our benefits.

**Lastly, DO NOT OPT OUT YET!**

## From the Retired Sergeants Association

The RSA has been informed that the Alliance (Empire BCBS Retiree Solutions & Emblem Health) is mailing out a postcard this week to OFFICIALLY notify city retirees that:

"The new NYC Medicare Advantage Plus (PPO) plan is not starting on January 1, 2022. The new plan start date has been postponed and is subject to Court approval. This means at the start of 2022, retirees will remain enrolled in their current plan including any changes that retirees requested."

Retirees can find the Health Plan Rate Chart effective January 1, 2022, posted on the Office of Labor Relations (OLR) website at: <https://www1.nyc.gov/assets/olr/downloads/pdf/health/revised-retiree-rates-jan-2022.pdf>

As we have previously communicated to our members, retirees enrolled in the GHI Senior Care plan, the "buy-up" (PREMIUM) will not apply for January 1, 2022, until the start date of the new NYC Medicare Advantage Plus plan.

It goes on to say: "We'll let you know once we have more information about the new plan start date. The opt-out period has been extended until further notice."

The RSA was also informed that once there is clarity in terms of the effective start date, a letter will be issued to Medicare retirees.

I guess the "paper shortage" has been rectified!

Continued next page.....

# RETIRED LIEUTENANTS ASSOCIATION NYPD

The RSA also provided an update on copayments scheduled to start on January 1, 2022

This is a reminder for Medicare Retirees, currently in GHI Senior Care, that although implementation of the new NYC Medicare Advantage Plus Plan is still being evaluated in the Courts and the implementation of the new plan is delayed, the current GHI-Senior Care Plan is still scheduled for co-pay increases effective January 1, 2022.

The following will go from NO CO-PAY (2021) to \$15 CO-PAY (2022):

PCP visits  
Specialist visits  
Diagnostic tests (X-rays, lab, radiology, etc.)  
Mental Health/Substance Use Disorder  
Urgent Care Center  
Rehab Services  
Hearing Exam

The annual deductible will remain the same at \$253.

2022 Medicare Deductibles:

Members are also reminded the 2022 calendar year annual GHI-Senior Care (out of pocket) Medicare deductibles will still be accrued by plan participants for the unknown length of the "court scrutinization" and Medicare Plan transition/implementation periods. It is unknown how far into 2022 this changeover will occur.

The uncertainty is what happens to 2022 deductible dollars paid by current GHI Senior Care plan participants? Will these dollars eventually be migrated over to the new NYC Medicare Advantage Plus Plan? Are the plan participants going to be forced to pay the new "duplicate" deductible dollars?

It appears the NYC Office of Labor Relations (NYC -OLR) and The Alliance (Emblem Health and Blue Cross/ Blue Shield) are "ferociously -arguing" over who will absorb the tens of millions of dollars that will be paid by Medicare participants currently in GHI -Senior Care and then eventually migrated to the new MA Plan, a plan with its own embedded deductible. This would mean Medicare participants would be forced to pay "duplicate deductibles". Absent Court intervention and a Court mandate, this burden will unfairly fall on the backs of us retirees as apparently NYC-OLR is not content with its \$650M dollar bonus! The Alliance is equally hesitant to relinquish a part of the unknown billions in revenues they will accumulate. How this will play out is any one's guess!

It is however, refreshing to hear that the Municipal Labor Committee (M.L.C.) is finally showing a conscience and looking out for Medicare participants. It is the M.L.C.'s position that Medicare retirees should be "held harmless" from paying "duplicate annual deductibles".

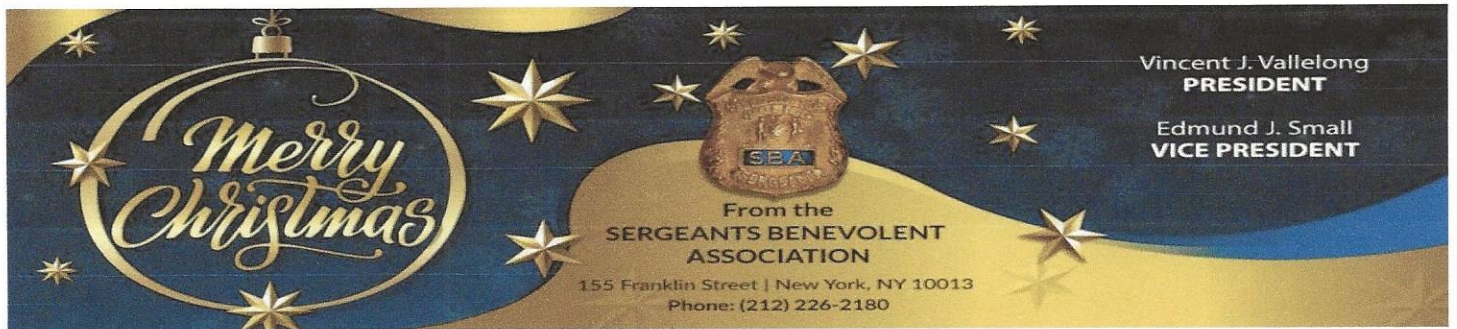
Hopefully the M.L.C. will show resolve, maintain their integrity, and uphold that Medicare retirees have been disrupted and disturbed enough and not compromise to the insatiable NYC Office of Labor Relations and the Alliance.

We thank the RSA and SBA for their updates  
We will keep you informed as new information becomes available





**THE LBA IS ON TWITTER:** The Lieutenants Benevolent Association is now on Twitter. If you are not on Twitter, simply go to the App Store on your phone and download the app, create an account, and follow us at @LBANYPD. I want to thank LBA Recording Secretary Chris Cantelmi for monitoring and administering the LBA Twitter account. Chris has invested, and continues to invest, a substantial amount of time and effort in ensuring that the information posted by the LBA on Twitter is verified and accurate. Chris' efforts help maintain the integrity and credibility of what we post. Please feel free to send any ideas about postings to Chris, at [CCantelmi@NYPD-LBA.org](mailto:CCantelmi@NYPD-LBA.org). We will continue to inform our members of topical matters by e-mail in addition to posting contemporaneous comments on Twitter. Please make sure to follow us on Twitter; encourage your friends a family to follow us as well.



Dear Fellow Sergeant,  
 We are happy to report that we earned a victory from the NYS Supreme Court in our battle to challenge the manner in which the vaccine accommodation process has been administered by the City. This morning, Supreme Court Justice Frank Lyle issued an Order enjoining the City from issuing final decisions on the RA/MA applications until it provides each applicant with sufficient information regarding the reasons for the denial. In essence, because the City initially put out a form letter stating an application was “denied” with no further explanation of the reasons for the denial, the Court found that such a vague and unclear denial undermines the appeal process which requires “specific, articulated” reasons for the denial. Failure to provide such specific information makes it impossible for an applicant to effectively challenge the denial on appeal.

