

**STATEMENT OF
POLICE COMMISSIONER WILLIAM J. BRATTON
BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

SEPTEMBER 8, 2014

Good morning. Thank you for this opportunity to testify about the Police Department's training initiatives.

My 44-year career in law enforcement has taught me that training is the foundation for success in any organization, especially one charged with the complex duties and responsibilities of the New York City Police Department. The law grants our officers extraordinary powers to protect the public. These include issuing summonses, stopping people and asking them questions, making arrests and using force, even deadly force, when absolutely necessary. It is imperative that our officers receive the very best training in order to carry out their duties safely and professionally while protecting individual rights. We are committed to procedural justice practices and legitimacy in all that we do. We are committed to constitutional and respectful policing because it is the basis for effective policing.

It was evident to me and Mayor de Blasio at the time of my appointment as Police Commissioner that there was a need for a fundamental shift in the culture of the Department, from an overarching focus on police activity as measured in the numbers of stops, summonses and arrests to an emphasis on collaborative problem-solving with the community. It was also obvious that such a critical change could not occur without supplementing and strengthening the leadership and training we provide to our personnel.

For that reason, I designated training to be one of the core subjects of a sweeping reengineering process that began as soon as I took office and is now nearing its completion. This effort has involved the painstaking work of more than 1,200 uniformed and civilian members of the service in collaboration with external partners. They serve on 94 teams that have examined and targeted multiple areas for improvement including: Field Training; Recruit Training; In-Service Training; the Discipline Process; Enforcement Strategies; Investigative Strategies; Morale; Uniforms and Equipment; and Technology. Collectively, these teams have made more than 1,000 recommendations to me, from redesigning field training, to consolidating units in order to place more officers on patrol, to collaborating with internal and external partners to identify "at risk" youth and reduce criminality. I anticipate that the full Reengineering Plan of Action will be completed by the end of the year. Indeed, many recommendations have already been approved and are being implemented.

In this, as in everything we do, our goal is to expand the historic gains in crime and disorder reduction to all corners of the City. And on this front I'm pleased to report that felony crime continues on a generally downward trend. Overall index crime was down 4%

at the end of August. The best results so far have been in homicides, down 13%; robbery, also down 13%; and rape, down 8%.

Shootings have been problematic this year, especially in contrast to the extraordinarily low number of shootings in 2013. But the rate of increase has slowed considerably. Shootings have gone from a peak increase of 13% in mid-August versus last year to 7% now (821 vs. 769 shootings). So we are clearly moving in the right direction.

Our overtime and all-out programs this summer, putting more officers on the street in precincts with high numbers of shootings, have had a positive impact on the problem. This August, with 134 shootings reported, was the best August for shootings on record. Given the increases earlier in the year, we may still be headed for a small increase in shootings by year's end compared to 2013, but we should be well below 2012 numbers, making 2014 the second lowest year for shootings ever.

We also continue to see significant gains in safety in the city's public schools. For the academic year that ended in June, index crime was down 6% in our schools while other criminal incidents dropped by more than 5%. Over the past three academic years, major index crime fell by 20% in public schools and violent crime plunged by 38%.

We'll continue to build on these citywide results but as I have often stated throughout my career, we cannot arrest our way out of every crime problem. As Deputy Chief Bob Green of the Los Angeles Police Department so eloquently put it during the time I lead that agency, "the future is not in handcuffs." That is true of Los Angeles. It is true of other American cities. And it is true of New York. Arrests will always be a critical part of what we do. However, there are other tools in our toolbox we can use when the situation calls for it.

To that end, in January as part of our re-engineering process I ordered a review of the NYPD's tactical training and concluded that it is need of significant enhancement. This is not because of any deficiency in our training staff or in most of our training program. What have been lacking are the resources we devote to training, and therefore the frequency with which officers receive it. The verbal and physical tactics needed to assess and control a situation are perishable skills. We cannot reasonably expect police officers to maintain those skills on the basis of the training they receive as academy recruits, without regular refreshers that keep them current and sharp.

Regrettably, recent media coverage has made it seem as if police use of force against arrestees is commonplace. That is simply not the case. I have a few charts here to display what I believe to be an extraordinary record of restraint by New York City police officers in the performance of their duties. The first, in blue, shows the frequency with which force has been used in arrest situations since 1992. Officers were resorting to force in 8.5 percent of arrests back then. By 2004, that percentage had fallen to about 4.6 percent. This year it is running at 1.9%, the lowest rate since we've been keeping records. We're making 98 out of every 100 arrests without reportable use of force. Included in these arrests are more than 25,000 arrests involving weapons, 5,000 of which involved firearms. These numbers

demonstrate the judgment and skill of the vast majority of our officers in dealing with frequently difficult arrest situations, and their ability to manage them to a successful, non-violent conclusion.

The second chart, in blue and green, shows the history of police-involved shootings since 1990, the peak year for murders in the city's history. The individual bars represent the number of people shot by police in each year. The green represents those killed and the blue those injured. In 1990, NYPD officers shot 111 people, killing 39 of them. In 2013, we shot 25 people, killing eight. The contrast is even more pronounced if you go back to 1971 when our officers shot more than 300 people and killed 93. It's a remarkable decline and a remarkable record of increasing police restraint.

The third multi-colored chart shows where the NYPD stands in comparison with other departments in terms of fatal shootings per 1,000 police officer during the past decade. As you can see, we are almost in a class by ourselves. Indeed, our 35,000 officers last year discharged their firearms 81 times. Half of those discharges occurred in confrontations with armed and/or violent suspects. A quarter occurred during animal attacks.

I have long believed that the history of police shootings in New York City demonstrates what good use-of-force policy and intensive training can do. A department that used higher levels of deadly force 40 years ago has been transformed into a model of restraint. In addressing this complex issue, I think we can bring the same kind of intensive training to bear on the negotiating skills necessary to further reduce use of force in arrest situations, and also to ensure that we do as little injury as possible when force must be used.

With that in mind, we've launched a comprehensive training initiative under the leadership of Deputy Commissioner of Training Benjamin Tucker, who is here with me today. Commissioner Tucker is overseeing the effort to develop new recruit, refresher, and in-service instruction on how to effectively engage suspects verbally and physically and if necessary, to take them into custody safely utilizing various escalating levels of force. We're designing a three-day course that will emphasize two core priorities: first, how to talk to an initially uncooperative person with the goal of avoiding a physical confrontation; and second, how to physically restrain a suspect who continues to resist arrest without harm to that individual or the officer.

This training will also include a highly praised workshop called Blue Courage that is nationally recognized and taught in law enforcement agencies across the country. The workshop is designed to instill the leadership, cultural sensitivity and personal values essential to policing a diverse, democratic society.

I want to note that our focus on conflict resolution and de-escalation training also extends to the 5,000 civilian and uniformed members of our School Safety Division. Over the past year and a half all of them completed a special one-day training course in collaborative problem-solving. We're now in the process of cycling them through a

separate, three day course in conflict resolution. We've also added two weeks of additional training in these subjects to our School Safety Agent recruit curriculum in the Police Academy.

As part of our focus on training we're canvassing police departments across the country to identify best practices. We sent three separate NYPD contingents which included Chief of Patrol James O'Neill, Deputy Commissioner Ben Tucker, and Deputy Commissioner of the Office of Information Technology Jessica Tisch to the Los Angeles Police Department to consult with that agency. We did this because of the LAPD's successful effort to revise its use of force policies and training while under a federal consent decree during my time as Police Commissioner there. We also sent a team of senior officers to the Las Vegas and Chicago Police Departments. In addition, we consulted with the International Association of Chiefs of Police, the Major Cities Police Chiefs Association, and the Police Executive Research Forum. Finally, we solicited and examined the use of force policies of twenty law enforcement agencies across the country and as far away as New South Wales, Australia. We've taken the best practices from everywhere and are adding them to our already high level of training expertise.

In November we'll launch a pilot in-service training program in a few precincts and conduct assessments of officers' reaction after its close. Immediately thereafter, we'll begin to administer the three day course initially to the approximately 20,000 police officers and supervisors who routinely serve on patrol. The remaining 15,000 officers who do not routinely serve on patrol will also receive this instruction as part of the new annual in-service training program. The recruit training school will also adopt the new training program as part of its curriculum.

As with any major initiative like this one, there will be a substantial cost. First, we need to add additional trainers and expand the size of our Police Academy staff to accomplish our objectives. Then, there is the matter of overtime. We simply can't take vast numbers of patrol officers off-line for three days to train them without backfilling their tours. For that reason, we intend to seek the additional overtime funding required to administer this training efficiently, effectively, and without compromising police service to the public.

As the members of the Council might also be aware, in July we implemented the "Partner Officer Program" which teams probationary officers with experienced veteran officers who provide guidance and positive reinforcement. The program is designed to assist new officers with their professional development as they begin their first field assignments. Probationary officers have also been introduced to and receive support from "Community Partners," volunteer citizens from the neighborhoods in which the officers are assigned. Through this proactive, ongoing engagement we increase officer awareness of the community and familiarize them with local events and issues of concern to residents. We also increase citizen awareness of the complexities of police work. We're very pleased with the positive feedback we've received about the program so far from both police officers and members of the public. As a result, we're moving forward to institutionalize our field training program and make it a permanent part of our training regimen. To that

end, I anticipate that the 900 recruits who will graduate in January will be assigned to precincts and PSAs across the city with large numbers of field training officers and supervisors. They will not be assigned as in the past initially to Operation Impact.

I intend to make the most of this opportunity to elevate all of our training to “best practice” and state-of-the-art, while maintaining the NYPD’s reputation as one of the most innovative police departments in this area, bar none. We have several advantages going forward, including our new academy facility in College Point, Queens, which will make training in larger groups far more efficient, and a commitment from Mayor Bill de Blasio to seek funding for a much more extensive in-service training effort. I’m hopeful we’ll be able to undertake a long overdue renovation of the Rodman’s Neck facility, making it possible to use range time more productively, as well our Driver Training Facility at Floyd Bennett Field. Our goal is ambitious, because it has to be: within a few years, our expectation is that other police departments will be coming to us for guidance in best practices, and we’ll be the nation’s model for both recruit and in-service training.

This effort goes hand-in-hand with our commitment to develop creative crime control strategies that provide alternatives to arrest. In certain cases, where we can avoid the arrest process in lieu of a less intrusive, less time-consuming, and less disruptive option, we will.

Again, this requires expanding our law enforcement toolbox with programs like NYC Ceasefire, which focuses the small and active number of people within a community who tend to be the most violent. The program is based on the Group Violence Intervention model developed by John Jay Professor David Kennedy that has dramatically reduced violence across the country. Community members and law enforcement join together to directly engage with these groups. They communicate a clear and credible moral message against violence, a warning about the consequences of further violence, and a genuine offer of help for those who want it.

I’m pleased to report that starting this fall, NYC Ceasefire will be implemented in ten precincts in Patrol Borough Brooklyn North. They are: the 73rd, 75th, 77th, 79th, 81st, 83rd, 84th, 88th, 90th, and 94th precincts. We’ll also open the program in two commands in Brooklyn South: the 67th and 69th precincts. This will be followed by an expansion into the Bronx.

The Police Department has also partnered with the Manhattan and Brooklyn District Attorneys’ offices and the Center for Court Innovation on a pilot program to divert young, non-violent offenders from the criminal justice system. The goal is to refer 16 and 17 year olds arrested in the 25th and 73rd precincts directly to community-based services, bypassing the courts altogether. If the diversion program is successfully completed, the charges will be dropped and arrests will be sealed.

I also want to highlight the work of the NYPD Transit Bureau’s Homeless Outreach Unit and Bowery Residence Committee (BRC) Joint Patrols, both of which have increased personnel in the subway system. Together we encourage homeless people to access services

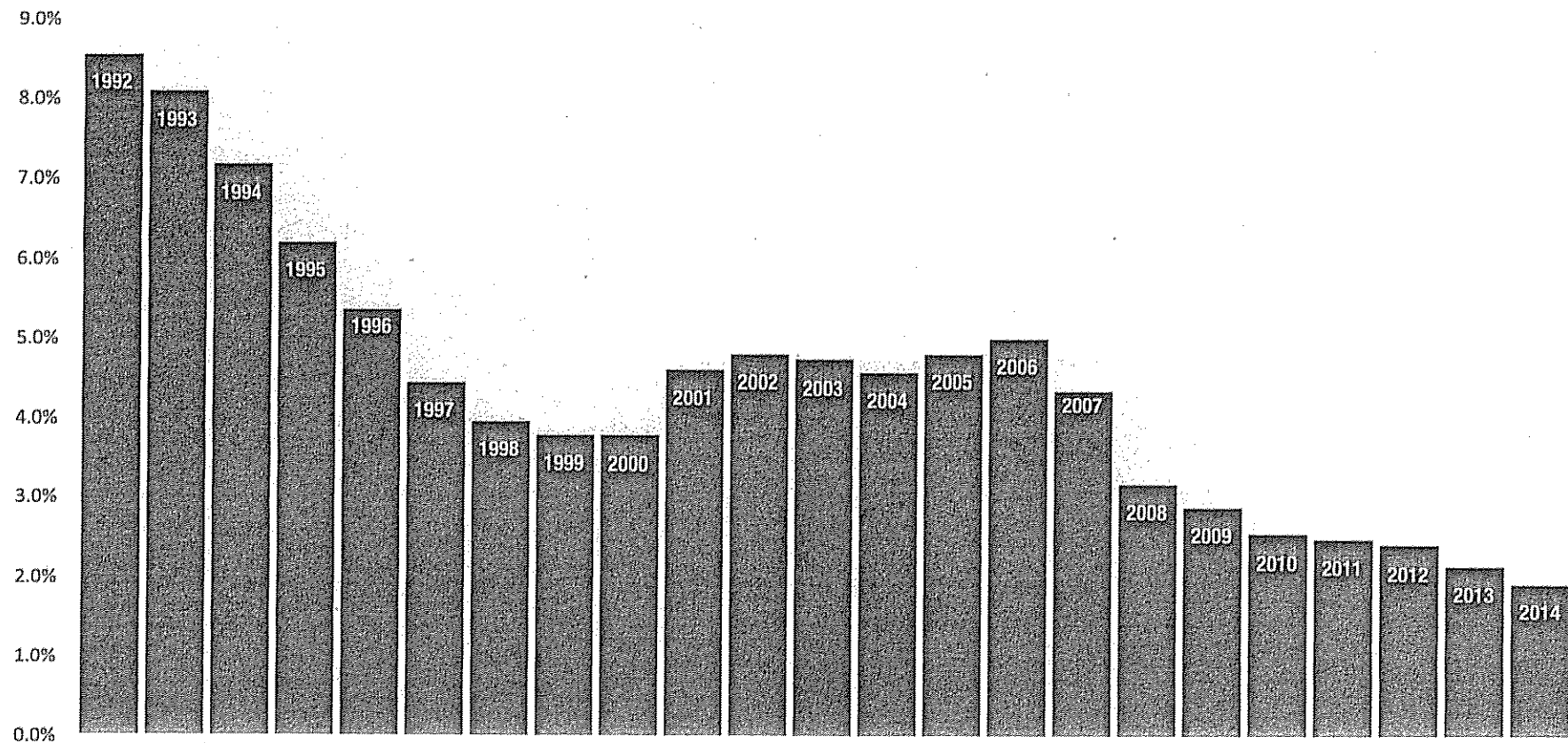
provided by BRC including safe haven beds, mental health counseling and medical care. Police officers and social workers are conducting joint outreach to homeless individuals on subway trains, platforms, and at end-of-the-line stations. Largely as a result of this effort, we've seen arrests of homeless people drop by 16% in the subway system compared to last year. Total citywide arrests of homeless individuals are down by 22%.