Notably, in the midst of this litigation, the City started using a more specific “check the box” denial form letter, which contains reasons why an applicant’s religious accommodation application was denied. The Court found that the City’s new form provided sufficient, specific information for purposes of the appeal; however, that form only applied to religious accommodation applications, and not medical accommodation applications. As a result, the Court enjoined the City from issuing final decisions on any medical accommodation requests unless and until those applications are denied with specific, detailed reasons as well.

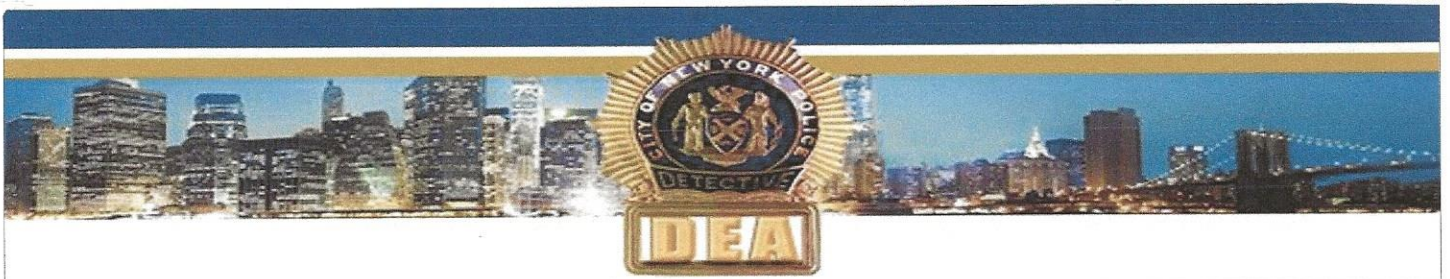
The most important part of the decision is that the Court found that the “job or job” ultimatum by the City constitutes irreparable harm. The Court ruled that the City’s demand that MOS either get vaccinated or face leave without pay is distinguishable from other cases where financial compensation can be made. The Court held that the “job or job” policy forces MOS to violate their sincerely held religious beliefs or go against medical advice and get the vaccine. The administration of the vaccine is irreversible – once received, it cannot be undone. As a result, the Court found that the City’s policy constitutes irreparable harm.

While this is a victory for those members seeking religious or medical accommodations, it is a limited and temporary one. Once the City provides specific information explaining the reasons for an officer’s denial, they may continue with the presently-instituted religious and medical accommodations appeal procedure, which could ultimately lead to a final denial and that member’s “job or job” decision.

In the event any member has been denied a religious accommodation without having received a specific reason for the denial from the City, they should expect to receive an updated denial letter with specific, articulated information explaining the reason for the denial. Once received, the member must re-file their appeal, and specifically challenge the identified reasons for the denial. Of course, if any member has any questions, you may call our attorneys at the Quinn Law Firm at (914) 997-0555 for further clarification of this process.

As always, stay safe.  
 Fraternally,

Vincent J. Vallelong  
 President  
 Sergeants Benevolent Association



## The DEA Now Has Its Own App

If you have an Apple iPhone iOS, go to your Apple App store and search DEA NYPD to download.

If you have an Android phone, go to your Google store and search DEA NYPD to download.

To gain access to the App, you need to enter your DEA website login information, including email address and password.

If you've never logged onto the DEA website at [www.nycdetectives.org](http://www.nycdetectives.org) before, you have to do so and create your own login. Everything that is listed on the DEA website is listed on our DEA App, designed for easy viewing on a smaller screen. If you have any problems logging in, go to the DEA website and choose "General Login Support" on the drop-down menu under Website Support.

Don't miss this specially designed application created so that our members can always access DEA information any time of day or night

### Delegates Overwhelmingly Approve Contract & Recommend Membership Ratification of Its Terms December 30, 2021

On Thursday, December 30, 2021, approximately 99% of DEA Delegates approved and voted in favor of sending the recently proposed contract to the full, active membership of the union for its ratification vote. The actual Delegate vote was 171 **YES**, with only two voting against the proposed contract.

Click on **the pdf file below** to read the four pages outlining the basic terms and conditions of the contract and the estimated amount of retroactive pay members can expect to receive upon ratification of this contract. This contract is for the period of 38 months, from April 1, 2019, until May 31, 2022. While other unions agreed to an extension of three or more months, the DEA was able to negotiate only a two-month extension to generate the additional 2.25% "community policing differential" (now called "service differential" in our contract). The DEA believes this contract is an excellent resolution to the current round of negotiations.

In the next few days, the DEA will be issuing more information about the specific terms and conditions of the contract, and will be recommending that members vote for its ratification. Information about voting will be sent out shortly via email.

Because of the widespread impact of the COVID-19 virus and its developing different strains, and the delays it has caused in the United States mail delivery system, with the approval of the Delegate body, the union is planning to hold the contract vote electronically. So, please make sure your email addresses are up-to-date. In the interim, feel free to contact your Delegate, Welfare Officer, or Trustee if you have any questions or concerns.

We wish all of you a very happy holiday season and best wishes for a safe, healthy, and joyous New Year. We look forward to ringing in 2022 with a new contract and greater wages and working conditions for all our members. Click on the link to read the terms and conditions of the contract. <https://www.nycdetectives.org/wp-content/uploads/2021/12/Full-Terms-Conditions-of-Contract-4-Pages.pdf>

### Update Regarding the NYC Medicare Advantage Plus Plan December 15, 2021

#### **New Date — Effective April 1, 2022**

On December 14, 2021, Judge Lyle Frank issued a decision on the NYC Medicare Advantage Plus Plan lawsuit. As you know, the previously planned effective date had been January 1, 2022. However, Judge Frank decided to allow the program to move forward with a **revised start date of April 1, 2022**. The new program implementation date will be effective provided Judge Frank is satisfied that the appropriate outreach has been made to physicians and, in turn, communicated to retirees.

Furthermore, the Court agreed with the Municipal Labor Committee (MLC) and ordered that retirees be held harmless with respect to deductibles. Any payment towards deductibles that NYC retirees make before the new plan becomes effective on April 1, 2022 will count towards the annual deductible in the new NYC Medicare Advantage Plus Plan.

Also, any plan premiums for plans other than the new NYC Medicare Advantage Plus Plan will **not** go into effect until April 1, 2022, and will **not** be deducted from members' pension checks until that date. Member ID card mailings will be adjusted to correspond with the new April 1, 2022 date as well.

Lastly, the Court ruling will permit flexibility in retirees' decision-making during the transfer, and there will be a continuing opt-out and opt-in period until, at least, June 30, 2022.

The MLC Technical Committee on Health met with the City Office of Labor Relations, Emblem Health, and Empire Blue Cross / Blue Shield on December 15, 2021, and they are working on revised communications, including a corrected NYC Medicare Advantage Plus Plan Enrollment Guide and letters that will be posted on the City's OLR website as soon as they become available.

As always, the DEA will keep our members' apprised of any and all updates as soon as we receive the information.



December 19, 2021

## **PAROLE GRANTED TO MURDERER OF NYC'S FIRST WOMAN POLICE OFFICER KILLED IN LINE OF DUTY**

Police Officer Irma "Fran" Lozada is part of a tragic piece of New York history. In 1984, she became the city's first woman police officer killed in the line of duty. Now, her sister and brother police officers are devastated by the news that her murderer has been granted parole release.

PBA President Patrick J. Lynch said: "Police Officer Lozada's sacrifice was a testament to the courage she shared with all New York City police officers, regardless of gender, race or creed. The release of her killer is a blow to every cop who puts her life on the line to stop criminals from preying on innocent New Yorkers. We continue to urge Governor Hochul and the State Legislature to fix our broken parole system before another hero's sacrifice is dishonored."

P.O. Lozada joined the NYC Transit Police Department, then a separate agency from the NYPD, in 1981. She was assigned to Transit District 33 in Brooklyn and was working in plainclothes on September 21, 1984 when she and her partner witnessed Darryl Jeter rip a chain off the neck of a rider at the Wilson Avenue stop of the L subway line.

P.O. Lozada and her partner gave chase but became separated. P.O. Lozada caught up with Jeter alone and was shot twice in the head in the ensuing struggle. Her body was recovered hours later amid the tall weeds and garbage in a vacant lot. She was 25 years old.

Jeter was convicted of second-degree murder and given a sentence of 32.5 years to life, prior to the enactment of PBA-backed legislation that made life without parole the top sentencing option for cop-killers. Jeter had served just over 36 years of his sentence before he was granted parole release earlier this month, according to NYS Department of Corrections and Community Supervision records.

Jeter is at least the 23rd cop-killer released by the Parole Board in under two years.

December 14, 2021

## **PBA STATEMENT ON ANNOUNCEMENT OF CHIEF KEECHANT SEWELL AS NEXT NYC POLICE COMMISSIONER**

"We welcome Chief Sewell to the second-toughest policing job in America. The toughest, of course, is being an NYPD cop on the street. New York City police officers have passed our breaking point. We need to fix that break in order to get our police department and our city back on course. We look forward to working with her to accomplish that goal."

<http://www.nycpba.org/press-releases/2021/pba-statement-on-announcement-of-chief-keechant-sewell-as-next-nyc-police-commissioner/>

December 11, 2021

## **JOYOUS RETURN FOR HOLIDAY PARTY FOR FAMILIES OF FALLEN POLICE OFFICERS**

Joy and laughter filled the room-along with kids, parents, uniformed police officers and canine cops- at the return of the New York City Police Benevolent Association's Widows' and Children's Holiday Party. This treasured annual tradition, held this year at Russo's on the Bay in Howard Beach was cancelled last year by COVID but resumed in full merriment with dozens of families of police officers killed in the line of duty. The NYPD Emerald Society Pipes and Drums band marched in escorting Santa Claus.

Watch video: <http://www.nycpba.org/news-items/pba-video/2021/families-of-fallen-heroes-celebrate-the-holidays/>

### **PBA President Patrick J. Lynch said:**

"This is our way of saying thanks to these hero families — not for the sacrifices they've made, but for the strength they show every day. When New York City police officers turn out from our stationhouses, we walk past portraits and plaques of these fallen heroes. Knowing that their families have the strength and courage to carry on despite their pain gives us the strength and courage to do our job and protect this city."

The entertainment featured something for everyone, including costumed characters, jugglers, face painting, magicians, NYPD horses, motorcycles and the holiday classic: family photos with Santa.

December 10, 2021

## **PBA ON MAYOR'S COMMENTS ON BRIAN LEHRER**

### **PBA President Patrick J. Lynch said:**

"At the exact moment people were chanting in the streets for 'dead cops,' Mayor de Blasio chose to turn up the rhetorical heat and suggest that police officers should be feared and hated. We all know what happened next. In three weeks, he'll be gone. New York City police officers will still be on the street, trying to reclaim this city from violence. We're focused on the future."



# NYC Health Benefits Program

City Coverage for Medicare-Eligible Retirees

Answer: Yes. If your 2019 monthly Medicare Part B premium was between \$110.00 and \$135.50, you may be eligible for an additional reimbursement amount referred to as a differential payment. In order to receive the differential payment, the retiree and/or dependent must submit a copy of proof of this additional payment (for example, the Form SSA-1099, bank statements, CMS-500 Notice of Medicare Payment Due) to our office for review. If approved, you will receive the differential payment during the first quarter of 2021. For further information and to download the Medicare Part B Differential Request form, visit our website at [nyc.gov/hbp](http://nyc.gov/hbp).

If, however, you are enrolled in Medicare Part B as of 2016, you should have received reimbursement of \$135.50 per month automatically and no action will be required on your part.

Question: Many people received their reimbursement and I didn't get mine yet. What should I do?

Answer: Medicare reimbursements were deposited directly into the same account that you use for your pension payment. Please check your bank statement.

Question: I don't have direct deposit for my pension payment and still have not received my Medicare reimbursement. What should I do?

Answer: You should write to the address listed above, Attention: Medicare Unit. Please include your name, retiree spouse's name (if applicable) retiree's Social Security number, agency from which the retiree retired, current address, telephone number, and a copy of your Medicare card/ your spouse's Medicare card (if applicable). This review process may take up to 8 weeks from receipt of the above information. Question: The reimbursement I received is not the correct amount. What should I do?

Answer: You should write to the address listed above, Attention: Medicare Unit. Include your name, Social Security number, current address and telephone number, and a copy of your Medicare card. State the reason you believe the amount is incorrect. This process may take up to 8 weeks from receipt of the information.

Question: The check that I received is torn/ripped and the bank will not cash it. What should I do?

Answer: You should return the check to the address listed above, Attention: Medicare Unit. Include your name and Social Security number. It may take up to 8 weeks for a replacement check to be issued.

Question: I am the retiree and received a reimbursement for my spouse/domestic partner/Medicare- eligible dependent who died during the reimbursement year. What should I do?

Answer: Contact the Health Benefits Program in writing. Include both the retiree's and deceased individual's name, both Social Security numbers, address, phone number and a copy of the death certificate. Mail the information to the address listed above, Attention: Medicare Unit.

Question: My spouse/dependent was a City retiree who died before the reimbursements were issued. How do I claim the reimbursement?

Answer: You should write to the address listed above, Attention: Medicare Unit. Include the retiree's name and Social Security number, your name, your address, phone number and a copy of the death certificate. Upon receipt of the death certificate, we will contact you if further documentation is required.

Question: Do I have to re-enroll every year for the Medicare Part B Reimbursement?

Answer: No, but if you change your address, or if one of the eligible Medicare Part B recipients dies, you must notify the Health Benefits Program, in writing.

Question: What if my bank account information changes?

Answer: Please notify your pension system directly of any bank account changes. The changes will be automatically used for the Medicare Part B reimbursements.

Question: I paid more than the standard premium for Medicare Part B. Am I entitled to the higher premium reimbursement (IRMAA)?