These are just a few of the many alternatives to arrest we're currently employing. Another example is our approach to marijuana possession. In 2011, the Police Department issued an internal order to commanding officers to stop arresting people for possessing small amounts of marijuana, in cases where a police officer's action brought it into public view. Since that time, marijuana arrests have declined by 40%. And arrests are down again this year over last. We're also processing 80% of these arrests as desk appearance tickets, which set a future court date and release arrestees directly from the precinct, rather than sending them through central booking and an overnight in jail.

The members of the department will continue to work hard every day to prevent crime and improve the quality of life in neighborhoods across this city. And we will do so in a way that respects individual dignity and rights, including those of people we arrest. I'm fully confident that through partnership and collaboration with the community, we can uphold the law, protect human life, and ensure the safety of the police and the public alike.

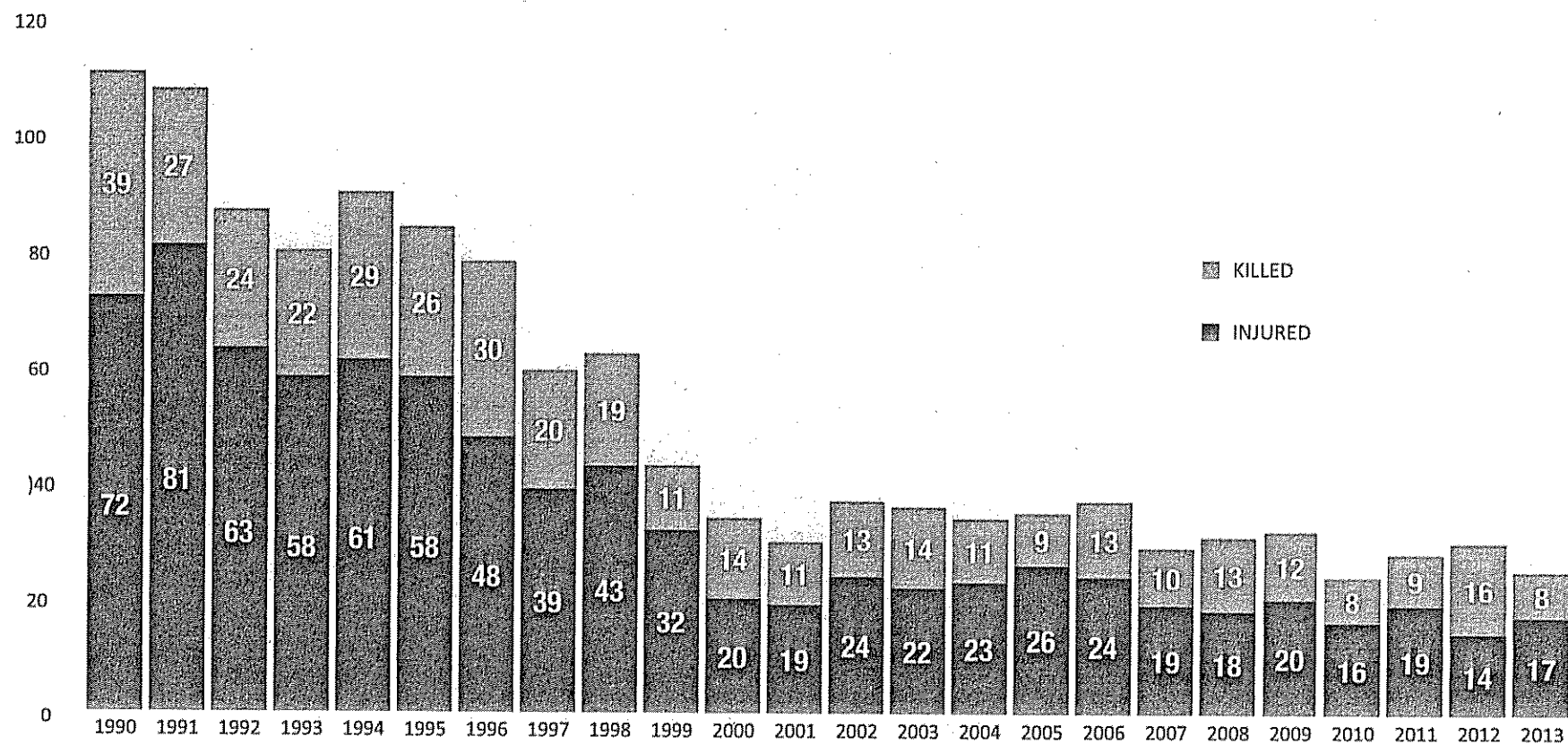
Thank you again for this opportunity to testify. At this time, I'd be happy to take your questions.

Rate of Force Used by Officers During Arrest 1992-2014



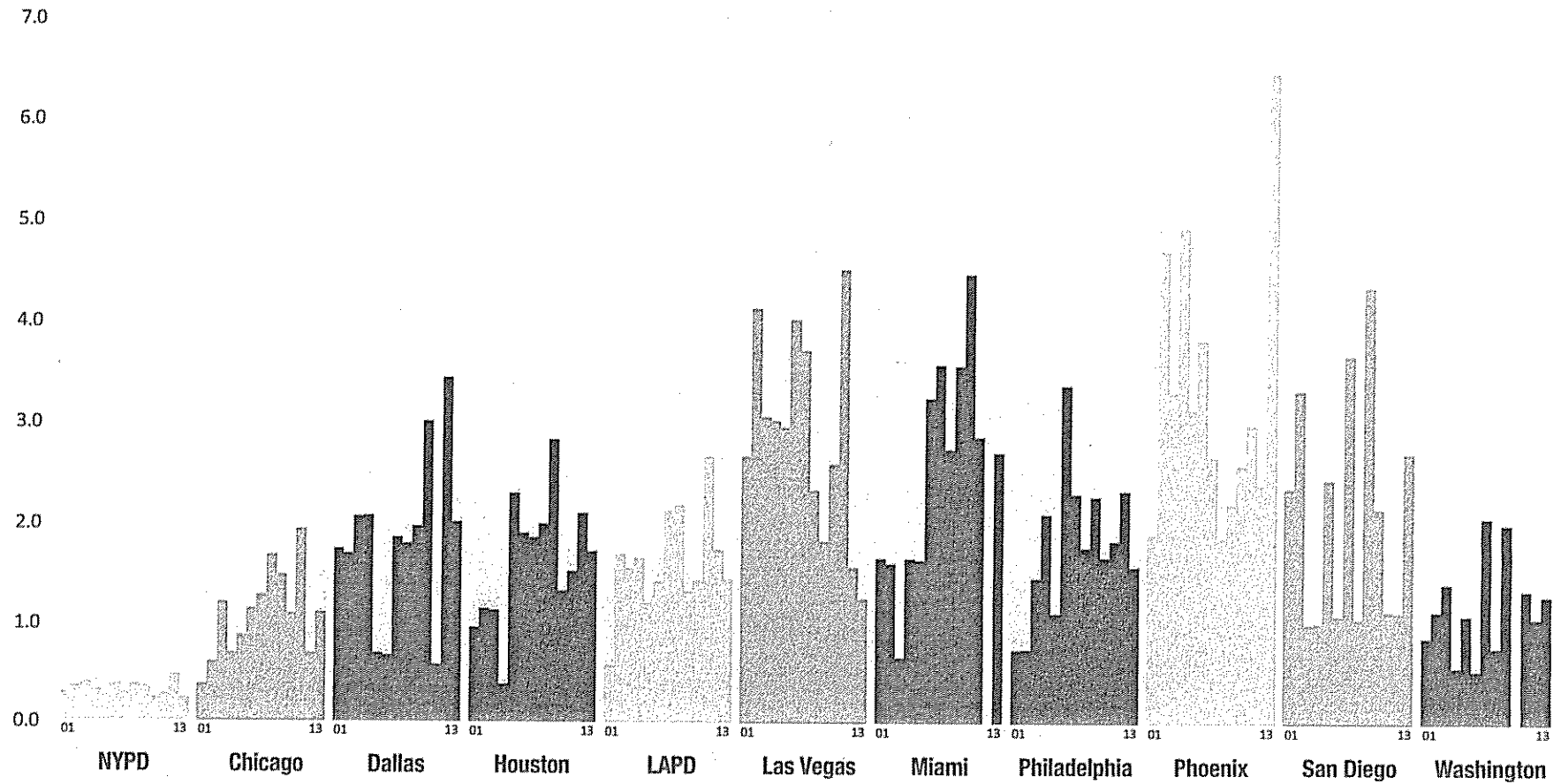
William J. Bratton
Police Commissioner

Subjects Shot by NYPD Officers 1990-2013



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Major Cities Fatal Police Shootings per 1,000 Officers (2001 - 2013)



William J. Bratton
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NYCLU

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**TESTIMONY OF CANDIS TOLLIVER
ON BEHALF OF THE NEW YORK CIVIL LIBERTIES UNION**

Before

**THE NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

On

**THE NEW YORK POLICE DEPARTMENT'S TRAINING
REGARDING THE USE OF FORCE**

SEPTEMBER 8, 2014

The New York Civil Liberties Union respectfully submits the following testimony regarding the New York Police Department's (NYPD) use of force training.

INTRODUCTION

The NYCLU, the state affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with eight offices across New York state and 50,000 members and supporters. The NYCLU's mission is to defend and promote the fundamental principles, rights and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York. Protecting New Yorkers' right to be free from discriminatory and abusive tactics in law enforcement is a core component of our mission, and we advocate for these rights through our Legal, Legislative and Advocacy work.

The death of Eric Garner in police custody raises serious concerns about how the NYPD's use of force, including deadly force, when interacting with civilians. The Garner incident, in which a man was held in a chokehold by an NYPD officer who suspected him of selling untaxed cigarettes, brought national attention to this issue. Three important questions to be considered in the wake of this tragedy are: How are officers trained in use of force? Should policy makers and the public have more information about and input into the training? And how many (and which) New Yorkers are impacted by excessive force?

According to the NYPD's own data, thousands of police-civilian encounters, a good portion of which are due to minor offenses, escalate into situations where officers use force, even lethal force. This same data also point to a racial disparity in the use of force: Black and Latino New Yorkers are far more likely to have force used against them when they encounter NYPD officers. The Civilian Complaint Review Board (CCRB) has reported over 1022 chokehold complaints in the past five years, despite chokeholds being formally barred by the NYPD.¹

Yet, NYPD trainings on use of force have thus far been unavailable to policymakers and the public. The NYPD patrol guide, intended to be an officers' manual on how to effectively perform duties, is particularly vague when it comes to use of force. We also have no information on how often officers are trained on use of force. The New York City Council should use this opportunity to demand transparency from the NYPD regarding the frequency and substance of NYPD use of force trainings.

Community confidence in NYPD policies is vital to their success. The Council should increase its oversight of the use of force training to enhance community trust. There should be opportunities for the community, academics, and law enforcement specialists to comment on proposed changes or new trainings that the NYPD implements regarding use of force. The Council should demand access to all training materials, and when reasonable, should make those materials available publicly. Any new training conducted by the NYPD should include de-escalation tactics as well as cultural competency training.

¹ Civilian Complaint Review Board, Annual Report 2013

Finally, we urge the Council to use its oversight authority to put an end to the NYPD's needlessly aggressive enforcement of nonviolent, noncriminal infractions, such as selling untaxed cigarettes, possessing an open container of alcohol, riding a bicycle on the sidewalk, and possessing small amounts of marijuana. These violations account for almost half a million police encounters each year—all of which have the potential to turn violent and even deadly as in the case of Mr. Garner. The Council should seriously consider whether New Yorkers should be subjected to serious penalties for these minor violations. We also ask the Council to demand transparency around violations, particularly demographic information on summonses, which is only collected about 4 percent of the time.²

The NYPD's Pattern of Excessive Force:

Unfortunately, Eric Garner was neither the first nor the last incident of excessive force used by NYPD officers against New Yorkers. The NYPD has demonstrated a pattern and practice of using excessive force. In the weeks after the Garner incident, additional videos and photographs surfaced of New Yorkers being held in chokeholds or having excessive force used against them by NYPD officers.³ While these incidents received extra attention due to being video recorded, data from the NYPD stop-and-frisk database and CCRB suggest that there are many more incidents of NYPD is overusing force on New Yorkers.

The NYPD's stop-and-frisk database, which includes detailed information about the use of force by officers during reasonable-suspicion stops, gives us a glimpse into how often officers are using force during everyday encounters. According to our analysis of the database, officers recorded 1,381,843 acts of force in the 4,984,393 stops between 2003 and 2013⁴ - more than 1 in 5 stops. This extraordinary number of acts of force self-reported by officers is particularly alarming when one considers that nearly 90 percent of stops during this period were of innocent people—people who were neither issued a summons nor arrested.

A second, though more limited, source of data is complaints filed with the CCRB. Between 2009 and 2013, the agency received 26,548 allegations of excessive force in the 31,246 complaints it received. That represented nearly one-third of the total allegations the CCRB received and was the second most common allegations⁵ The stop-and-frisk and CCRB data plainly suggest that force is a significant problem with the NYPD. We recognize that these sources are neither comprehensive nor conclusive, but we urge the Council to discover whether the department maintains additional data which should be made publicly available for analysis.

² S. Riley et al., "Daily News analysis finds racial disparities in summons for minor violations in 'broken windows' policing," New York Daily News (August 4, 2014).

³ Michael George, "New Video Shows NYPD Officer Putting Suspected Subway Farebeater in Chokehold" NBS 4 New York; August 21, 2014 and Emily Thomas "Pregnant Woman Allegedly Put In Chokehold By NYPD Officer", Huffington Post; July 30, 2014

⁴ NYCLU Stop-and-Frisk Briefer: 2002-2013; August 2014

⁵ Civilian Complaint Review Board 2013 Statistical Appendix

Racial Disparities In Use of Force:

The New York City Council and NYPD should be also be concerned with the stark racial disparities in use of force during police/civilian interactions. According to the NYPD stop-and-frisk database, Blacks and Latinos who were stopped were significantly more likely to have force used against them (23.4 percent) than whites (17.1 percent)⁶. Further, 81% of the complaints made to the CCRB are from Black and Latino New Yorkers⁷ (55% from blacks, 25.3% from Latinos). Given that the second most common complaint alleges excessive use of force, we can conclude that people of color are often the targets of unnecessary force by NYPD officers. This disparity is not only counter to our values as a diverse and inclusive city, but counterproductive to efforts at building community trust.

Transparency in NYPD Use of Force Training:

We are pleased that Commissioner Bratton has decided to conduct a thorough review of the NYPD's use-of-force policy and conduct extensive retraining. We urge that in this effort the NYPD be open and transparent with the public about the results of this review and plans regarding retraining. Currently, the public has no information about the training officers receive pertaining to use of force. The NYPD's written use-of-force policy, as spelled out in Patrol Guide section 203-11, is vague and leaves much to be desired. Other than stating that force "must be consistent with existing law and New York City Police Department Values" and that deadly physical force "will be used ONLY as a last resort and consistent with Department policy and law," section 203-11 provides precious little affirmative guidance to officers about the appropriate use of force. We do, however, recognize that it bars certain practices, like the chokehold that reportedly caused Eric Garner's death.

If the police department has other written policies governing officer use of force, those should be available to policy makers as well as the public. The NYPD must be transparent about its current use-of-force training, including curriculum outlines, written training materials, and information about the length and frequency of such training. They should also make available specifics of the proposed new training. This will allow the public and relevant stakeholders the opportunity to comment and raise concerns about these trainings as well as provide new ideas and innovations in training.

If there are no additional written policies or trainings, we urge the Department to review its patrol guide and develop a policy to provide officers with much more specific and comprehensive guidance on the use of force.