Answer: You may be entitled to the higher reimbursement through Income Related Monthly Adjustment Amount (IRMAA). Visit our website at [nyc.gov/hbp](http://nyc.gov/hbp) for further information.

### **IRMAA Medicare Part B Reimbursement**

If you paid more than the standard monthly reimbursement rate for Medicare Part B, as an Income Related Monthly Adjustment Amount (IRMAA), you may be eligible for additional reimbursement. **If you submit the required documentation for Medicare Part B IRMAA reimbursement, your reimbursement will be deposited directly into your bank account.**

Learn More about IRMAA Medicare Part B Reimbursement: <https://www1.nyc.gov/assets/olr/downloads/pdf/health/faq-irmaa.pdf>



## IF A MEMBER DIES - INFORMATION TO THE SURVIVING SPOUSE OR FAMILY

(Hopefully Not Needed For A Long Time)

Too often spouses and families are left in a quandary upon the death of a loved one. Few situations in life are more stressful than when a spouse passes. All too often we have a difficult time focusing on the issues at hand and need guidance to get the deceased affairs in order. The following is a general guide for the widow(er) or the deceased's family regarding important notifications that must be made by the surviving spouse and information you should have on hand when a retiree dies.

### I. PREPARATIONS BEFOREHAND

- **GATHER ASSETS** - This doesn't mean piling them all together. It means getting a list of all the assets at the time of the decedent's death, along with copies of statements, deeds, etc. This information is needed for probate. It's also essential for filing federal and state estate tax returns, if required.
- **REVIEW IRAs** - If the surviving spouse is the beneficiary, decide whether to roll an IRA over to the surviving spouse.
- **GET GOOD ADVICE** - and get it now. The money you pay to attorneys and other advisers to resolve issues NOW can be much lower than if you deal with problems AFTER a person's death.
- In case of couples, usually most of the property is held in joint names and the survivor obtains same "by operation of law". However, there may be some items which were held in the name of the deceased only, and in that case it would be necessary to go to Probate Court to transfer ownership of that property, unless listed in a trust.
- **GET ORGANIZED NOW** - When someone dies, one of the big problems for beneficiaries is locating the things necessary to settle the estate. Make sure you know before the death occurs where to find the following documents and information. (This is just a partial list)
  1. Will
  2. Living Will
  3. Trust
  4. Deeds (if any).
  5. Safe-deposit boxes (location of boxes, contents and keys).
  6. Life insurance policies.
  7. Funeral and burial instructions.
  8. Names and addresses of creditors and debtors.
  9. List of assets and where they are located.
  10. List of all advisers (attorney, accountant, insurance agent, stockbroker, etc.).

### II. STEPS TO BE TAKEN AFTER DEATH - Notifications to be made:

1. NYC Police Pension Fund (either in writing or by telephone)  
233 Broadway, 25th Floor  
New York, New York 10279  
Attention: Retiree Death Benefits Unit  
Telephone [212\) 693-5607](tel:212-693-5607)/5919

Contact the appropriate Union for a possible existing life insurance policy and also for continuation of optional benefits, if qualified.

- Police Officers - Patrolmen's Benevolent Association (PBA) at [212\) 233-5531](tel:212-233-5531)
  - Detectives - Detectives' Endowment Association (DEA) at [212\) 587-9120](tel:212-587-9120)
  - Sergeants - Sergeant's Benevolent Association (SBA) at [212\) 431-6555](tel:212-431-6555)
  - Lieutenants and above - Superior Officers Council (SOC) at [212\) 964-7500](tel:212-964-7500)
2. Contact the NYC Health Benefits Program for Special Continuation of Coverage application (coverage for life) located at 40 Rector Street, 3rd Floor, New York 10006 [212\) 513-0470](tel:212-513-0470).
  3. Contact the NYPD Operations Unit located at One Police Plaza at [646\) 610-5580](tel:646-610-5580), for pall bearers (Funeral Director will usually do this for you) for all five boroughs, all of Long Island and Upstate New York, but not beyond Dutchess County.
  4. Contact Social Security: [800\) 772-1213](tel:800-772-1213) (Funeral Director will usually do this for you).
  5. Contact Fraternal Organizations to arrange for visitors, Color Guard and possible insurance benefits.

Continued next page.....

6. If a veteran, notify the Veterans Administration at [\(800\) 827-1000](tel:8008271000) for: Grave marker, Funeral Allowance and Flag (Funeral Director will usually do this for you).  
If can't find discharge papers or DD 214, you will need date of Enlistment, date of Discharge, Branch & Serial Number. If deceased had 100% disability for 10 years, spouse is entitled to an additional benefit.
7. Notify your Church or Temple for announcements.  
(Funeral Director will usually do this for you).
8. Health Insurance: COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) COBRA has a safety net. If spouse or dependent was covered under deceased's health plan they may continue coverage under COBRA for up to 36 months. New York State in 2001 amended the Administrative Code to continue Health Care Coverage for Surviving Spouses for Life (Download Information Regarding this Amendment). This enables the deceased's spouse and/or dependents to receive coverage at the group rate. The City and the Line Organization health benefits stop at the death of the members. The rate, though high, is cheaper than the non group rate.  
Call: NYC Employee Benefits [\(212\) 513-0470](tel:2125130470)

**THIS INFORMATION PERTAINS TO COBRA**

**Police Officers & Firefighter surviving spouses are to follow this procedure**

Attach a machine copy of the death certificate to a request for an application for COBRA FOR LIFE and send it to:

Retired Employees Benefits Section

Att: Linda Harris (**Cobra for Life**)

40 – Rector Street – 3<sup>rd</sup> Floor

New York, NY 10006

They will send the surviving spouse a pre-numbered application allowing the spouse to continue the health coverage the member had at a cost equal to 102% of what the City pays, which includes administrative fees. This is fairly reasonable. Applying for this must be done within 30 days. Benefits are retroactive if the surviving spouse requires medical attention during this interim period.

At this time if a member and spouse are of Medicare age, and reside in an area covered by Aetna, I would strongly recommend they choose that plan over GHI/EBC/CBP.

Also, they would need to consider the respective union plans as those plans would only be available for 36 months, and whether the health plan rider would be a better choice.

**THINGS YOU WILL NEED**

**DEATH CERTIFICATES** - Death Certificates are necessary in every step to the successful administration of a decedent's estate. (Usually Funeral will obtain certificates as part of his service at current cost). They are usually needed for:

Pension Bureau

Veterans Administration (if a veteran)

Motor Vehicle Bureau if auto was in deceased's name. 1 for each insurance policy.

Court (if probate is needed).

Your State Department of Revenue to obtain non-tax certificate if real property is involved.

Bank accounts held in Trust for another 1 for each account if property held in a Trust.

Personal Records.

Note: If estate is probated, some of the above will take a Letter Testamentary instead of a Death Certificate.

**MARRIAGE CERTIFICATE (With Official Raised Seal):**

Social Security, (not necessary if surviving spouse already receiving benefits)

Veterans Administration, if a veteran.