⁶ NYCLU Stop-and-Frisk Briefer: 2002-2013; August 2014

⁷ Civilian Complaint Review Board 2013 Statistical Appendix

Aggressive Enforcement of Violations:

In addition to excessive force, Mr. Garner's death shines a light on an additional issue: the over-aggressive enforcement of low-level violations and infractions, sometimes known as "Broken Windows Policing." Mr. Garner was interacting with officers because they believed he was selling un-taxed cigarettes—an interaction that escalated into the use of lethal force with no physical provocation by Mr. Garner. Such a minor act of misconduct should never result in the death of a human being.

During the Bloomberg Administration, there was a significant increase in enforcement of low-level violations in New York City. From 2002 through 2013, there were more than five million stop-and-frisks, during that same period, there were more than six million summonses issued to New York City residents for low-level, noncriminal violations, such as riding a bike on a sidewalk.⁸ Aside from these actions potentially escalating to officers using force, they are responsible for sweeping hundreds of thousands of people into the criminal justice system with direct and collateral consequences that far outweigh the seriousness of the offense.

Reliable data on enforcement of violations is limited; however, data that we have accessed from the Office of Court Administration suggest that Black and Latino New Yorkers bear the brunt of violations enforcement. While most of the summonses lack race demographics, from the sample of data that report a person's race – a sample of over 1.5 million tickets – we see similar trends to stop-and-frisk: New York City police issue nearly 81 percent of tickets to Black and Latino people.⁹ Unfortunately, race was only captured on about 30 percent of summons forms for most of the Bloomberg administration. In 2013, nearly 100 percent of tickets captured no information on the race of a person receiving a summons.

While there is no comprehensive data available for 2014, Police Commissioner Bratton's repeated endorsement of "Broken Windows" policing shows that this type of policing remains a NYPD priority. We urge the Council to seek better record-keeping and public reporting of this information by the NYPD. As New Yorkers, we are entitled to understand the impacts of various police practices on our friends, family members, and neighbors.

Conclusion:

How the NYPD interacts with the public goes to the very heart of safety in our city. When communities cannot or do not trust the officers who are sworn to protect them we have a breakdown in the safety of all New Yorkers. How often and on whom the officers use force, or excessive force, has a direct impact on community trust for police.

The use of force on civilians, especially in the wake of very high profile incidents like that of Eric Garner, Ramarley Graham, and the many others before them, is something that we cannot allow to go unexamined.

⁸ Taken from data NYCLU received from the Office of Court Administration - January 2014

⁹ Taken from data NYCLU received from the Office of Court Administration – January 2014

Our recommendations to the Council today are as follows:

1. Demand transparency around violations enforcement, particularly demographic information and use of force;
2. Require that the NYPD produce information around the frequency and content of training officers receive regarding using force during police/civilian encounters;
3. Increase oversight of the use of force training used by the NYPD. This should include requiring that the NYPD create opportunities for stakeholders to weigh on proposed changes or new training, and ensuring the NYPD is adopting best practices in its training and policies.

We thank the Public Safety Committee for your contribution to the discourse by holding oversight hearings like this one. We urge the Council to take a proactive role in constantly increasing transparency and ensuring that all New Yorkers are treated with dignity and respect.

**Written Comments of The Bronx Defenders
New York City Council
Committee Public Safety
Oversight: The Police Department's Plan to Enhance Officer Trainings
September 8, 2014**

The Bronx Defenders is a holistic public defender located in the South Bronx. Each year we represent over 30,000 people arrested in Bronx County. Nearly all of our clients are Black and Latino, and the great majority are arrested for low-level “quality of life” offenses like marijuana possession, trespassing, and turnstile jumping. We staff arraignments in the Bronx every week, and every week we meet people who have been brutally mistreated and falsely arrested by the NYPD. We work not only in the courthouse but also in the Bronx community, investigating cases, leading Know Your Rights trainings, staffing clinics, and holding Town Hall meetings and other community events. We thank the Council for the opportunity to submit testimony.

These comments were prepared jointly by Criminal Defense Attorney Emily Galvin, Civil Legal Advocate Phoebe Lytle, and Criminal Defense Investigator Daniel Loehr. Each section shares a valuable perspective on policing in the Bronx and all arrive at the same conclusion: Enhanced officer training—especially in the area of de-escalation—is important, but it is a small piece of a much bigger picture. The NYPD must change its entire approach to policing in order to begin to undo the damage of two decades of “Broken Windows” policing.

Comments of Emily Galvin, Criminal Defense Attorney

In my capacity as a Criminal Defense Attorney at The Bronx Defenders, I have represented hundreds of citizens of the Bronx who have been subject to NYPD policing policies, and who have been charged, as a result, with criminal offenses.

In the wake of the death of Eric Garner, as the public looked on in shock, I am sad to say that I was not surprised. I was not surprised at the way in which officers applied force. I was not surprised at the way the situation was escalated. I was not surprised at the resultant death. I was not surprised because nearly every time I step into the Bronx courthouse for an arraignment shift, I meet people who have been subjected to unjustifiable violence by police.

I met a 19-year-old client in arraignments who arrived in court with his face covered in cuts because police officers had brutally shoved it into the gravel-covered ground after stopping him for kneeling near a car while in possession of a screwdriver (conduct which is not a criminal offense). I represented a woman in her sixties who arrived with her wrists cut and swollen from cruelly over-tightened handcuffs, her back injured by police during her arrest for failing to pay a cab fare. My colleague recently represented a client who arrived in arraignments disabled by officers who, having learned that he had recently undergone spinal surgery, intentionally kneeled on his back while arresting him for possession of marijuana. One young man I represented had been arrested for nonpayment of a cab fare, and, between his arrest and the precinct, was hit over the head with a pepper spray canister, sprayed in the face at point-blank range, and later restrained and beaten by a group of officers at the precinct who split his lip and cracked his ribs, all because he would not stop asking questions. These are just a handful of the people I meet whose experience of the police has been abusive rather than protective, violent rather than quelling. As I said, when I learned of the death of Eric Garner, I was not surprised.

Children in the South Bronx grow up seeing depictions of police officers in cartoons and movies as the strangers you could actually trust, who would protect you if you were lost or frightened or alone. These fictional officers use their skills as negotiators to de-escalate volatile situations, convince people to walk away, apologize, or otherwise do the right thing. These

officers are members of their community. They are trusted by the people they police, and would not violate that trust. But Bronx children quickly learn that the reality of policing is radically different from this idealized vision. The officers who police their communities are not people to trust but people to fear. They are not people who protect but people who harm. And they cannot convince others to do right because they, themselves, are doing wrong.

Officers like those that exist in the minds of children can become a reality. But they cannot emerge from the policies currently governing the NYPD. There are two key reasons why—the first is the Broken Windows theory, and the second is escalation. Both are at the heart of the situations described above, and both need to be addressed by any reforms currently being considered.

Under the Broken Windows theory of policing, police officers are ordered to make arrests for minor quality-of-life offenses. As implemented by the NYPD, this means that superior officers exert intense pressure to make low-level arrests and write summonses, and use quota systems that measure “productivity” in the form of arrests.¹ Focused almost entirely on black and Latino communities in New York City, these policies have resulted in grossly disproportionate numbers of arrests in low-income neighborhoods of color, flooding the court system with low-level offenses like those described above. This type of policing—in which officers are mandated to take individuals into custody for remarkably low-level transgressions, put them through booking, and into jail, sometimes for 24 hours or more before they are given a chance to see a judge—results in outcomes which echo far beyond the walls of the courthouse.

¹ See, for example, Plaintiffs petition in *Matthews v. City of New York*, filed the New York Civil Liberties Union on behalf of a 14-year veteran NYPD Officer who maintains that supervisors in the 42nd precinct developed a detailed quota system, which includes regular color-coded computer reports used to track compliance with quotas. Available; <http://www.nyclu.org/files/releases/42%20Pct%20Quota%20Complaint%202-23-12.pdf>.

An arrest, after all, is never just an arrest. An arrest prevents an individual from showing up at work, often resulting in the loss of a job. An arrest pulls young people out of school, and leaves parents terrified. An arrest of a parent can leave children unattended, or hastily taken in by unfamiliar neighbors. An arrest can result in loss of housing, loss of admission to college, loss of a car. A typical example of the impact of arrest can be seen in the case public defenders see almost every day—an individual hops over a turnstile because he does not have the money to buy fare, but has an appointment across town he absolutely cannot miss—perhaps a job interview or a public assistance appointment. As a result of the arrest, he loses his job or benefits, trapping him in poverty. When the booking and arraignment process stretches to 24 hours or more, the arrest prevents him from reaching his shelter by curfew time, ending his access to shelter when he emerges, 36 hours later, having hastily taken a plea to a crime just to get out of jail. This is not an arrest that has increased public safety. It is an arrest that took a man with some measure of stability in his life and rendered him homeless.

This precise situation is seen day in and day out in the Bronx, but any person who wants to challenge his arrest in court will face a whole new set of nightmares. Because of the tremendous number of low-level arrests and the resulting volume of cases in the system, these cases linger, forcing people to come back to court month after month, seeking a fair resolution. Cases that are "on for trial" are rarely heard by a judge because of a lack of available judges and courtrooms. In a study we conducted that followed 54 clients fighting low-level marijuana arrests over nearly two years, not a single hearing on the constitutionality of the NYPD's practice

was ever completed, due to delays and pressure from judges to resolve cases before trial. This was despite the fact that, on average, clients came to court 5 times over the course of 8 months.²

Each court date is a day away from work, away from school, a day on which a client has to find the money to pay for childcare and/or transport. In most cases, a client will spend hours waiting in court for a thirty-second appearance where lawyers set a new court date. The disruption of a court case in our clients' lives cannot be overstated. Because the court system is overrun with extremely minor cases that have no efficient path to fair resolution, the simple failure of police to de-escalate a situation, or to exercise discretion in not making an arrest, spirals out into a profound upheaval in the life of the person who is arrested.

These minor arrests do not benefit the community they serve. Rather, they further alienate the community from the police and are vastly more common in the Bronx than on the Upper East Side of Manhattan. The people impacted by Broken Windows policing know that when they encounter police officers, those officers are looking for a reason to make an arrest. There can be no trust in a police officer when you know he is under pressure to find a reason to put you in cuffs. There can be no functional community policing when there is no common ground between the police and the community.

Further undermining the trust of the community is the problem of escalation. Each of the scenarios described above involved unnecessary violence towards our clients. If the police need to make an arrest, there are means of doing so without injuring an elderly woman, or cutting a teenager's face on dirty rocks. Yet NYPD officers are not being taught necessary skills. Police in the United States receive less than half as many weeks of training as police in countries like England and Ireland, where the rate of police violence is drastically lower than here. In other

² *No Day in Court: Marijuana Offenses and the Failure of Bronx Criminal Court*, The Bronx Defenders. May 2013. Available: <http://www.bronxdefenders.org/wp-content/uploads/2013/05/No-Day-in-Court-A-Report-by-The-Bronx-Defenders-May-2013.pdf>.

parts of the world, police departments invest significant amounts of time teaching officers how to calm people down, how to de-escalate, how to use words to defuse a tense moment rather than using force. As a result of this training, police overseas simply do not need to use force with the frequency of American police.³

Going beyond training, if there were an incentive system in place that rewarded officers who successfully avoided conflict instead of those who successfully made an arrest, fewer citizens would be injured by police action. If fewer citizens were injured by police action, the community would have a better relationship with the police. If the community has a better relationship with the police, the police can do their job—reducing harm, increasing safety—more effectively. Essentially, in order to diminish situations that result in violence, police must learn to use nonviolent methods in place of more forceful means.

Clearly, broadening the scope and depth of police training is a long process, which will involve changes in both police budgets and police culture. But we owe it to our communities to make the necessary changes to keep them safe from harm—including at the hands of police. What happened to Eric Garner—and what has happened elsewhere in the nation in recent weeks—is a national shame that we must take every measure to amend. Changing the way our police are trained is the crucial first step, but it must be done as part of a comprehensive change in the NYPD’s approach to policing low income communities of color.

Comments of Phoebe Lytle, Civil Legal Advocate

Along with my colleagues in the Civil Action Practice at The Bronx Defenders, I coordinate a monthly Police Misconduct clinic in which clients and community members learn

³ *Expert: U.S. Police Training in Use of Deadly Force Woefully Inadequate* by Paul Waldman, The American Prospect, August 27, 2014. Available: <http://prospect.org/article/expert-us-police-training-use-deadly-force-woefully-inadequate>.

about the process of filing a lawsuit against the city and preparing a Notice of Claim. Clients are referred to the clinic by criminal attorneys at the Bronx Defenders and increasingly, other legal services providers who bear firsthand witness to the physical injuries and trauma many clients present following their arrest. Community members find us via word of mouth, often seeking recourse for a bewilderingly hostile interaction with the NYPD that did not result in an arrest or formal charges.

The Bronx Defenders started the clinic to respond to the growing number of clients seeking counsel about police misconduct. In our work, we recognized that our clients had similar experiences of excessive force, discourtesy, and discriminatory policing that needed to be documented and analyzed. Over the past year, from September 1, 2013 through August 31, 2014, the Civil Action Practice has provided counsel in approximately 375 police misconduct cases, more than half of which resulted in Notices of Claim being filed against the city. During that same period, 163 clients and community members were served in the Police Misconduct Clinic, over half of those also resulting in claims filed. These numbers don't even begin to capture the full picture of New York City residents victimized by the NYPD, many of whom remain isolated in their experience and do not know where to turn to for justice.

Rarely if ever do clients come to the clinic with the expectation of being financially compensated for their experience of police brutality. Most are seeking only a space to have their story heard, and to ask the question, "Can they do that?" Can the NYPD break into my private home in the middle of the night, without explanation or warrant, traumatizing my 3 sleeping children, leaving by way of follow up only the door broken beyond repair? Can they deny me a translator at the precinct and tell me I "shouldn't be allowed to drive a taxi" if I can't speak English? Can they remove my pants, grope my genitals and penetrate my anus, while searching

me on a public street? They ask already knowing the answer, knowing that essential liberties were violated, a deep wrong perpetrated against them, yet trying desperately to find a “why” to make sense of and find relief from their experience.

At the clinic, we often see clients who want to register the use of excessive force—gratuitously applied and disproportionate to the offense. A Peace Officer employed with a local hospital sat with me for hours as he, bewildered, described getting pulled over in a routine traffic stop. He had asked the officer not to pound on the window, which was frightening his pregnant girlfriend in the car. Within seconds, our client was ripped from the car and maced in the face.

We hear countless stories of both common discourtesy and overt racism. A city parks employee was locking the gates of a park for the night when, unbeknownst to him, he got caught up in an arrest happening within the park. Irritated, the sergeant on the operation arrested our client and charged him with “obstruction of justice,” calling him a “monkey” and telling him to “get in the cage” as he pushed him into the police van.

Community members come to the clinic frustrated, humiliated, and worn down at the experience of consistently being regarded as suspect in the hallway of their own apartment complex, on their own street, in their own neighborhood; subjected to detention and arrest as they return from work, visiting a neighbor, dropping their kids off at school, or standing in front of their local bodega to catch up with a neighbor. Their description of the emotional and psychological toll of these stops and the aggressive omnipresence of law enforcement in their communities I can only characterize as akin to symptoms of Post-Traumatic Stress Disorder. The violation of trust and feeling of being unsafe at the hands of the police is profoundly felt in these communities. We are all here and doing this work because we have faith that the damage is

not irreparable, and that the NYPD is committed to safeguarding communities and restoring a relationship with their locality that enables them to effectively do so.

Comments of Daniel Loehr, Investigator

As a Criminal Defense Investigator at The Bronx Defenders, I interact on a daily basis with residents of The Bronx who are involved in one form or another with the criminal justice system. As we all agree, building trust between police officers and the communities they serve is critical for effective policing and public safety. Unfortunately, based on my conversations and interviews with hundreds of Bronx residents, there exists a severe lack of trust for police officers and an overwhelming disillusionment with the justice system in general.

I want to share three incidents that are illustrative of the problems that plague police-community relations but which are by no means unique.

Last Tuesday, I was walking across a busy Bronx intersection. There was a steady flow of traffic and many people walking along the sidewalks. A police car put on its sirens to cross the intersection against the light. An elderly man was crossing in front of the police car.

Although he walked with a cane, he attempted to speed up to get out of the way. As the marked NYPD car approached, the officer in the driver's seat put down his window and leaned out to yell loud enough for other pedestrians, including myself, to hear, "get out of my fucking way, you cracky." To be clear, this is verbatim.

On Wednesday, I investigated a case where a mother called 911 in fear because her son and his girlfriend were getting into an escalating argument. The cops arrived and quickly arrested her son on assault charges. Both the mother and her son's girlfriend insisted to the police that no physical violence had occurred. When the mother spoke to me, she expressed shock that her son had been arrested when no one reported that he had done anything illegal. Because of this

experience, she said, “I am never going to call the cops again, it just makes everything worse.” I have heard these words time and time again in The Bronx.

On Thursday, I investigated a case involving the assault of a bodega employee. When the cops arrived on the scene, they ran into the bodega with guns drawn, pointed their guns at our client’s stomach, and proceeded to arrest him. The bodega owner and numerous other people who were present explained to the police that our client was not involved. He was merely buying food. The police arrested him anyway. Later, none other than the bodega owner bailed the client out. Regarding this incident, our client said to me, “They are targeting me. I know it. They keep doing this. But that’s OK. They can keep targeting me and so long as they do, I will keep suing them.”

As I said, these stories are commonplace. These are merely the three most recent examples of the severe lack of trust that Bronx residents have in their police officers. Such a deficit of trust does a disservice to the residents of the Bronx, as well as to police officers themselves. As trust is eroded, so too is safety. People who have little trust in the police come to disrespect the criminal justice system in general—they become less willing to cooperate in criminal proceedings and more likely to break the law. For example, I hear one remark frequently. People say to me: “I don’t trust the police, I don’t trust the system, so I don’t use them.”

Trust is critical to effective policing and safe communities. Trust is eroded every time Bronx residents feel they are stopped unnecessarily, treated unfairly, or spoken to disrespectfully. Enhanced training is an important step in the right direction and is critical to decreasing the frequency of these hostile encounters. But training can only do so much while the strategy of Broken Windows policing remains intact. Whether the officers are trained or not, the

encounters designed by Broken Windows policing increase the odds of misconduct and create distrust due to the volume of police encounters it generates and the disparate targeting of communities of color. More targeted training is important, but the real work of building trust requires a thoughtful reevaluation of Broken Windows policing.

Testimony of the Muslim Bar Association of New York (MuBANY) Before the New York City Council Committee on Public Safety regarding New York Police Department (NYPD) Oversight and Officer Trainings

September 8, 2014

Thank you Chairperson Gibson and members of the Committee on Public Safety for the opportunity to provide testimony today.

The Muslim Bar Association of New York (MuBANY)

The Muslim Bar Association of New York (MuBANY) is a member-driven professional bar association that was created in 2006 to serve the educational, professional and social needs of Muslim lawyers and law students in the New York metropolitan area.¹ It is one of the nation's largest and most active professional associations for Muslim lawyers. In addition to providing traditional bar association services to members (education, professional development, community building), MuBANY has a track record of addressing issues that affect the local and national Muslim population, promoting Muslim participation in government, and working with community organizations on civic engagement and civil rights. MuBANY has received awards from the New York State Bar Association, has been invited to consult with local, state, and federal agencies, and has been sent overseas by the US Department of State to lecture on civil rights and the American Muslim experience.

As an organization representing attorneys who work with law enforcement, and as a member of the Muslim American Civil Liberties Coalition, MuBANY has been a long-standing and formidable voice on issues relating to Muslim New Yorkers and the New York Police Department (NYPD). MuBANY has helped create reports regarding the NYPD's policies and practices towards Muslim New Yorkers, has worked to educate the public about these practices,

¹ The Muslim Bar Association of New York Website, See <http://www.mubany.org/>

and has been at the table with the NYPD to discuss our concerns and solutions. We are here today to express our continued concern with the NYPD's lack of oversight and inefficient officer trainings.

Introduction

MuBANY strongly supports increased oversight of the NYPD and urges the Committee to ensure that enhanced officer trainings are effective, fair and just. In our testimony today, we will describe the experience of American Muslim community members and a fellow MuBANY member who have been negatively impacted by NYPD policies and practices that fail to supervise, train, instruct and discipline police officer misconduct, in order to explain why enhanced trainings are necessary. Additionally, we have several recommendations to further enhance the protections for the community that we represent.

We believe that both enhanced officer trainings and the recommendations that we provide will help to facilitate the oversight and accountability that the NYPD desperately requires. As participants in the justice system, MuBANY understands the challenging role that the NYPD has. It is with this understanding that we believe enhanced officer training will only make our city safer.

Problems That Have Arisen With the NYPD

Through our work and advocacy with community members, it is clear that the relationship between the NYPD and the American Muslim community is tenuous. Since 9/11, American Muslims, have been viewed and treated, en masse, as suspicious by the NYPD. Further, the NYPD has created policies that have legitimized discrimination and have diminished the constitutional rights of American Muslims.

The targeting of a group of people due to their belief system is not new. History shows us that from the burning of witches, the red scare, internment of Japanese-Americans, the Cold War, to the Civil Rights Movement, conflating an expression of a belief system to threats to security not only misdirects resources, but violates the rights of the innocent and alienates communities that are unfairly targeted as suspicious. Today, NYPD policies have greatly diminished the civil liberties of American Muslims. In order to overcome this, a stringent oversight of the NYPD is required.

Flawed NYPD Officer Trainings

NYPD officer training lacks consistency, transparency and controls. We believe this can be fixed. MuBANY would like to highlight three major areas of concern:

1. Use of Inaccurate and Islamophobic Training Reports as Policy Prescriptive

First, despite the well publicized community sensitivity training that new cadets receive each year, the NYPD has also utilized grossly non-factual, flawed and islamophobic materials during their trainings. The 2007 NYPD report, *Radicalization in the West: The Homegrown Threat*, reads like a training manual.² The flawed report, which was indeed used to train NYPD officers, describes spaces where Muslims congregate as “radicalization incubators”. These spaces included mosques, cafes, student associations, restaurants, etc... The report drew quick condemnation from civil liberty groups. The Brennan Center for Justice indicated that the report created a “stigmatizing effect” and advocated “racial and religious profiling” of these communities.³ It was only after intense community pressure, which included MuBANY, that the

² Mitchell Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat*, New York Police Department, p. 6, (2007), available at http://www.nyc.gov/html/nypd/downloads/pdf/public_information/NYPD_Report-Radicalization_in_the_West.pdf.

³ Aziz Huq, “Concerns with Mitchell D. Silber and Arvin Bhatt, N.Y. Police Dep’t, *Radicalization in the West: The Homegrown Threat*,” New York University School of Law, Brennan Center for Justice, (Aug. 30, 2007), available

NYPD issued a “Statement of Clarification” on the report where it stated, “[T]he NYPD’s focus . . . should not be mistaken for any implicit or explicit justification for racial, religious or ethnic profiling . . . As such, the NYPD report should not be read to characterize Muslims as intrinsically dangerous . . . it cannot be a license for racial, religious or ethnic profiling.”⁴ The clarification further stated, “This report was not intended to be policy prescriptive for law enforcement.”⁵ However, the NYPD failed to publicly retract the report and inserted the clarification without public comment. The failure to retract the report juxtaposed to the publication of leaked NYPD documents that indicate undercover officers were sent within communities to entrap innocent American Muslims, leads to the conclusion that the NYPD’s flawed report, was in fact a policy prescriptive for law enforcement.⁶

2. Misleading and Islamophobic Videos Used in Officer Trainings

Second, in 2010 and 2011, NYPD cadets in training were required to watch, “The Third Jihad”, an extremely misleading, inflammatory and gruesome film about Muslims and Islam. The film narrator says, “Americans are being told that most of the mainstream Muslim groups are moderate . . . when in fact if you look a little closer you’ll see a very different reality. One of their primary tactics is deception.”⁷ Although the NYPD has written this film off as an aberration, Police Commissioner Ray Kelly and NYPD Spokesman Paul Brown participated in

at http://brennan.3cdn.net/436ea44aae969ab3c5_sbm6vtxgi.pdf. See also, *Coalition Memo to the Senate Committee on Homeland Security and Governmental Affairs Regarding “Homegrown Terrorism,”* American Civil Liberties Union et al. (May 7, 2008), available at <http://www.aclu.org/safefree/general/35209leg20080507.html>.

⁴ See “Statement of Clarification,” p. 11-12 (added in 2009) to Mitchell Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat*, New York Police Department, p. 6, (2007), available at http://www.nyc.gov/html/nypd/downloads/pdf/public_information/NYPD_Report-Radicalization_in_the_West.pdf.

⁵ *Id.* at 12.

⁶ CLEAR Project, AALDEF, and MACLC, “*Mapping Muslims: NYPD Spying and its Impacts on American Muslims*”, CUNY School of Law, (Mar. 11, 2013), available at <http://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

⁷ Tom Robbins, “*NYPD Cops’ Training Included an Anti-Muslim Horror Flick*”, *The Village Voice*, Jan. 19, 2011, available at <http://www.villagevoice.com/2011-01-19/columns/nypd-cops-training-included-an-anti-muslim-horror-flick/>.

the film's production and the NYPD has not reviewed its police cadet training protocols.⁸ This indicates a true lack of controls over the training process.

3. Surveillance of American Muslim Communities

Third, the NYPD can do more to build trust within the American Muslim community. After 9/11, the NYPD established a secret surveillance program that monitored and analyzed scores of American Muslims throughout NYC. Merely speaking Arabic or Urdu triggered surveillance under this program. In 2011, this secret program, the Demographics Unit, which was later named the "Zone Assessments Unit" was leaked publicly by the Associated Press and led to an outcry by public officials and civil rights activists.⁹ In 2012, Lt. Paul Galati, the Chief of the NYPD Intelligence Division, admitted during sworn testimony that in the six years of his tenure, the unit tasked with the surveillance of American Muslims had not yielded a single criminal lead.¹⁰ Not only were these programs an example of ineffective policing and wasteful spending of taxpayer dollars, but they simultaneously marginalized and criminalized large segments of innocent American Muslims. These programs illustrate a lack of transparency and consistency with respect to how officers are trained on working with the diverse communities of Muslims in New York.

⁸ CLEAR Project, AALDEF, and MACLC, "*Mapping Muslims: NYPD Spying and its Impacts on American Muslims*", CUNY School of Law, (Mar. 11, 2013), p. 32.

⁹ Adam Goldman & Matt Apuzzo (Aug. 23, 2011), *Documents Show NY Police Watched Devout Muslims*, ASSOCIATED PRESS, Sept. 6, 2011, available at <http://www.ap.org/Content/AP-In-The-News/2011/Documents-show-NY-police-watched-devout-Muslims>. See also, Eileen Sullivan, *NYPD Spied on City's Muslim Anti-Terror Partners*, ASSOCIATED PRESS (Oct. 6, 2011), available at <http://www.ap.org/Content/AP-In-The-News/2011/NYPD-spied-on-citys-Muslim-anti-terror-partners>. See also, N.Y. POLICE DEP'T., THE DEMOGRAPHICS UNIT (2006), available at <http://wid.ap.org/documents/nypd-demo.pdf>; See also *Handschu v. Special Servs. Div.*, No. 71CIV.2203, Galati Dep. 25-27 (June 28, 2012), available at http://www.nyclu.org/files/releases/Handschu_Galati_6.28.12.pdf.

¹⁰ *Handschu v. Special Servs. Div.*, No. 71CIV.2203, Galati Dep. 128-129 (June 28, 2012), available at http://www.nyclu.org/files/releases/Handschu_Galati_6.28.12.pdf.

Unwarranted Arrest of MuBANY Member

Recently, a MuBANY member, Chaumtoli Huq, was arrested by an NYPD officer after she was peacefully protesting the humanitarian crisis in Gaza.¹¹ Ms. Huq, who recently served as the General Counsel to Public Advocate Tish James, was arrested without cause while standing on a sidewalk while waiting for her children to use the restroom. The NYPD officer who arrested her used unprovoked force, pushed her against the wall and placed her under arrest without any legal basis. The officer also whispered into her ear more than once, “You are my prisoner”. When she informed the officer she was in pain, he told her, “Shut your mouth”. When the officer found out she had a different last name than her husband, he told her “In America, wives take the names of their husbands.” We bring up this case to underscore that no one in the American Muslim community is immune to the broad officer misconduct that is a result of the NYPD’s incomprehensive training and policies of over-policing in communities of color.

MuBANY’s Recommendations to Enhance NYPD Oversight and Officer Trainings

Based on the NYPD’s recent notorious history, it is clear that there is a lack of understanding of American Muslims. As such, we respectfully provide the following recommendations to the NYPD:

- 1. Mandatory Training on Muslim communities with Community Groups:** The NYPD should work in tandem with American Muslim community groups and bring in community members to both train officers and incorporate Muslim perspectives in the design of the training. This should be a mandatory training that occurs every year.

¹¹ Dareh Gregorian, “Former top lawyer for City Public Advocate says NYPD cops roughed her up during unwarranted arrest: suit”, New York Daily News, Sep. 3, 2014, available at <http://www.nydailynews.com/new-york/lawyer-public-advocate-cops-roughed-suit-article-1.1926329>

2. **Periodic Review of Training Materials:** The NYPD has recently asked Muslim community groups to be involved in reviewing training materials. We believe that a periodic review of training materials, once a year, by Muslim community members is necessary to ascertain that the Muslim community involvement is not just a temporary stop-gap effort to address recent abuses.
3. **Track the Efficacy of Trainings:** In order to track the efficacy of trainings, (i) Data from the NYC Civilian Complaint Review Board (CCRB) and similar agencies should be collected in order to track complaints by Muslim community members; (ii) An online portal should be created, where these complaints are publicly listed; (iii) Officers with violations should be tracked; (iv) Create an Independent Help Line so individuals feel comfortable voicing complaints without fear of retaliation.
4. **Involve the Inspector General in training policies:** The new Inspector General (IG) for the NYPD is responsible for reviewing NYPD policies and practices to make sure that law enforcement is more effective and to make sure individual rights are protected. The NYPD IG should be involved in monitoring training.
5. **Hire more Muslims in high levels of government:** The exposure and increased understanding will change the culture of the agencies.

Respectfully Submitted,

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Testimony From Carla Rabinowitz regarding
Crisis Intervention Team training for NYPD



Monday, September 8th, 2014
New York City Council- Public Safety Committee
Hearing on Police Training Enhancements

TESTIMONY OF CARLA RABINOWITZ,
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Testimony From Carla Rabinowitz regarding Crisis Intervention Team training for NYPD

My name is Carla Rabinowitz. I work for Community Access. Community Access is a 40-year-old non profit that empowers mental health recipients by providing quality housing, internationally known employment training and alternatives to hospitals called respite care. I also speak for CCIT NYC, a coalition of 65 other organizations that seek to bring crisis intervention training to NYPD.

I urge the New York City Council to pass a law requiring Crisis Intervention Team training for the NYPD to reduce deaths and injuries, and to bring NYPD training into 2014.

A Crisis Intervention Team (CIT) is a method of policing that provides officers with the tools they need to respond to incidents involving people in acute emotional distress. CITs ensure safe and respectful interactions between mental health recipients and law enforcement personnel.

Crisis Intervention Teams (CITs) are a way of training police that replaces old command and control techniques with more appropriate, crisis de-escalation tools and methods that work for people in crisis.