**LETTERS TESTAMENTARY or LETTERS OF ADMINISTRATION:**

Motor Vehicle Bureau, if auto is in the deceased's name.

One for each bank account

Brokerage house account (share of stock or bonds, etc. that were in the deceased's name alone)

**DISCHARGE PAPERS: DD 214 - (Original needed)**

Social Security, if spouse was not already receiving benefits. Remember that service time counts toward qualification. They will Photostat.

Veterans Administration, if a veteran

**PAID FUNERAL BILLS:**

1 copy for Pension Bureau

1 copy for Probate Court

1 copy for IRS, if taxable estate.

Continued next page.....

## OTHER THINGS THAT MAY APPLY (usually after burial)

Cancel any leases. (If your parent or loved one rented a home, cancel the lease after clearing out the furnishings)  
Inform insurance companies.

File life insurance claims for any policies on the person's life, and request that the insurers send you Form 712, Life Insurance Statement (this is a statement about the life insurance that must be filed with the estate tax return).  
Make sure the car insurance company continues to cover the person's car until it's sold or transferred to a beneficiary.

Make sure the homeowners policy continues to provide adequate coverage for the person's things until removed from the home.

Notify companies the person did business with.

Cancel credit cards, and close charge accounts.

Have airlines to transfer frequent-flier miles to the primary beneficiary. (Each airline has different policy concerning this issue. Check with carrier about rules)

Consideration should also be given to making pre-death funeral arrangements. This provision, no matter how painful, should be discussed by couples and by parents with their families. Too often, spouse and children spend much too much money on a funeral and do so without really knowing what were the deceased's wishes in this regard (Place of burial, Cremation, etc.)

Consideration should also be given to having a "Family Durable Power of Attorney" (Someone to take over your finances if you become incapacitated or incompetent)

There are no words of comfort at such a difficult time, however, if you have all the necessary information at the ready it will expedite any claim that is pending, make the process run smoothly, and your stress level can be minimized.

Attached is a List of Phone Numbers that you can print out and put with your important papers.

Operations Desk	<a href="tel:646-610-5580">646-610-5580</a>
NYCPD General Info	<a href="tel:646-610-5000">646-610-5000</a>
Pension Section	<a href="tel:866-692-7733">866-692-7733</a>
I D Card Section	<a href="tel:646-610-5150">646-610-5150</a>
Employee Benefits	<a href="tel:212-513-0470">212-513-0470</a>
PBA Health & Welfare	<a href="tel:212-349-7560">212-349-7560</a>
PBA Caremark Drug Plan	<a href="tel:877-722-7911">877-722-7911</a>
PBA Satellite	<a href="tel:954-977-3880">954-977-3880</a>
DEA	<a href="tel:212-587-9120">212-587-9120</a>
SBA	<a href="tel:212-226-2180">212-226-2180</a>
SBA Health & Welfare	<a href="tel:212-431-6555">212-431-6555</a>
RSA	<a href="tel:516-564-1861">516-564-1861</a>
LBA-SOC	<a href="tel:212-964-7500">212-964-7500</a>
GHI	<a href="tel:800-358-5500">800-358-5500</a>
Empire Blue Cross	<a href="tel:800-433-9592">800-433-9592</a>
Medicare Re-Imbursement	<a href="tel:212-513-0470">212-513-0470</a>
Medicare	<a href="tel:800-633-4227">800-633-4227</a>
Social Security	<a href="tel:800-772-1213">800-772-1213</a>
Social Security-TTY #	<a href="tel:800-325-0778">800-325-0778</a>

## COBRA INFO FOR SURVIVING SPOUSE

<http://www1.nyc.gov/site/olr/health/retiree/health-retiree-cobra.page>

**COBRA health benefits for surviving spouses.**

- 1 Google - Health Benefits NYC
- 2 Click on Health Benefits
- 3 You will be on NYC Office of Labor Relations site
- 4 Click on RETIREE at top
- 5 Then on left side click on FORMS AND DOWNLOADS
- 6 Then click on COBRA FORM NOTICE OF RIGHTS AND COBRA
- 7 This form has all the info needed and also where to mail form to.
- 8 This is Cobra for life for the surviving spouse.

SAD NEWS  
FOR N.Y.C.



ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000

January 3, 2022

To: All Staff  
From: Alvin L. Bragg, Jr.  
Re: Achieving Fairness and Safety

Growing up in Harlem in the 1980s, I saw every side of the criminal justice system from a young age. Before I was 21 years old, I had a gun pointed at me six times: three by police officers and three by people who were not police officers. I had a knife to my neck, a semi-automatic gun to my head, and a homicide victim on my doorstep. In my adult life, I have posted bail for family, answered the knock of the warrant squad on my door in the early morning, and watched the challenges of a loved one who was living with me after returning from incarceration. Late last year, during a stretch of multiple shootings within three blocks of my home, I had perhaps the most sobering experience of my life: seeing —through the eyes of my children— the aftermath of a shooting directly in front of our home, as we walked together past yellow crime scene tape, seemingly countless shell casings, and a gun, just to get home.

In large part because of these experiences, I have dedicated my career to the inextricably linked goals of safety and fairness. This memo sets out charging, bail, plea, and sentencing policies that will advance both goals. Data, and my personal experiences, show that reserving incarceration for matters involving significant harm *will make us safer*.

The policies are premised on several key principles.

- Invest more in diversion and alternatives to incarceration: Well-designed initiatives that support and stabilize people – particularly individuals in crisis and youth – can conserve resources, reduce re-offending, and diminish the collateral harms of criminal prosecution.<sup>1</sup>

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<sup>1</sup> Michael Mueller-Smith & Kevin T. Schnepel, *Diversion in the Criminal Justice System*, 8 THE REV. OF ECON. STUD. 2, 883–936 (2021), <https://doi.org/10.1093/restud/rdaa030> (finding that diversion cuts reoffending rates in half and grows quarterly employment rates by nearly 50% over 10 years); Amanda Agan, Jennifer Doleac & Anna Harvey, *Misdemeanor Prosecution* (Nat'l Bureau of Econ. Res., Working Paper No. 28600, 2021), [https://www.nber.org/system/files/working\\_papers/w28600/w28600.pdf](https://www.nber.org/system/files/working_papers/w28600/w28600.pdf) (finding non-prosecution of a nonviolent misdemeanor offense leads to large reductions in the likelihood of a new criminal complaint over the next two years); David Huizinga & Kimberly L. Henry, *The Effect of Arrest and Justice System Sanctions on Subsequent Behavior: Findings from Longitudinal and Other Studies*, in, THE LONG VIEW ON CRIME: A SYNTHESIS OF LONGITUDINAL RESEARCH 244 (Akiva M. Liberman, ed., 2008); John Laub & Robert Sampson, *Life-Course and Developmental Criminology: Looking Back, Moving Forward*, J. OF DEV. AND LIFE-COURSE CRIMINOLOGY (2020).