Currently when NYPD respond to someone in crisis, police surround the person in crisis and shout commands at them. This method of policing does not work for a person in acute mental health crisis. What works is reflective listening, understanding what the person in crisis may be going through, and

Testimony From Carla Rabinowitz regarding
Crisis Intervention Team training for NYPD
a recognition that the actions of the person in crisis are symptoms of mental
illness.

A comprehensive CIT is more than training. A CIT involves coordination between mental health community, providers, police and hospitals or alternate care facilities. There needs to be a place to drop off people in crisis, to limit the time it takes police to handle these crisis calls.

Police are the first to respond to someone experiencing an emotional health crisis. When a police force lacks a CIT model, encounters between police and those in crisis often result in dangerous outcomes and sometimes deathⁱ.

Police in NYC lack training and understanding of mental health symptoms and reactions to stimulus. Because of that poor training, police face unnecessary danger when they respond to crisis encounters. Due to lack of training mental health recipients face injury in these encounters, and family members of the mentally ill are reluctant to call for help from NYPD.

In the last 5 years, at least 7 people died in these police mental health encounters. In the last 2 1/2 years, NYPD killed 4 mental health recipients due to lack of training. Shereese Francis, age 30 died as police piled on top of her in her home. Darius Kennedy, age 31, shot to death in Times Square. Mohamed Bah, age 28, shot to death in his home. Rexford Dasrath, age 22, shot to death after wielding a sandwich knife.

Testimony From Carla Rabinowitz regarding Crisis Intervention Team training for NYPD

About 40 mental health recipients are shot each year by the NYPD. Police report 83 police shootings in 2012ⁱⁱ. One half of all police shootings involve people with mental health concernsⁱⁱⁱ.

Many more mental health recipients and bystanders are injured in these police mental health recipient encounters. A few that have made the press recently are Dustin Grose, Sahar K, Suzanne Lafont, and most recently an unidentified man in stretcher in Aug 4 daily news article.

Crisis Intervention Teams are not a new idea. CITs started in Memphis Tennessee in 1988. CITs have been in other major cities for 10 to 15 years. Chicago (population 3 million) started in 2004, Houston (population 2.2 million) in 1999, San Antonio, Texas (1.3 million) in 2003.

Crisis Intervention Teams reduce use of force in these police mental health encounters. In San Antonio Texas, after instituting CIT training there has not been even one use of force incident against a mental health recipient.

In addition to the human costs, not training police leads to legal costs. This year, NYC set aside \$674 million to cover claimants^{iv}. In 2018 that number will be \$782 million^v. Police misconduct, injury and civil rights allegations against NYPD made up more than on-third of all claims against NYC in the past year^{vi}.

Crisis Intervention Team training is a common sense solution to police injures of those with mental health concerns. CITs are a win-win for the police, mental health recipients and their families and the city as a whole.

Testimony From Carla Rabinowitz regarding Crisis Intervention Team training for NYPD

We ask that the NYC Council pass legislation urging Mayor de Blasio to implement a Crisis Intervention model to save lives of police, bystanders and mental health recipients and to save the city money in reduced lawsuits

ⁱ Tucker, Van Hasselt, Vecchi & Browning (Oct 2011), FBI Law Enforcement Bulletin, Responding to Persons with Mental Illness

ⁱⁱ Fay, K (2013, Oct.21) Legislative Gazette, NYPD Asked to Use Crisis Intervention Team for Emotional Distress Calls

ⁱⁱⁱ Landsberg, Gerald (2013, June 12) Huffington Post, Neglected Issues: Police Killings of the Mentally Ill and the Lack of Police and Mental Health Relations

^{iv} Rivoli, Dan (2014, July 8) AM New York, NYPD Generates More Than a Third of Claims Against City: Report.

^v Id

^{vi} Id

Crisis Intervention Teams in NYC

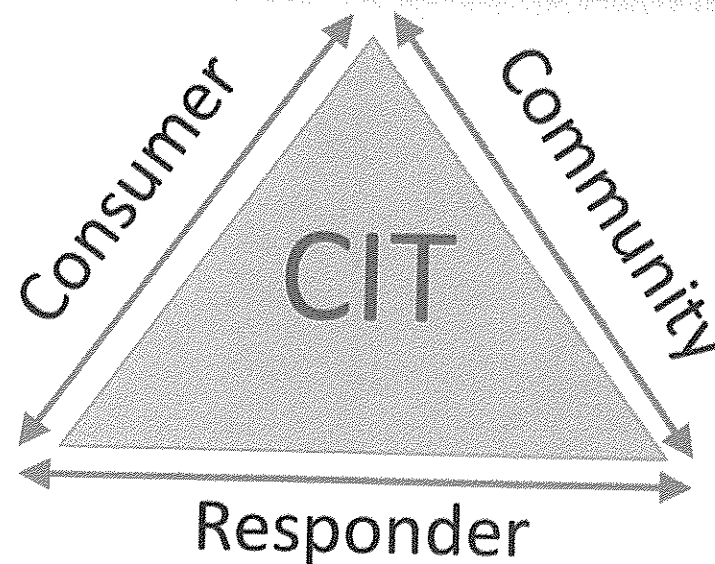
August 6, 2014



Review of 5 Models:

Chicago, Houston, San Antonio, LA,
and San Diego

What is CIT?



A CIT (Crisis Intervention Team) is a method of policing that provides officers with the tools they need to respond to incidents involving people in emotional distress.¹

CITs ensure safe and respectful interactions between mental health consumers and law enforcement.²

Coordination between consumers, community members, public health services, and responders is essential to the success of CIT.



Why CIT in NYC now?

- Cities have been employing CIT as early as 1988 in Memphis, TN.³
- CIT programs have been created in over 2,700 communities to date, indicating it's a valuable method for community policing.¹
- Police are the first to respond to someone experiencing an emotional health crisis. Lack of training and limited understanding of mental health puts consumers, bystanders, and police officers in danger. These situations can result in death, serious injury, and multi-million dollar lawsuits.⁴



Why CIT in NYC now?

- Programs currently in place
 - NYC Emergency Service Unit (ESU): Responds to extreme emergency and high risk situations outside the duties of regularly trained police officers.
 - Bowery Residents' Committee (BRC) Pilot Project: Intervenes with homeless individuals on the subway.
- The problem
 - The ESU comprises less than 1% of city police officers (300 out of 34,000). Other cities such as Houston have as much as 50% of their police force trained in crisis intervention.
 - None of the deaths injuries published in the media involved the homeless or occurred on the subway.

Consequences of No CIT

- Growing cost of claims against NYC:
 - In this year's budget, the city set aside \$674 million to cover claimants and anticipates to pay \$782 million in 2018.⁵
- Police misconduct, injury and civil rights allegations against the NYPD made up more than one-third of all claims against the city over the past year.
 - Misconduct claims alone rose 22% in NYC while they decreased in other cities.⁶
 - Police report 83 police shootings in 2012, half of which involve people with mental illness.⁷
 - Just one of these cases could cost the city millions: The family of Mohamad Bah (a consumer shot by the NYPD) is seeking \$70 million from the city.⁸

Consequences of No CIT

DEATHS

- Nov 2007 **David Kostovsk**, 29, was shot in Brooklyn while armed with a broken bottle⁹
- Nov 2007 **Khriel Copin**, 18, was shot 20 times by 5 officers while holding a hair brush mistaken for a gun¹⁰
- Sept 2008 **Iman Morales**, 35, died after a taser shot caused him to fall from the ledge of his 3rd floor apartment in Bed-Stuy¹¹
- Mar 2012 **Shereese Francis**, 30, died in police custody at her home¹²
- Aug 2012 **Darius Kennedy**, 31, was shot in Times Square while armed with a knife¹³
- Sept 2012 **Mohamed Bah**, 28, was shot in his home wielding a knife⁸
- Nov 2013 **Rexford Dasrath**, 22, was shot 5 times outside his home home wielding a steak knife¹⁴

INJURIES

- Jan 2008 **Dustin Grose**, 28, was badly beaten at his home while unarmed²²
- Jan 2014 **Suzanne LaFont**, 59, and husband **Karl Anders Peltomaa**, 50, were injured at their home as a result of a mishandled medical emergency call¹⁵
- Feb 2014 **Sahar Khoshakhlagh**, 38, was shot in Times Square by a stray bullet intended for an unarmed EDP¹⁶
- Aug 2014 Unidentified patient was badly beaten by officers in Brooklyn²¹



Benefits of CIT

- Less down time for officers: In Chicago, CIT reduced turnaround time from up to 8 hours to 15 minutes.¹⁷
- Fewer casualties to officers, consumers, and bystanders and less time off for injured officers¹⁸
- Fewer lawsuits
- Fewer unnecessary arrests + decreased jail time
 - 40% of Riker's Island inmates have MI, all of whom got to prison through police contact.¹⁹
 - Yearly cost per inmate is approximately \$160,000.²⁰
 - Chicago: average custody time decreased from 74 days to 3 hours.¹⁷
- Diversion of consumers away from hospitals
- Improved perceptions and attitudes
 - More positive media relations for the NYPD and the Mayor
 - Lends prestige to City. NYC is the only 1 of the seven largest US cities without a CIT program.
 - Law enforcement's improved perceptions of consumers + increased confidence in working with them.
 - Improved community perceptions of law enforcement

More consumers engaged in ongoing treatment

Chicago at a Glance

| | |
|-----------------------------|---|
| CIT Began | 2004 |
| Population | 2.8 million |
| Police Force | 12,000 |
| # CIT Officers | 2,300 (19.2%) |
| Hours of Training | 40 |
| Method of Deployment | Officers' time cards indicate whether they are CIT trained. 911 dispatcher sends trained officer after identifying EDP call. |
| EDP Calls/Year | 19,846 |
| Drop-offs/Year | 3,300 |
| Drop-off Locations | Hospitals, separate rooms and entrances for EDP Free standing triage unit w/ separate nursing staff (30 ft from main hospital) |
| Other | Hospital staff must accept EDPs brought in by the police. |

The Chicago Model

- Chicago's pilot program began in 2004 in 2 districts with the most single resident occupancy (SRO) facilities housing individuals with serious and persistent mental illness. CITs expanded city wide in 2006.
- Chicago conducts about 14 classes of 25 officers each year in standard comprehensive Crisis Intervention Team training. The number of training classes varies each year. These trainings follow the Memphis model of CIT.
- Funding derives from an Illinois State Law Enforcement Agency, the Illinois Law Enforcement Training and Standards Board, and the City of Chicago.
- Chicago PD receives between \$80,000 to \$120,000 per year from this law enforcement agency.

The Chicago Model

Cost per Training

| | |
|---------------|---|
| \$200 | Outside MH professional presenters per hour |
| \$15 | Consumer and family presenters per hour |
| \$500 | Annual luncheon for 50 officers (\$1,000 in NYC) |
| \$1700 | Training materials (not including cost of copies) |
| \$4200 | Outside trained CIT police instructors |
| Unknown | Travel expenses |
| \$8500 | Total |



The Chicago Model

- Chicago's CIT training targets officers with at least 2 years of experience
- Training is voluntary
 - Officers volunteer to apply for the CIT training
 - Applicants then go through a screening process in order to be accepted into the training class.

The Chicago Model

Each Training Includes:

| | |
|---------|--|
| 1 hour | Intro, History, & Overview |
| 3 hours | Mental Illness: Signs & Symptoms |
| 1 hour | Developmental Disabilities |
| 2 hours | Substance Abuse & Co-Occurring Disorders |
| 4 hours | Risk Assessment & Crisis Intervention Skills |
| 3 hours | Family Perspectives & Consumer Panel |
| 2 hours | Child & Adolescent Disorders |
| 1 hour | Geriatric Issues |
| 1 hour | Department Procedures |
| 1 hour | Psychiatric Medications |
| 2 hours | Legal Issues |
| 4 hours | Community Resource Panel |
| 3 hours | Crisis Intervention Role Play & Hearing Voices Simulation |
| 4 hours | Crisis Intervention Role Play & Virtual Hallucinations Machine |
| 1 hour | Summary & Evaluation |
| 1 hour | Written Examination |
| 1 hour | Superintendent's Ceremony |

Houston at a Glance

| | |
|-----------------------------|--|
| CIT Began | 1999 |
| Population | 2.2 million |
| Police Force | 5,200 |
| # CIT Officers | 2,600 (50% of all officers on staff) |
| Hours of Training | 40 |
| Method of Deployment | Police and social workers ride together in the same cars. Team can be called by a dispatcher, other officers, or based on something they observe. |
| EDP Calls/Year | 29,272 |
| Drop-offs/Year | 7,076 |
| Drop-off Location | Psychiatric Assessment Center |
| Other | Houston police standard for picking someone up is imminent and serious risk of harm to self or others, regardless of whether or not a crime was committed. |

The Houston Model

Houston's approach to CIT is 4-fold

1. **Co-Responder Teams** (CIRT)

- 10 pairs of social workers and police (soon to be expanded to 13) ride together in the same cars,
- 24/7 coverage.
- Total cost: \$600K/year funded by County mental health department.
- The social workers are overseen by a county mental health supervisor.

3. **Training** for all officers:

- 40 hour initial + 8 advanced training hours each year after.
- Developed training model using material from other cities and Houston PD's internal psychiatrists.

2. **Resources** for Non-CIT trained officers:

- a telephone line (triage line) manned by CIT trained officers and social workers.
- Calls to a psychiatrist at the drop-off assessment center.

4. **Protocol**

- Houston's police can pick up an EDP without a crime being committed if the person poses an imminent and substantial risk of harm to self or others, regardless of whether a crime is committed.
 - Offering to sell body and being out at all hours of night
 - Standing in traffic
 - Wearing a winter coat in 100 degree temperature and hallucinating verbally
 - Eating dead pigeons

The Houston Model

- The Neuro Psychiatric Center (Est. 1999)
 - Houston has a self-standing assessment center for EDPs not going to prison, both walk-ins and drop-offs.
 - 60 beds, open 24/7.
- The center is funded 80% by the county and 20% by the state.
- For psychiatric concerns only:
 - They will perform immediate triage when necessary e.g. injuries from a fall; and will dispense physical medications such as for High blood pressure.
 - For other physical concerns, they go to another building on the main hospital campus.
- Care on-site
 - Nurses, social workers and licensed mental health professionals.
 - 3-4 on call psychiatrists, at least 1 is available at all times.
 - Peers also work at the assessment center.
- Goal is to move people out in 24 hours. Average stay is 2-3 days.




San Antonio at a Glance

| | |
|---------------------------|-------------------------------------|
| CIT Began | 2003 |
| Population of City | 1.4 Million |
| Police Force | 2,300 |
| # of CIT Officers | 2,100. 92% of staff |
| Hours of Training | 40 hours cadets and officers |
| Drop Offs per year | 600 to 800 |
| Drop Off Locations | Varies |

San Antonio has role plays every day in week long training and over 4 hours of interaction with mental health recipients and families in that week of training.

San Antonio has not used force in a EDP related case since 2008.
San Antonio CIT is cost free.

A grayscale, textured image of the San Antonio skyline, featuring various skyscrapers and buildings, serving as a background for the title.

San Antonio at a Glance

- San Antonio started a Mental Health Unit in 2008. They have 6 officers and 1 supervisor in that unit.
- San Antonio trains all officers and cadets in 40 hours of training.
- San Antonio got the basis of its training from Houston. De-escalation, identifying MH crisis, recognizing symptoms, reflective listening, responding to suicidal behavior, etc.
- San Antonio conducts a role play every day and devotes more than 4 hours to mental health recipient, family member interaction.
- San Antonio training is paid for by stakeholders, hospitals supply meals at trainings and space for trainings, etc.

A grayscale, textured image of the San Antonio skyline, featuring various skyscrapers and buildings, serving as a background for the title.

San Antonio at a Glance

- San Antonio drops off those in crisis to a variety of locations.
- San Antonio police can drop people off at hospitals, free standing mental health clinics with 120 beds, or Crisis Stabilization Centers where people can be held for 48 hours, 16 beds.
- Police officers are the ones to decide where the EDP gets dropped off based on urgency of care.



San Antonio at a Glance

- San Antonio police also escort people in crisis when called in by their 10 mobile crisis units, called Mobile Crisis Outreach Team.
- Mobile Crisis Outreach Teams are made up of doctors, social workers and police if needed.
- There is a 24 hour mobile crisis line for families and others to call in.
- The response time depends on the urgency of call. Emergency calls must get a 1 hour response. Urgent calls get an 8 hour response time. Routine calls are responded to within 2 days.

Los Angeles at a Glance

CIT Began 1993

Population 3.8 million (City)

Police Force 10,000

Other Police and social workers co-respond, but ride in separate cars. There is a separate team to respond to EDPs that frequently utilize 911 services.

The LA Model

- SMART (System-wide Mental Assessment Response Team)
- 1993: A dozen social workers rode with police.
 - The total cost was less than \$1 million dollars.
 - Funding originated from the County's Mental health budget.
- 2014: About 100 police and social workers ride along together (70 police and 30 social workers).
 - The personnel budget is \$5 to \$6 million that includes police officer and social work staff.
 - The county mental health budget is \$1.7 billion.
- Los Angeles also has a triage station at the police department manned by social workers or trained CIT police officers.
 - Untrained officers call in to this triage station when dealing with a mental health crisis.
 - This phone line is to be used only when other CIT officers are unavailable.

The LA Model

- LAPD recoups some of the cost by billing Medicaid for crisis calls and follow up care.
- CAMP (Case Assessment Management Program)
 - Manages follow up care.
 - LAPD works with 20 cases per week of those in crisis.
 - CAMP officers link those people in crisis to services, reducing arrests and encounters with police.

San Diego at a Glance

| | |
|-----------------------------|---|
| CIT Began | 1996 |
| Population | 1.33 million (City), 3.17 million (County) |
| Police Force | 1,500 (City), 10,000 (County) |
| # CIT Officers | 25-40% county-wide |
| Hours of Training | 24 |
| Method of Deployment | Co-responder unit of 23 clinicians that ride along with police. |
| Drop-off Locations | Hospital |
| Other | San Diego allows CIT police from the county to respond to calls from the city and vice versa. |

The San Diego Model

- CIT in San Diego is funded 100% by the county
- \$2.7 million per year
 - 23 licensed clinicians to co-respond with police
 - Police liaison
 - Program director

A faint, stylized background image of a city skyline with various skyscrapers and buildings.

Conclusions

- CIT has been proven effective in major cities: Chicago, Houston, LA, San Antonio, and San Diego.
- There are vast monetary and societal benefits.
- CITs reduce injuries to police, bystanders, and those with mental illness that police must respond to.



Final Recommendations

- 40 hour training
 - Increased depth and breadth of knowledge of mental illness.
 - Effective crisis de-escalation.
- Co-response model
 - A pilot project with peers or social workers riding with police in one precinct in each borough.
- Directing people to alternate care
 - Increased transport to assessment centers/respite centers and ongoing treatment facilities.
 - Decreased number of people in prison with mental illness.

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Manhattan
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Testimony of Legal Services-NYC

On

The Police Department's Plan to Enhance Officer Trainings

Presented before:

The New York City Council

Committee on Public Safety

Presented by:

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Director of the Family Law & Immigration Unit

Manhattan Legal Services

September 8, 2014

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Peggy Earisman, Director



LSC

Good Morning. My name is Maribel Martinez-Gunter and I am the Director of the Family Law & Immigration Unit at Manhattan Legal Services, a community-based office and a constituent corporation of Legal Services-NYC, the nation's largest civil legal services provider. For nearly fifty years, Legal Services-NYC has stood as a vanguard in the war against poverty, annually serving over 60,000 low income New Yorkers throughout all five boroughs with expert legal assistance that not only improves their lives but strengthens their communities. Our work is informed by the close ties that we sustain to community residents and scores of community-based organizations seeking to effectuate change in low-income neighborhoods.

We appreciate the opportunity to testify before the City Council's Committee on Public Safety on this critical issue—NYC's plan to enhance police officer training. At a time when this nation is reeling in the after effects of tragic clashes between the police and the community, it behooves us to examine our local policies regarding police training and design a new trajectory in the arc of mutual respect for all New York residents and the NYC Police Department.

Although Legal Services-NYC does not litigate criminal matters, our clients regularly interface with the NYPD and many times, they will share their stories with us. When we hear the same type of account over and over again, it places a spotlight on an opportunity for improvement. My testimony will highlight the intersection of race, class and national origin as I describe how poor immigrant communities of color experience law enforcement.

Nearly 25% of NYC residents over the age of 5 are limited English proficient (LEP) and require assistance in order to access the services of the NYPD; 1.2 million of them are Spanish-speaking individuals and 419,000 speak a Chinese language. LEP New Yorkers are

disproportionately foreign born. Among NYC residents over the age of 5, approximately 50% of foreign born residents are LEP, in contrast to only 6.5% of US born residents.

The Lawsuit:

Last year, Legal Services NYC filed a federal lawsuit against NYPD on behalf of 9 limited English proficient New Yorkers and the Violence Intervention Program, challenging the police department's discriminatory practice of denying interpreters to LEP individuals and depriving them of access to NYPD services. This practice is in stark contrast to the NYPD's own Language Access Plan that requires police officers and other employees to provide free language assistance to LEP individuals, including the use of a telephonic interpreting service. This practice is in violation of NYC Executive Order 120, which requires city agencies to provide interpretation services to LEP individuals and this practice persists despite the findings made by the Department of Justice in November 2010, where it concluded that NYPD was "not fully in compliance" with the requirements of federal law, including Title VI of the Civil Rights Act and the Safe Streets Act regarding NYPD's provision of language services to LEP New Yorkers.

The lawsuit highlights that NYPD not only continues to discriminate against LEP crime victims, but that it does so in life threatening situations, such as when victims are attempting to report domestic violence. NYPD's denial of interpreter services deprives victims of their right to report crimes, to protect themselves from dangerous abusers and to communicate effectively with the police in a wide range of circumstances. There is account after account of the NYPD not only failing to provide language assistance but also degrading, ridiculing and otherwise

mistreating LEP individuals who request interpreter services, actively demeaning them for their lack of English proficiency.

In the interest of time, I will only highlight the experience of one of the plaintiffs in the case, the lead plaintiff: Ms. Padilla Torres and I'd like to publicly thank her for her courage to come forward and speak truth to power.

Ms. Padilla Torres is a twenty-six year old Spanish speaking woman from Mexico. She speaks very limited English. She can understand some words but has difficulty with even the most basic phrases. She lives in Brooklyn with her four year old son. From 2007 until 2011, she lived with her boyfriend. He was physically and verbally abusive to her. He set up video cameras in their apartment to monitor her activities. In November 2011, the boyfriend grabbed her by the feet, pulled her off the bed and began beating her. She pleaded with him to stop but he did not. She screamed for help and her son came in the room. The boyfriend stopped beating her and left the room. She then called 911 and asked for someone who spoke Spanish. A Spanish speaking operator came on the phone and she told the operator that her boyfriend was beating her. She asked the operator to send a police officer who spoke Spanish.

Two police officers arrived shortly thereafter. Neither spoke Spanish. When the officers arrived, they approached the boyfriend, who is proficient in English and began to speak to him. They did not speak to Ms. Padilla Torres even though she called 911. She approached the officers while they were speaking to the boyfriend and tried to explain what happened in Spanish. One officer responded, "We don't speak Spanish." The officers continued to speak to the boyfriend and ignored Ms. Padilla Torres, who continued to ask for help in Spanish. She

saw the officers and the boyfriend smoking cigarettes together and talking and she felt that she was not going to get any help. At this point, she called 911 again and asked them to send a Spanish-speaking officer to the scene. She told the operator that her boyfriend had beaten her and she could not communicate with the officers who responded. The operator told her she would send a Spanish-speaking officer.

In a little while, another patrol car arrived with an officer who spoke Spanish. Ms. Padilla Torres showed him the bruise on her arm and told him, in Spanish, that the boyfriend had hit her. The Spanish-speaking officer said that the boyfriend also had marks on him, and that if she wanted to make a police report they would both be arrested and a judge would ultimately decide what happened. Ms. Padilla Torres said that she still wanted to make the report.

The initial officer spoke with the Spanish-speaking officer, and then the Spanish-speaking officer told Ms. Padilla Torres that he needed to leave and that the other officers would take her report. She tried to ask the officers for their names and identification numbers in English, but they refused to talk to her. They continued to speak only to the boyfriend.

Ms. Padilla Torres called 911 for a third time, this time asking for a police officer with a higher rank because the officers who responded were not assisting her.

Ms. Padilla Torres' friend arrived to the home. She had called her friend to watch her four year old son. Her friend spoke some English and the officer told the friend that Ms. Padilla Torres should make a report stating that the boyfriend had not hit her because it would be easier.

A third patrol officer arrived on the scene. The first officer called Ms. Padilla Torres over to him, put her in handcuffs and put her in the patrol car. She saw that the boyfriend was also put in a patrol car but without handcuffs. Shortly thereafter, around 3 a.m., Ms. Padilla Torres arrived at the precinct. She was taken to a cell. She was given a piece of paper, but could not understand what was written on it. Since the officers had not explained what was happening, Ms. Padilla Torres was scared, worried about her son, and afraid that she was being incarcerated for a long time. She spent the night in the cell. The next morning, she was taken to another location where she was photographed. While a woman was patting her down, she touched Ms. Padilla Torres' arm where she had a bruise from the beating. It was very painful for Ms. Padilla Torres and the woman looked at the bruise and suggested she be taken to a hospital for treatment. This woman took Ms. Padilla Torres over to a Spanish-speaking employee. The employee examined the bruise and called over a supervisor who looked at the bruise and said something to the effect of, "this is domestic violence." Ms. Padilla Torres was then taken in an ambulance to the hospital by the same initial responding officer.

The officer handcuffed her to the bed in the hospital and remained with her the whole time she was in the hospital, even accompanying her to the bathroom. After she received treatment for her injuries, the officer brought her back to the precinct. When she arrived at the precinct that evening, she was allowed to go home. She was not provided with any explanation of why she had been arrested and was not told whether there were charges against her.

Based on this arrest, the boyfriend filed for a civil order of protection and separated Ms. Padilla Torres from her son for one month and 9 days. Despite the fact that she was able to

obtain an order of protection against him, the boyfriend approached her on many separate occasions, each in violation of the order of protection. Because of the treatment she suffered on that November night, Ms. Padilla Torres is fearful of calling the police in the future. She does not have confidence that the police would help her and is fearful that they would arrest her again.

For the past year, Legal Services-NYC and NYPD have been embroiled in discovery and pre-trial negotiations. Although we are hopeful that current negotiations will yield an amicable settlement, we do have very serious concerns about the manner in which the police are trained.

The Need for Adequate Training:

The law is crystal clear: the police must provide interpreter services for LEP individuals. This is not a case where we need to advocate for legislative reform. We can all agree that language access is necessary so that the police can properly do their jobs of taking reports and investigating crimes. In the instances of domestic violence, it is necessary so that the police can assess who is the primary physical aggressor, whether mandatory arrest is warranted and whether medical attention is needed. NYPD's failure to provide language assistance to LEP complainants of domestic violence frequently results in their wrongful arrest or with threats to arrest them, rather than the arrest of the abusers. This failure heightens the victim's risk of continued and increased abuse, as it only serves to embolden the abuser and has a chilling effect on the victim's willingness to report the abuse in the future.

The critical issue for us to examine is whether or not police officers are adequately trained and supervised to follow the law and implement existing policy. Currently the NYPD informs us that outside of the academy, training on policies takes place for short periods of time, usually for a period of 15 minutes during roll call. This is unsatisfactory, woefully deficient and incomparable to the regular host of courses administered on an annual and semi-annual basis to all uniformed police officers in support of tactical training and firearm re-qualification training.

Training on the provision of interpreter services for LEP individuals must be substantial and on-going. It cannot be limited to a 15 minute review at roll call or the reading of General Administrative Information at 10 consecutive roll calls. It must include an element of cultural competency. New York City has been and continues to be, a city of immigrants. Police officers must learn how to interact with individuals of different races, religions and ethnicities without ridiculing and demeaning them for their perceived differences.

There must be enhanced training so that officers know what to do when responding to a domestic violence call or a report of sexual assault.

We offer these practice pointers:

1. Never use children as interpreters. It creates more trauma for children and places them in a dangerous position of choosing sides. The use of children as interpreters not only places children in physical danger of repercussions from the batterer but it creates deep psychological trauma for the child.

2. Third party interpreters should only be used in exigent circumstances and once the emergency subsides, the police should revert to its regular policy to seek a qualified interpreter. Oftentimes bystanders will not actually interpret for either party; instead they will state their own perspective as to what has happened.

3. When addressing cross complaints of domestic violence, the police is required to make an assessment as to who is the primary physical aggressor. The training they should have already received informs police officers to examine each party's weight, height, state of physical conditioning, any history of documented domestic violence, the nature of any injuries which may be present, including distinguishing injuries made in the course of abuse from injuries caused during an act of self-defense, and the presence or use of any weapons. Only the primary physical aggressor should be arrested. The victim should receive supportive services and medical attention, if needed. NYPD cannot continue its habit of arresting both parties or threatening to arrest both parties if either alleges criminal behavior.

4. If there is a pre-existing order of protection prohibiting contact, and if the abuser is present on the scene, that is a case of mandatory arrest.

5. Do ask individuals if they would like an interpreter.

6. Do make sure that you are using a qualified interpreter.

7. Do make use of language line, or other telephonic interpreter services, when interviewing LEP individuals and taking a report. The service is being paid for by the department and your personal telephone will not be confiscated for evidence.

8. Do allow victims to write their own version of events in the Domestic Incident Report in the language of their choosing.

9. Do ask all parties if they need medical attention. Not all injuries are immediately visible. People with darker complexions may not show bruising at all to the naked eye. Ask victims if they are in pain, and proceed accordingly.

10. Do not ridicule, demean or demoralize a limited English proficient victim of domestic violence for any reason. Her life has already been hard enough.

Conclusion:

Again, we greatly appreciate the Committee's interest in this important issue. We thank you for the opportunity to testify today and stand here today for all New Yorker's. Regardless of race, class, or national origin, we all deserve access to justice, an equal access to justice.

Thank you,

TESTIMONY

The Council of the City of New York

Committee on Public Safety

Oversight: The Police Department's Plan to Enhance Officer Trainings

September 8, 2014

New York, New York

The Legal Aid Society
199 Water Street
New York, NY 10038

Presented by:
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Good morning, I am William Gibney, Director of The Legal Aid Society, Criminal Practice Special Litigation Unit, and with me is Christine Bella, an attorney from the Juvenile Rights Practice. We submit this testimony on behalf of The Legal Aid Society. We thank the Committee on Public Safety for inviting our comments on the New York Police Department's (NYPD) plan to enhance officer trainings in the wake of the death of Eric Garner. We appreciate your attention to this important issue.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. From offices in all five boroughs in New York City, the Society annually provides legal assistance to low-income families and individuals in some 300,000 legal matters involving civil, criminal and juvenile rights problems. The Society operates three major practices: the Criminal Practice, which serves as the primary provider of indigent defense services in New York City; the Civil Practice, which improves the lives of low-income New Yorkers by helping families and individuals obtain and maintain the basic necessities of life – housing, health care, food and subsistence income or self sufficiency; and the Juvenile Rights Practice, which represents virtually all of the children who appear in Family Court as victims of abuse or neglect or as young people facing charges of misconduct.