- Reduce pretrial incarceration: Particularly given the ongoing crisis at Rikers, we must reserve pretrial detention for very serious cases. The data show that the overwhelming majority of those released pretrial do not commit a violent crime while at liberty.<sup>2</sup> Studies show that even three days in jail can lead to a loss of housing, employment, and strain family connections and increase the likelihood failure to appear in court.<sup>3</sup> Studies also indicate that incarceration, in and of itself, can create public safety risks.<sup>4</sup>
- Focus on Accountability, Not Sentence Length: Research is clear that, after a certain length, longer sentences do not deter crime or result in greater community safety.<sup>5</sup> Further, because survivors and victims of crime often want more than the binary choice between incarceration and no incarceration, we will expand our use of restorative justice programming.<sup>6</sup>
- Limit Youth in Adult Court: Research shows that brain development continues until up to age 25,<sup>7</sup> youth are physiologically subject to more impulsive behavior, and are still capable

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<sup>2</sup> New York City Mayor's Office of Criminal Justice, *How many people with open criminal cases are re-arrested?* (December 2021), <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/12/Pretrial-Docketed-Rearrest-Contextual-Overview-December-2021-Update.pdf> (finding that from January - June 2021 fewer than 1% of the 45,000- 50,000 people out pretrial are arrested for nonviolent or violent felonies each month); *see also*, Pretrial Release Dashboard, New York City Criminal Justice Agency, <https://www.nycja.org/pretrial-release-dashboard> (including pretrial outcome data through October 2021).

<sup>3</sup> Christopher Lowenkamp et al., *The Hidden Costs of Pretrial Detention*, THE LAURA AND JOHN ARNOLD FOUND., [https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_hidden-costs_FNL.pdf).

<sup>4</sup> Studies in New York City, Miami, Pittsburgh, Philadelphia, and Houston comparing similar people released and detained before trial consistently found a modestly greater risk of re-offending once the pretrial period ends for detained individuals. For New York City, *see* Emily Leslie & Nolan Pope, *The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments* 60 J. OF L. AND ECON. 3, 529-557 (2017), [http://www.econweb.umd.edu/~pope/pretrial\\_paper.pdf](http://www.econweb.umd.edu/~pope/pretrial_paper.pdf); for Miami and Philadelphia, *see* Will Dobbie et al., *The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges* (Nat'l. Bureau of Econ. Research, Working Paper No. N22511, 2018), <https://www.nber.org/papers/w22511.pdf>; for Philadelphia and Pittsburgh.

<sup>5</sup> *Five Things About Deterrence*, NAT'L INST. OF JUST., NCJ No. 247350 (2016), <https://www.ojp.gov/pdffiles1/nij/247350.pdf>; Daniel S. Nagin, *Deterrence in the Twenty-First Century*, in 42 CRIME AND JUSTICE IN AMERICA, 1975-2025, 201-202 (Michael Tonry, ed., 2013); Damon M. Petrich, et al., *Custodial Sanctions and Reoffending: A Meta-Analytic Review*, 50 CRIME AND JUST. (2021), <https://www.journals.uchicago.edu/doi/10.1086/715100> (finding custodial sanctions have no effect on reoffending or slightly increase it when compared with the effects of noncustodial sanctions and that incarceration cannot be justified on the grounds it affords public safety by decreasing recidivism).

<sup>6</sup> Heather Strang, et al., *Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review*. 9 CAMELL SYSTEMATIC REVIEWS 1, 1-59 (2013), <https://onlinelibrary.wiley.com/doi/abs/10.4073/csr.2013.12> (reviewing 10 randomized control trials and finding face-to-face restorative justice conferences are cost-effective in reducing reoffending and increasing victim satisfaction).

<sup>7</sup> *See e.g.*, Jay N. Giedd, *Structural magnetic resonance imaging of the adolescent brain Adolescent Brain Development: Vulnerabilities and Opportunities*, 1021 ANN. N.Y. ACAD SCI 77 – 85 (2004); Jay N. Giedd et al., *Brain development during childhood and adolescence: A longitudinal MRI study*, 2 NATURE AND NEUROSCIENCE 861-863 (1999); Jim Casey, *The Adolescent Brain: New Research and its Implications for Young People*

of growth and maturation. Prosecuting youth in our adult criminal court system can lead to recidivism,<sup>8</sup> making neighborhoods less safe.

- Actively Support Those Reentering: Supporting those returning from incarceration reduces recidivism and thereby makes communities safer.<sup>9</sup> We will scale up our support for services for those reentering and participate substantively in the parole process with a presumption in favor of release.

Please note that a number of the policies set forth below create presumptions requiring supervisory approval and/or a writing to overcome the presumption. These presumptions are intended to reflect the fact that no set of policies can cover all factual circumstances.

These policy changes not only will, in and of themselves, make us safer; they also will free up prosecutorial resources to focus on violent crime. To that end, new initiatives and policies on guns, sex crimes, hate crimes, and other matters will be announced in the coming weeks. We also are mindful that, in all of the work we do, discovery logistics are a constant challenge, and we will be dedicating significant resources to address this challenge.

Finally, while my commitment to making incarceration a matter of last resort is immutable, the path to get there through these policies will be dynamic, and, not static, and will be informed by our discussions (starting this week in the Trial Division) and our work together in the weeks and months ahead.

Attached are the day one policies and procedures relevant to the above.

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*Transitioning from Foster Care* YOUTH OPPORTUNITIES INITIATIVE 7-8 (2011), <https://assets.aecf.org/m/resourcedoc/AECF-theAdolescentBrain-2011.pdf>.

<sup>8</sup> David Wilson et al. *Police-initiated diversion for youth to prevent future delinquent behavior: a systematic review* 14 CABELL SYSTEMATIC REVIEWS (2018), <https://onlinelibrary.wiley.com/doi/full/10.4073/csr.2018.5> (finding police-led diversion of low-risk youth who come into contact with the justice system is more effective in reducing a youth's future contact with the justice system compared to traditional processing); Jeffrey Fagan, Aaron Kupchik & Akiva Liberman, *Be Careful What you Wish For: Legal Sanctions and Public Safety Among Adolescent Felony Offenders in Juvenile and Criminal Court*, Columb. Univ. Pub. L. & Legal Theory, Res. Paper Series (2007) (finding that serious adolescent offenders prosecuted in the criminal court are likely to be rearrested more quickly and more often for violent, property and weapons offenses, and they are more often and more quickly returned to incarceration); *see also*, Benjamin Steiner & Emily Wright, *Assessing the Relative Effects of State Direct File Waiver Laws on Violent Juvenile Crime: Deterrence or Irrelevance?* 96 J. CRIM. L. & CRIMINOLOGY 1451, 1451 (2006), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=491202#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=491202#); Jill Wolfson, *CHILDHOOD ON TRIAL: THE FAILURE OF TRYING & SENTENCING YOUTH IN ADULT CRIMINAL COURT* (2005).