During the last year, our Criminal Practice represented individuals in approximately 230,000 trial, appellate and post conviction criminal matters. We provide this representation in all five counties of New York City and represent both adults and young people charged in the adult criminal justice system. Everyday our front line staff of attorneys, investigators and social workers learn first hand of the issues that face our clients when they are arrested, taken into custody, pulled away from their lives and their communities and face the life altering, devastating effects of being involved in the criminal justice system, sometimes for crimes they did not commit. The top item on our clients' list of concerns is the over-policing and abusive police tactics used by the NYPD in communities of color.

The Legal Aid Society's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented some 34,000 children, including approximately 4,000 who were arrested by the NYPD and charged in Family Court with juvenile delinquency. In addition to representing many thousands of children, youth, and adults each year in trial and appellate courts, The Legal Aid Society also pursues impact litigation and other law reform initiatives on behalf of our clients.

In the course of our representation of young people accused of delinquency or criminal activity, Legal Aid's staff bears witness to the day-to-day interactions between young people and the NYPD. Our perspective comes from our contacts with hundreds of individual youth and their families, and also from our frequent interactions with the courts, the schools, community-based programs, the NYPD and the New York City detention and placement facilities, as well as New York State Office of Children and Family Services. We are particularly aware of Individuals who are especially vulnerable to police misconduct. These populations include people who are mentally ill and people who identify as LGBTQ.

Because of the breadth of The Legal Aid Society's representation in the New York City's criminal justice system, we are uniquely positioned to address the need for reform of the NYPD arrest practices.

A System in Need of Reform

Eric Garner was a client of The Legal Aid Society. The tragedy of his death gives our City the opportunity--indeed the responsibility--to make the necessary changes to ensure that the circumstances of his death never recur. We applaud the announcement of a retraining effort by the NYPD regarding the use of chokeholds. We question, however, whether training, alone

can address the problem and we seriously doubt that training focused primarily on a police tactic that was banned over twenty years ago will be sufficient to solve the problem. We ask that the City act on the present opportunity to enact the broader reform that is needed.

Police officers' most important training occurs one-on-one with supervisors and fellow officers on the streets. A formal training program, without more, has little chance of changing the police culture that continues to utilize the chokehold tactic with great frequency. The Civilian Complaint Review Board reports that between 2009 and 2013 it received complaints of about 1,022 instances in which the police were accused of using chokeholds.¹

More importantly, a training that focuses on the chokehold tactic fails to address the policy that created the dynamic that led to the death of Mr. Garner. The immediate cause of Mr. Garner's death was the chokehold. It was the attempt to arrest and subdue Mr. Garner for selling untaxed cigarettes, however, that put him in a position to be choked to death by the police. The policy that requires police officers to arrest large numbers of people for very minor offenses and that tolerates the use of force when the officers encounter even minimal resistance initiated the events that killed Mr. Garner and must be addressed.

As a community we learned of and better understood the tragic reality of Mr. Garner's death in large part because it was captured on video, video that happened to be taken by several bystanders. Mr. Garner's death, however, is not an isolated incident. Within the past several months a number of other incidents of excessive force have occurred throughout the City. Each of them involved the use of force to subdue someone who was accused of a low level relatively minor offense. Those incidents that happened to be recorded on video give us greater insight into all too frequent practices by the NYPD.

The stated policy of the NYPD is "Quality of Life" or "Broken Windows" policing, which calls for large numbers of arrests for increasingly low levels of crime. As the primary public

¹ Joseph Goldstein, Nate Schweber, *Chokehold Complaints Are Focus of City Study*, The New York Times, July 20, 2014, at A 19.

defender in New York City, The Legal Aid Society has extensive experience with the thousands and thousands of arrests for petty low level offenses that are the direct result of the Broken Windows policy. A visit to almost any criminal court part will show how they clog our criminal justice system.

Our experience with Broken Windows policing shows that it has failed New Yorkers and directly contributed to Mr. Garner's death. Broken Windows results in broken families and broken communities. It is a policy of over-policing for low level offenses that targets our black and Latino low income communities. As the video of Mr. Garner's death and other incidents have shown, it is a policy that cannot withstand close public scrutiny.

The focus on low level arrests distorts proper police priorities away from serious crime and has turned Rikers Island into a warehouse for the mentally ill. In 2012, the City reported that 36% of City inmates (58% of women) had some level of mental illness. In 2005, that percentage was less than 25%. An even greater percentage of young people in Department of Correction's custody – 42%- have been diagnosed with mental illness. The average length of stay in City DOC for the mentally ill is over twice as long as the rest of the population, and for young people the disparity is even more pronounced. The mentally ill are less able to post bail even for similarly situated crimes. The differences exist regardless of gender or borough.² We must find ways to divert low level mentally ill offenders out of the criminal justice system.

Arresting vast numbers of people for petty offenses is a policy choice made by the NYPD. The majority of these offenses need not result in an arrest. The law gives the NYPD the option to issue a summons³ or a desk appearance ticket⁴ instead of effectuating a full arrest. The summons is a ticket that usually requires the signature of the person who is receiving it. NYPD Procedure, however, allows the signature to be waived when the officer feels that

² Justice Center, The Council on State Governments, *Improving Outcomes for People with Mental Illnesses Involved in New York City's Criminal Court and Correction Systems*, December 2012.

³ See NYPD Patrol Guide, Procedure No. 209-09, revision 06-02, 9-15-06.

⁴ See Criminal Procedure Law Article 150.

requesting the signature may precipitate a confrontation.⁵ Imagine the different result if the officers of the Staten Island 120th precinct had recognized that they were dealing with an offense that did not require an arrest and instead decided to issue a summons to Mr. Garner. For these low level offenses a summons should be the preferred way to charge an offender.

In those cases where a full arrest is effectuated, it is a mistake to use physical force unless it is absolutely necessary. In the Garner case, no police officer was threatened. There was ample opportunity to have a conversation to calm things down. A supervisor could have intervened and taken control of the situation. Police experts we speak with say that the NYPD should make greater use of de-escalation techniques that are increasingly used in other parts of the country. For these low level offenses, where there is no immediate threat to anyone, there is no need to quickly escalate to physical force.

The problem of the use of deadly force to subdue those accused of the most minor offenses, such as selling loose cigarettes or taking up two seats on the subway, will not end with a new round of training or even the indictment of one officer. The NYPD has to overhaul not only its training but its supervision, disciplinary and "productivity" incentive programs to send the message that excessive force is never tolerated. In the current system, officers who make large numbers of arrests are rewarded, but they rarely receive serious discipline when they violate the rules. Officers who violate Department protocol should receive appropriate discipline.

There is strong evidence that Department supervision and discipline and the entire structure of accountability for police officers is in need of a thorough overhaul. New Yorkers went out of their way in 1,022 cases to file a complaint with the Civilian Complaint Control Board about the improper use of chokeholds by the NYPD between 2009 and 2013. In only nine of these cases were CCRB investigators able to find enough evidence to sustain the complaint.

⁵ NYPD Patrol Guide, Procedure No. 209-09, revision 06-02, 9-15-06 at Note 10.

Only one of the nine sustained cases resulted in a modest punishment, a command discipline that resulted in the loss of vacation days.⁶

Five years, over 1,000 complaints, one minor punishment. The NYPD treats the use of deadly force in a chokehold as a minor rule violation.

We lack any effective structure to police our police. It is too difficult to prosecute complaints in the CCRB and the few cases that are sustained are often overturned by the Police Commissioner, who has the ultimate decision-making authority. Records for this year show that in the first six months of the year the Police Department has declined to sanction officers in over 25% of the cases that the CCRB found cause for discipline. In the words of Richard Emery, the Chairman of the CCRB, "We have to come to a system where discipline is discipline, and its not just some recommendation to a higher authority."⁷

In our view the death of Eric Garner was not just caused by the use of a chokehold by one police officer but by a system that places too much importance on low level arrests and that rewards officers for the quantity of those arrests as opposed to the quality of their work. Broken Windows is an outdated program no longer called for in a safer and less violent City that recently elected a mayor under the promise of making New York City "safe for all."

Policing of Youth

Just as the mentally ill are a vulnerable population who interact with the police, so too are youth in this City. We would like to start by sharing some general concerns and observations about youth interactions with police in New York City, which must factor into any envisioned training both to ensure fair and humane treatment and to enhance public safety. Many of these issues have been the subject of City Council hearings over the years and I am certain are of great concern to City Council Members. First, while New York City, in partnership

⁶ J. David Goodman, *In Nine Chokehold Cases, Discipline Said to be Rare*, The New York Times, July 22, 2014, p. A 16.

⁷ J. David Goodman, *Bratton Spurned 25% of Board's Police Misconduct Findings in First Half of '14*, The New York Times, August 27, 2014, p. A 19.

with the State, has undertaken sweeping reform efforts⁸ to reduce the number of children prosecuted, detained and sentenced in its Family Courts in recent years, there has not been a corresponding drop in the number of arrests.⁹ Efforts to reduce arrests through the use of de-escalation techniques and diversion are essential for our youth.

Second, we can all agree that youth of color are disproportionately arrested and detained by the NYPD and that this disproportionate minority contact (DMC) is an entrenched, persistent problem plaguing both youth and adults in New York City communities. We know this from the data and from our own observations. We know this from our day-to-day interactions and observations that those young people arrested and detained are almost exclusively young people of color in New York City. The data supports what our eyes tell us-- between 90 and 95 percent of the youth admitted to secure detention in New York City are children of color. We are arresting, detaining, prosecuting, supervising and sentencing African American and Latino children at a much greater rate than white youth in New York City.¹⁰ As a result people of color have developed great mistrust of those sworn to protect and serve them, and sadly it starts at a young age.

Third, we know that LGBTQ and runaway and homeless youth are particularly vulnerable and also disproportionately represented in the juvenile justice system.¹¹ Social stigmatization and familial rejection, resulting in depression, isolation, and homelessness, act as powerful forces that cause LGBTQ children to leave their homes and schools. Ultimately, youth

⁸ Such efforts include the following initiatives, which included merging the City's Department of Juvenile Justice with its Administration for Children's Services, increasing diversion practices and community-based supervision by the Department of Probation, creating a robust city-wide continuum of alternative to detention and placement programs, as well as implementing the Closet to Home Initiative, to name a few.

⁹ Child Welfare Watch, *Brushes with the Law: Young New Yorkers and the Criminal Justice System* Vol. 22 Winter 2012/2013 p. 5. Centernyc.org.

¹⁰ State of New York 2009 - 2011 Three Year Comprehensive State Plan for the Juvenile Justice and Delinquency Prevention Formula Grant Program, page 12. See also www.nyc.gov/djj. Almost the entire detention population consistently has been composed of youth of color -- approximately 60 percent of those detained pre-trial are African-American and 37 percent are Latino.

¹¹ Angela Irvine, *"We've Had Three of Them": Addressing the Invisibility of Lesbian, Gay, Bisexual and Gender Non-Conforming Youths in the Juvenile Justice System*, 19 Colum. J. Gender & L. 675-76, 687 (2010).

living on the streets face arrest for low level offenses.¹² Transgender youth in particular face unique and problematic challenges, and are at greater risk of getting arrested. One study of urban youth shows that 67% of young transgender woman have engaged in sex work.¹³ Many of our young female clients as well as LGBTQ youth are commercially sexually exploited and are arrested on “prostitution” and other non violent charges in both the juvenile and criminal justice systems. Given the unique experiences and circumstances of these groups the NYPD should be educated about the needs and vulnerabilities of young women, LGBTQ youth and runaway and homeless youth so that when they encounter such youth on the street they can provide them with referrals to Department of Youth and Community Development for housing and other services rather than resort to arrest for low level offenses.

Fourth, the overwhelming majority of youth facing arrest and detention live in under-resourced and heavily policed neighborhoods with low-performing schools and high rates of child abuse, neglect, substance abuse, mental illness and incarceration.¹⁴ These communities need increased resources.

Fifth, the extent of mental health problems among youth in the juvenile and criminal justice systems is staggering.¹⁵ Many suffer from co-occurring disorders. Indeed, “approximately 85 percent of young people assessed in [New York City] secure detention intake reported at least one traumatic event, including sexual and physical

¹² Center for American Progress; The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System, June, 2012.

¹³ Transgender Female Youth and Sex Work: HIV Risk and a Comparison of Life Factors Related to Engagement in Sex Work (AIDS Behav. Oct 2009; 13(5): 902-913. Published online Feb 6, 2009.

¹⁴ The vast majority of individuals processed through the juvenile and adult courts come from five communities of New York City: Harlem, Bedford-Stuyvesant, Brownsville, East New York and the South Bronx. http://gothamist.com/2013/05/01/these_interactive_charts_show_you_w.php.

¹⁵ “In this study, more than 80 percent of the girls in this sample met criteria for at least one disorder, in comparison to 67 percent of boys.” Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study, Jennie L. Shufelt, M.S. and Joseph J. Cocozza, PhD., National Center for Mental Health and Juvenile Justice. (June 2006). [http://www.unicef.org/tdad/usmentalhealthprevalence06\(3\).pdf](http://www.unicef.org/tdad/usmentalhealthprevalence06(3).pdf).

abuse, and domestic or intimate partner violence.¹⁶ Further, one in three young people screened positive for Post-Traumatic Stress Disorder (PTSD) and or depression.”¹⁷ In Fiscal Year 2013, the NYC Administration for Children’s Services (ACS) reported that 58% of youth in detention and placement were referred for and received mental health services.¹⁸ In fiscal year 2010, 48% of the detention admissions had current or past histories of child welfare involvement. Some youth suffer from a high level of untreated or under-treated mental illness, emotional problems, exposure to trauma, poor family support, abuse, neglect, substance abuse, and homelessness.¹⁹ Indeed, the mental health issues of many youth can be traced to their history of trauma or abuse.

We are pleased that ACS (the agency that is responsible for detention and some placement of youth charged with juvenile delinquencies, and those charged as adults as “juvenile offenders”) has made efforts to provide trauma-informed care to both youth *and staff* in detention and placement.²⁰ We ask that the NYPD follow this practice and consult with mental health experts to develop curriculum and training that addresses youth development, exposure to trauma and appropriate ways to de-escalate encounters with youth. Interactions with police do not occur in a vacuum. NYPD’s training should be envisioned to provide members with an understanding of adolescent development as well as the overall needs of system-involved youth.

Other police departments have worked with experts and non-profit organizations to improve police – youth interactions, reduce the number of confrontations, increase support by

¹⁶ Innovations in NYC Health and Human Services Policy, Jennifer Fratello, et al. Vera Institute of Justice (2014) <http://www.vera.org/sites/default/files/transition-brief-juvenile-detention-reform.pdf> at 12.

¹⁷ *Id.*

¹⁸ ACS <http://www.nyc.gov/html/ops/downloads/pdf/pmmr2014/acs.pdf>.

¹⁹ *Report on Juvenile Justice, Mental Health & Family Engagement*, p. 4, October 2013; https://www.mhanys.org/MH_update/wp-content/uploads/2013/11/MHANY_Juvenile-Justice-Report-2013_Final.pdf.

²⁰ This work is the result of a grant provided to ACS DYFJ from the Substance Abuse and Mental Health Administration (SAMHSA), in partnership with Bellevue Hospital Center and NYU Langone Medical Center.

community members, and reduce the number of arrests.²¹ For example, Strategies for Youth (SFY), a national advocacy and training organization created to improve police – youth interactions, and reduce DMC has successfully worked with some police departments to help them to understand that adolescents’ perceptions and behaviors are influenced by biological and psychological factors related to their developmental stage.²² In addition to training officers, SFY works with youth and community members to educate them about how to safely and effectively interact with police. Both the NYPD and the NYPD School Safety Division could benefit from such specialized trainings and resources.

At a minimum, training to address youth policing should have the following goals: (1) increasing awareness of DMC; (2) increasing police officer knowledge of adolescent behavior and strategies for interacting with youth effectively; (3) improving police attitudes toward young people; (4) improving youth and community members attitudes toward police; and (5) improving police and youth interactions to include effective de-escalation and reduce or eliminate the use of force.