<sup>9</sup> *See E.g.*, Blair Ames, *NIJ-Funded Research Examines What Works for Successful Reentry*, *The National Institute of Justice*, National Institute of Justice, (Oct. 7, 2019), <https://ojp.gov/pdffiles1/nij/252734.pdf>



**ALVIN L. BRAGG, JR.**  
DISTRICT ATTORNEY

## POLICY & PROCEDURE MEMORANDUM

<b>TO:</b> All Staff	<b>DATE:</b> Monday, January 03, 2022
<b>FROM:</b> Alvin L. Bragg, Jr.	<b>EFFECTIVE:</b> Monday, January 03, 2022
<b>CC:</b>	
<b>SUBJECT:</b> Day One Polices & Procedures	

The following policies and procedures are effective immediately.

### A. CHARGING

1. The Office will not prosecute the following charges, unless as part of an accusatory instrument containing at least one felony count:
  - a) Marijuana misdemeanors, PL §§ 222.30 and 222.50.
  - b) The act of refusing to pay the fare for public transportation under Theft of Services, PL §165.15(3).
  - c) Trespass, PL §§ 140.05, 140.10, 140.15, unless the trespass is a family offense pursuant to CPL § 530.11, accompanies any charge of Stalking in the Fourth Degree under PL § 120.45, or is approved by an ECAB supervisor.
  - d) Aggravated Unlicensed Operation, VTL § 511.1. Note that any vehicular collision resulting in any physical injury should be pursued as an act of reckless driving, reckless endangerment, negligent or reckless assault, failure to yield, or any other applicable statute. This policy addresses only criminalization of a failure to pay fines and does not address the criminalization of dangerous driving. Also, this charge may be prosecuted as part of any accusatory instrument containing a charge of Vehicle and Traffic Law 1212, 1192, or 511.2.
  - e) Any violation, traffic infraction, or other non-criminal offense not accompanied by a misdemeanor or felony.
  - f) Resisting Arrest, PL § 205.30, except for the act of resisting arrest for any crime not included on this declination list.
  - g) Obstructing Governmental Administration in the Second Degree, PL § 195.05, other than for the act of significantly physically interfering with the lawful arrest of another

person. Significant physical interference includes, at a minimum, the acts of shoving, tackling, pushing, punching, and other similar acts. Otherwise, this charge must be approved by an ECAB supervisor.

- h) Prostitution, PL § 230.00. ECAB supervisory approval required to prosecute Patronizing a Person for Prostitution under PL § 230.04. This does not include any felonies, or coercive practices regularly performed by those who traffic in the sex trade or related crimes such as money laundering.
  - i) Outdated offenses such as Obscenity, PL Article 235, and Adultery, PL § 255.17.
2. Misdemeanor charges for which a desk appearance ticket is required by law shall be offered diversion. Diversion is defined as the opportunity to complete a short but meaningful programming mandate after arrest through a community-based provider, based on the needs of the person arrested. Upon completion of the mandate, the Office will decline to prosecute the case.
    - a) Consistent with past policies, those arrested and offered diversion will be permitted to consult with an attorney regarding their options.
    - b) If the person accepts the diversion, the Office will work to ensure they do not need to appear in court, including if their diversion mandate is not complete before their scheduled appearance.
  3. Cases for which a desk appearance ticket is issued but not required by law to be issued will be offered the diversion option defined herein, unless: a) the allegations include any sex offenses, assault, menacing, any allegation of harm or the threat of harm to another person, or offenses requiring an order of protection during the pendency of the case; or b) based on a holistic analysis of the case, diversion would be inconsistent with public safety goals.
  4. The Office will continue to screen desk appearance ticket cases to ensure that diversion is not presumptively offered in rare but important instances of great public concern where such tickets are required by law, such as cases involving white collar theft, the death of another person by an act of driving, and other cases for which non-carceral sentences would not be presumed as per the policies on carceral dispositions described *infra*.
  5. ADAs should use their judgment and experience to evaluate the person arrested, and identify people: who suffer from mental illness; who are unhoused; who commit crimes of poverty; or who suffer from substance use disorders. Immediately identify such cases to an ECAB supervisor. Charges should be brought consistent with the goal of providing services to such individuals, and leverage during plea negotiations should not be a factor in this decision.



6. The following offenses shall be charged as follows:
  - a) An act that could be charged under PL §§ 160.15 (2, 3, or 4), 160.10(2b), or 160.05 that occurs in a commercial setting should be charged under PL § 155.25 if the force or threat of force consists of displaying a dangerous instrument or similar behavior but does not create a genuine risk of physical harm.
  - b) The possession of a non-firearm weapon under Penal Law § 265.02(1) shall not be charged unless as a lesser included offense, and § 265.01 shall be charged instead.
  - c) Residential burglaries: An act involving theft of property from a storage area or other portion of a dwelling that is not accessible to a living area that could be charged under PL § 140.25(2) should be charged only under PL §140.20 and not under PL §140.30 or PL §140.25(2).
  - d) Commercial burglaries: An act involving theft of property from a commercial establishment that could be charged under PL § 140.25(2) because such establishment is technically part of a larger structure that contains dwellings shall only be charged under § 140.20.
  - e) Drug cases: If there is a reasonable view of the evidence indicating that a person arrested for the sale of a controlled substance is acting as a low-level agent of a seller, such person shall be charged with 220.03 and no felonies and therefore offered diversion. Also, unless such charge is a lesser included offense or unless the defendant actually sold a controlled substance, the offense of Penal Law § 220.06 shall not be charged and 220.03 shall instead be charged.
7. Prosecution may be deferred if the discovery available at the time of arraignment is so sparse, or so potentially voluminous, that the ADA believes it poses a significant risk that the Office will not meet its discovery requirements in arraigning the case immediately, provided that doing so poses no public safety risk. Delaying a case while we gather all the evidence and make sure it is appropriate to file an accusatory instrument will ensure that we are in full compliance with the letter and spirit of discovery requirements.

## **B. PRETRIAL DETENTION**

1. There is a presumption of pre-trial non-incarceration for every case except those with charges of homicide or the death of a victim, a class B violent felony in which a deadly weapon or dangerous instrument causes serious physical injury, sex offenses in Article 130 of the Penal Law, domestic violence felonies or charges of PL § 215.50, public corruption, rackets, or major economic crimes, including any attempt to commit any such offense under Article 110 of the Penal Law. For any charge of attempt to cause serious physical injury with a dangerous instrument, ADAs must obtain the approval of an ECAB supervisor to seek pretrial detention.

- a) Exceptions will be granted in extraordinary circumstances, based on a holistic analysis of the facts presented, criminal history (particularly any recent history of not returning to court without sufficient cause or explanation), and any other information available.
  - b) An ADA may request pretrial detention in such extraordinary circumstances after submitting the Application for Pretrial Detention form to their ECAB supervisor.
2. Where release is recommended, the following rules apply:
- a) The Office will consent to release on recognizance whenever release is recommended by the CJA risk assessment or if it is the defendant's first arrest. Exceptions to this rule apply in the following circumstances: a violent felony involving serious physical injury, a class A, B, or C violent felony; or where the defendant lacks a NYC address and does not have a phone to receive court appearance reminders.
  - b) In any other circumstance, the Office will consent to supervised release, or other support strategies to ensure returning to court.
3. For cases where there is no presumption of non-incarceration, the Office should carefully consider all known facts. Special consideration should be given to any request for pre-trial detention for following individuals who face unique hardships, such as individuals with health conditions that could suffer serious harm or death if incarcerated.
4. When requesting bail, ADAs must request a partially or unsecured bond in the same amount as the cash bail request.
5. If defense counsel requests, ADAs working in the arraignment parts shall inform defense counsel prior to their client's arraignment of the Office's bail request and any plea offer.
6. For those individuals whose conditions, particularly their physical and mental health, change during incarceration, the Pathways to Public Safety Bureau will review and consent to a change in bail or release conditions if necessary.
7. If individuals miss court dates, ADAs shall contact defense attorneys to request them to provide the reason for the violation or failure to appear in court. If the person fails to appear but there is no evidence that the person intentionally attempted to flee from law enforcement, such as evading police or giving a police officer an alias, then recommend release upon the original conditions.
8. If there is an allegation that an individual has violated a condition of release, ADAs shall contact the defense attorney to determine whether the violation of the condition is related to circumstances such as health issues, transportation or child care issues. If there is clear evidence that the person willfully violated conditions of release, ask for the next-least

restrictive condition to ensure they fulfill the conditions of release. Supervisory approval is required for any deviation from this policy.

9. In appropriate cases, the Office will consent to excusing the defendant from having to attend routine court appearances.

### **C. DISPOSITIONS**

1. The Office will not seek a carceral sentence other than for homicide or other cases involving the death of a victim, a class B violent felony in which a deadly weapon causes serious physical injury, domestic violence felonies, sex offenses in Article 130 of the Penal Law, public corruption, rackets, or major economic crimes, including any attempt to commit any such offense under Article 110 of the Penal Law, unless required by law. For any charge of attempt to cause serious physical injury with a dangerous instrument, ADAs must obtain the approval of an ECAB supervisor to seek a carceral sentence.
  - a. This rule may be excepted only in extraordinary circumstances based on a holistic analysis of the facts, criminal history, victim's input (particularly in cases of violence or trauma), and any other information available. ADAs shall also consider the impacts of incarceration on public safety, the impacts of incarceration on communities, the financial cost of incarceration, the racially disparate use of incarceration, and the barriers to housing, employment, and education created as a consequence on a period of incarceration.
  - b. An ADA may request incarceration in such extraordinary circumstances after submitting the Application for Carceral Sentence form to their supervisor at least 3 business days prior to the court date upon which such disposition is sought, and after such supervisor so approves.
2. For cases in which there is no presumption of non-incarceration, there is also no presumption that incarceration is the appropriate outcome. ADAs should consider whether a carceral sentence is appropriate based a holistic analysis of all known facts.
3. ADAs shall presumptively indict both top counts and lesser included counts when presenting cases to the grand jury, permitting a wider range of statutorily permissible plea bargaining options. This presumption can be overcome with supervisory approval.
4. When seeking a carceral sentence, the following rules apply, absent exceptional circumstances:
  - a. For a determinate sentence, the Office will request a maximum of 20 years.
  - b. For an indeterminate sentence other than one with a maximum of life, the Office will request no more than a maximum of 20 years, absent exceptional circumstances.

- c. For an indeterminate sentence with a maximum of life, the Office will request no more than a minimum of 20 years, unless required by law.
  - d. The Office shall not seek a sentence of life without parole.
  - e. In exceptionally serious cases such as homicides where lengthy periods of incarceration are justified, ADAs shall consider the use of restorative justice as a mitigating factor in determining the length of the sentence, only when victims or their loved ones consent.
5. If a case is determined to be appropriate for a disposition involving services, the Office will rely on outside professionals to determine the appropriate service and length of placement, and shall analyze cases involving substance use and mental illness through a public health lens. The Office shall not require proffers for such services.
  6. Restorative justice programming will be expanded significantly, including for violent felony cases in which the victim consents.
  7. For any case in which a person violates the terms of a non-carceral sentence or pre-plea programming mandate, the Office will seek a carceral “alternative” only as a matter of last resort. The Office will take into account that research shows that relapses are a predictable part of the road to recovery for those struggling with substance abuse, and the Office will reserve carceral recommendations for repeated violations of the terms of a mandate.

#### **D. SPECIAL PROCEDURES FOR CASES INVOLVING JUVENILES AND YOUNG ADULTS**

1. For adolescent offenders charged with offenses defined in subdivision 1 of CPL §722.23, the Office shall presumptively not file motions preventing removal to family court unless the charges are extremely serious and the young person does not demonstrate amenability to the services available in Family Court. An ADA may overcome this presumption only after submitting the Application Opposing AO Removal form to their supervisor no later than 10 days after arraignment, and after such supervisor so approves.
2. For adolescent offenders charged with offenses defined in subdivision 2 of CPL §722.23, the Office shall presumptively consent to removal to family court under CPL § 722.23(2)(e) unless the charges are extremely serious and the young person does not demonstrate amenability to the services available in family court. An ADA may overcome this presumption only after submitting the Application Opposing AO Removal form to their supervisor at least 3 days prior to the hearing held pursuant to § 722.23(2)(a), and after such supervisor so approves.
3. The Office will consent to the removal of all juvenile offenders to Family Court pursuant to CPL § 722.22, permitting the court to make its own analysis of the statutory factors,

where required, unless consent is not statutorily justified under paragraph b of subdivision 5 of § 722.22.

4. For those cases not removed to Family Court, determinations as to the appropriate disposition will be based on identifying underlying needs and what services and supports can be provided to the person charged and their caretakers to address those needs ultimately improving public safety. We will rely on community-based programs already in use in the Youth Parts as well as adding restorative justice practices to accomplish these goals.
5. For those cases not removed to Family Court, the Office will consider removals to Family Court based on continuing behavior while cases are pending in criminal court, and sealing of charges upon demonstration of rehabilitation.
6. For those cases involving adults under the age of 25, ADAs should make an individualized determination of the appropriate outcome for each case recognizing that the same brain development variables that illuminate our views on juveniles should play a role in our determinations of young adult cases. Some offenses committed by persons in this age range are attributable to lack of impulse control, peer pressure, and the lack of insight and appreciation of consequences that comes with age. Therefore, ADAs prosecuting those under the age of 25 should consider dispositions aimed at rehabilitation, including reducing charges, offering deferred prosecution, or offer pleas that permit a person to avoid a criminal record, depending on the circumstances of each case including the input of victims.

#### **E. SPECIAL PROCEDURES FOR CASES INVOLVING NONCITIZENS**

The Office will seek dispositions that avoid immigration consequences for all misdemeanors, and all felonies for which non-carceral outcomes are the presumptive outcome. The procedures for seeking a disposition that carries immigration consequences in any such case are the same as the procedures for seeking a carceral disposition for cases in which non-incarceration is the presumption.