We share the concerns of all New Yorkers. We want our schools and communities to be safe. “The City needs to recalibrate the balance between aggressive” policing and “efforts to partner with communities . . . with residents of the neighborhoods that experience high levels of both crime and police surveillance.”²³ Certainly some efforts are being made and some precincts are engaging with communities, but this cannot be effective in a piecemeal manner.²⁴ According to the Child Welfare Watch Report, Brushes with the Law, the NYPD spends a fraction of its overall operating budget on the Community Affairs Bureau, signaling that this is

²¹ Cristina Dacchille and Lisa Thureau, American Bar Association, Children’s Right Litigation, *Improving Police-Youth Interactions*, April 2, 2013

²² Id.

²³ Child Welfare Watch, *Brushes with the Law: Young New Yorkers and the Criminal Justice System* Vol. 22 Winter 2012/2013 p. 3.

²⁴ Id.

not a top priority of the Department.²⁵ Enhanced funding to improve and create community partnerships and implement training designed to improve the NYPD's handling of street encounters will keep both the police and community members safer and ensure that constitutional rights of all New Yorkers are protected from unreasonable excessive and sometimes deadly force.

We thank the Council for this opportunity to testify.

²⁵ Id. According to the report, "[t]he NYPD spends just \$12.8 million per year on its Community Affairs Bureau—a tiny fraction of the department's total \$4.5 billion budget."



Simon Wiesenthal Center New York City Council Testimony for Public Safety Committee

Adam Rudich, Director of Operations & Community Affairs of the Simon Wiesenthal Center's Museum of Tolerance New York

September 8, 2014

Thank you to Chair Women Gibson and the other members of the Public Safety Committee for allowing me this opportunity to testify. My name is Adam Rudich and I have the privilege of serving as the Director of Operations and Community Affairs for the Simon Wiesenthal Center's Museum of Tolerance New York.

The Museum of Tolerance New York (MOTNY) is the educational arm of the Simon Wiesenthal Center, a global human rights organization that promotes tolerance, confronts hate and terrorism, and teaches the lessons of the Holocaust. Through the use of high-tech interactive exhibits, MOTNY engages visitors and challenges them to assume personal responsibility for positive community change. The Museum's specialized professional development programs present fresh perspectives on complex social issues promoting responsibility and positive action.

The *Tools for Tolerance*[®] program, since its inception in 1996, has successfully developed and delivered professional training programs for well over 200,000 front line service providers nation-wide, including over 125,000 law enforcement officers and criminal justice professionals.

The MOTNY "Perspectives on Profiling" which we refer to as "POP" is a day-long interactive training program that uses cutting edge technology to provide law enforcement officers with tools to hone their ethical decision-making skills and strengthen security without jeopardizing individual and community trust and freedoms. The program addresses definitions and legal issues; how to differentiate criminal profiling from racial profiling; and challenges police officers to examine areas of hidden bias personally and among their peers. Participants are immersed in MOTNY experiential exhibits to explore concepts of stereotyping and prejudice and engage in intense discussion led by trained law enforcement facilitators. Using the customized POP interactive DVD participants explore multitude of scenarios where profiling is prevalent and select anonymously the action to simulate real-time outcomes to the situation as well as engage in dialogue to become comfortable in addressing these issues. Officers leave with enhanced skills and resource materials to enable them to be more successful in community oriented policing.

With the on-going debate facing New York City about the Stop-Question and Frisk program as a policing tool by NYPD, POP is a timely intervention that will decrease incidences of racial profiling and build trust between police and community in New York City.



The Museum of Tolerance New York currently trains those officers sent by NYPD that have received infractions from the Civilian Complaint Review Board. However, we believe that this training should not only be seen as a punitive reactive measure but rather a proactive endeavor that creates a police force that is culturally sensitive to the multi-cultural, ethnic and racial city that they serve. We feel that the training needs to be provided to all members of NYPD and ideally this should start with cadets in the academy. In addition, NYPD should reach out to outside organizations to provide training that will give a unique and different perspective to enhance the internal training that is currently happening.

We believe that the proactive measures taken with the Speaker and the Council's leadership as well as the administration is certainly moving our city in a forward thinking manner to develop and finance initiatives that will eliminate the discriminatory component of stop question and frisk. Through our experiences working alongside municipalities large and small in similar processes we know that there is a long road ahead in ensuring the cultural tolerance and sensitivity needed for community oriented policing, but together, with the NYPD's cooperation, we have certainly started on that path.

I am here today because the Simon Wiesenthal Center's Museum of Tolerance New York wants to continue to be part of the solution to the NYPD's Plan to Enhance Training. Thank you again for taking the time to listen to the Simon Wiesenthal Center's Museum of Tolerance New York's perspective and we look forward to being a helpful resource to our city and community.



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**Testimony of Sydney Kopp-Richardson, Education and Training Coordinator,
New York City Anti-Violence Project
to the
Public Safety Committee
New York City Council
Hearing on Oversight - The Police Department's Plan to Enhance Officer Trainings
September 8, 2014**

Good morning. My name is Sydney Kopp-Richardson. I am the Education and Training Coordinator at the New York City Anti-Violence Project (AVP). I am here to testify about the NYPD Oversight that would enhance NYPD officers' trainings to decrease harmful policing practices.

AVP empowers lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy. We envision a world in which all LGBTQ and HIV-affected people are safe, respected, and live free from violence.

I thank the City Council's Public Safety Committee for the opportunity to speak with you today and offer this testimony. AVP supports enhanced training for NYPD officers, but also feels that this is not enough action to ensure the safety of all New Yorkers, especially LGBTQ and HIV-affected New Yorkers who routinely experience violence and discrimination at the hands of the very people who should be protecting them and ensuring their safety.

Annually, AVP releases two national reports through the National Coalition of Anti-Violence Programs (NCAVP), which AVP coordinates; one of anti-LGBTQ Hate Violence and one of Intimate Partner Violence in LGBTQ communities. These are the only reports of their kind, and both highlight the deep impact police violence has on LGBTQ and HIV-affected communities here in New York City, as well as nationally. In addition, AVP routinely trains NYPD officers during promotion trainings. AVP's Executive Director is a member of the LGBT Advisory Committee to Police Commissioner Bratton, as well as a member of Communities United for Police Reform and the Access to Condoms Coalition. All of this work serves to ensure LGBTQ and HIV-affected survivors' safety when engaging with the police.

In the 2013 NCAVP Hate Violence report, there was a 35% increase in survivors reporting they interacted with the police (from 198 in 2012 to 267 in 2013). For the second year in a row, reports of police misconduct remain high, with a slight decrease from 78 cases in 2012 to 68 cases in 2013. AVP saw a disturbing trend in specific severe types of police misconduct, including 52.8% of survivors (25) reporting they had been arrested by the police, and 20.83% of survivors (10) reporting the police's use of slurs or bias language. These findings suggests that there is still much more work necessary to address appropriate police response to LGBTQ and HIV-affected survivors of hate violence. While training is one preventative aspect of addressing the epidemic of police misconduct against all New Yorkers, it is inadequate in ensuring change without timely and adequate consequences for police misconduct.

We urge the Public Safety Committee to push for enhanced training of NYPD officers. Part of this enhanced training requires education to officers around the consequences of discriminatory and hyper-aggressive enforcement of minor offenses, sending a clear message that it makes their policing ineffective and causes fear in New Yorkers, especially LGBTQ and HIV-affected New Yorkers.

Thank you for your time and consideration of the important matter.

Very truly yours,

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FOR THE RECORD

**New York City Council
Committee on Public Safety Oversight Hearing T2014-1698
The Police Department's Plan to Enhance Officer Trainings**

**Statement by NPPA General Counsel Mickey H. Osterreicher
September 8, 2014**

Good morning and thank you for allowing me to speak to the committee this morning. My name is Mickey Osterreicher and I am the general counsel for the National Press Photographers Association (NPPA), founded in 1946 in New York with a current membership nationwide of approximately 7,000 members.

I have been a photojournalist in print and broadcast for over forty years. Since 1976 I have been a uniformed reserve sheriff's deputy with the Erie County Sheriff's Office and continue to serve in that capacity.

In law enforcement there is no substitute for proper ongoing training. I realize that there are many areas in which improvements may be made in the training of the members of the NYPD and I commend Commissioner Bratton and his staff for some of the proposals they have made and for attending the hearing today.

As general counsel for NPPA I deal with many issues including photographers being interfered with, detained and arrested for doing nothing more than photographing or recording in public. This happens to both citizens and journalists on an almost daily basis around the country.

Over the last few years our members have been involved in a number of these incidents in NYC. Fortunately in almost all cases the charges were dropped but that does not solve the problem or excuse the constitutional violations. After the arrest of 26 journalists covering police activity in and around Zuccotti Park during the Occupy Wall Street demonstrations in 2011 I helped draft a letter to the NYPD signed by almost every major media organization in NY objecting to such police conduct. I was also a part of a small group of media attorneys who met with then Commissioner Kelly two days later. As a result of that meeting he issued a FINEST message directing members to cooperate with the press and also ordering that "Members of the service will not interfere with the videotaping or the photographing of incidents in public places." At the time I stated that without proper training and appropriate discipline the FINEST message was just another piece of paper.

The very next day there were two separate incidents where an NYPD Sergeant interfered with a Daily News photographer trying to photograph a fatal fire in Brooklyn and a Deputy Inspector informed another Daily News photographer that the only place he could shoot photos from was

the press pen, while the hundreds of thousands lining Fifth Avenue photographed or recorded the Thanksgiving Day Parade without similar interference.

In another more recent incident another of our members, a New York Times photographer, was arrested and charged with obstruction of governmental administration while covering a story about stop and frisk in the Bronx in clear violation of the language found in Section 208-03 of the NYPD Patrol Guide. As I wrote in the New York Times two years ago, "It is unfortunate that the rights of the press and the public to record and photograph matters of public concern on city streets are frequently disregarded by both patrol and supervisory officers. To improve the situation, we urge the New York Police Department to work with us to improve training and supervision for its members starting from the top down."

I am pleased to see that Commissioner Bratton has also issued his own FINEST Message on August 6, 2014 reminding his department that "members of the public are legally allowed to record (by video, audio, or photography) police interactions. These interactions include arrest and other situations. Members of the service will not interfere with a person's use of recording devices to record police interactions. Intentional interference such as blocking or obstructing cameras or ordering the person to cease constitutes censorship and also violates the First Amendment."

Once again I cannot stress strongly enough that this message will most likely fall on deaf ears without proper training and discipline.

But New York is far from the only place where abridgement of constitutional rights by police officers occurs. I was in Ferguson, MO dealing with these very same issues as officers, threatened, intimidated, detained and arrested journalists and citizens who were doing nothing more than exercising those rights.

Ever since 911 there has been a heightened awareness of anyone taking pictures or recording events in public. This issue has only been exacerbated by the widespread proliferation of cellphone cameras and the ability of everyone to post photos and recordings on the Internet where they may be viewed and shared, in many cases going "viral" with millions of views. Many in law enforcement have the erroneous belief that they can order people to stop taking pictures or recording in public. Interference and in some cases arrests stemming from those actions have led to a number of court cases resulting in settlements that have cost taxpayers hundreds of thousands of dollars.

I came to realize early on that it did not matter so much if journalists and citizens knew their rights if police did not know or care what those rights were. To that end I have helped develop guidelines and policies for a number of departments including the Miami Beach and D.C Metro Police Departments. I have also done presentations and training sessions for the International Association of Chiefs of Police, the Georgia Chiefs of Police, the National Sheriffs Association and NY State Sheriffs Association, as well as the Chicago PD, Tampa PD and Charlotte-Mecklenburg PD in preparation for the 2012 NATO Summit and the political National Conventions held in those respective cities.

With a grant from SDX, the Foundation of the Society of Professional Journalists I have conducted a number of programs this year in Broward County, Los Angeles, San Diego and Purdue University. Another program is scheduled to be held in Dallas next month.

These programs address First, Fourth and Fourteenth Amendment rights, search and seizure, exigent circumstances, federal civil rights lawsuits against police agencies as well as an analysis and update on the most recent cases and court rulings dealing with these issues. Also discussed are the “coextensive” right of both the press and the public to photograph and record as well as providing practical advice to law enforcement regarding the best ways to handle these situations.

In any free country the balance between providing police protection with integrity and over-zealous enforcement is delicate. It is one thing for officers to act when there is reasonable suspicion or probable cause; it is quite another to abuse that discretion by chilling free speech and creating a climate of fear and distrust under the pretext of safety and security.

In a time of technology and terrorism, citizens and visual journalists throughout the world have risked and in some cases given their lives to provide visual proof of governmental activities. Sadly, what is viewed as heroic abroad is often considered as suspect at home.

While it is understandable that officers may have a heightened sense of awareness during these encounters that is still no excuse for them to not recognize a person’s (citizen or journalist) right to photograph or record an event occurring in a public place. Law enforcement agencies are established to uphold and enforce existing laws not to create grounds to abridge the free speech/press rights of others.

As we have done throughout the country, NPPA has offered its assistance to work with the NYPD to create successful training programs in order to alleviate these situations and foster better relations between the police, the public and the press. Today we renew that offer.

Thank you very much for your time and attention this morning. I would be happy to answer any questions you might have.

ABOUT NPPA

Since its founding in 1946, the National Press Photographers Association (NPPA) has been the Voice of Visual Journalists. NPPA is a 501(c)(6) non-profit professional organization dedicated to the advancement of visual journalism, its creation, editing and distribution in all news media. NPPA encourages visual journalists to reflect the highest standards of quality and ethics in their professional performance, in their business practices and in their comportment. NPPA vigorously advocates for and protects the Constitutional rights of journalists as well as freedom of the press and speech in all its forms, especially as it relates to visual journalism. Its 7,000 members include still and television photographers, editors, students, and representatives of businesses serving the visual journalism community.



Testimony for the New York City Council Public Safety Committee The Police Department's Plan to Enhance Officer Trainings | September 8, 2014

Submitted by: Alyssa Aguilera, Political Director, VOCAL-NY, alyssa@vocal-ny.org and (917) 200-1446.

Hello my name is Alyssa Aguilera and I am the Political Director for VOCAL-NY, which is a member organization of Communities United for Police Reform. Thank you to Chair Gibson and the rest of the New York City Council for the opportunity to provide testimony today.

VOCAL-NY is a grassroots, membership based organization that builds power among low-income people impacted by mass incarceration and abusive policing practices, among other issues. With the national spotlight now exposing the deep and dangerous failings of police departments from New York to Missouri, I'm grateful for this platform where advocates can engage in public dialogue with the NYPD and elected officials to create more safe and just communities for all.

As we discuss the efficacy of NYPD training protocols, it's important to remember that police reform is not about removing "bad apples" from the job, but about overhauling department-wide policies and dominant cultures that allow for discrimination and abuse to manifest. We have heard the same story for too long to continue believing that "bad apples" are to blame for police abuses. This trope impedes our ability to find solutions by focusing our attention on individual officers, instead of towards the top brass that creates department-wide policies and procedures.

Yes, all officers should be rigorously and appropriately trained, but training alone cannot remedy the decades of abuse and mistrust between communities of color and the NYPD. Instead we must focus on moving NYPD towards accountability, transparency, and fairness so that all New Yorkers feel protected and respected by the police. Here are two concrete ways to move towards that reality:

First, there must be zero-tolerance for police brutality and the excessive use force by the NYPD. It is not enough to discipline only the officers whose actions are extreme or even deadly, there must be a clear and consistent protocol so that when excessive force is used by any NYPD officer, they are punished, every time.

Second, we must rethink and end the use of Broken Windows policing tactics that needlessly criminalize New Yorkers for petty offenses that often pose no public safety threat. These types of arrests create barriers to education, employment, and housing – in addition to further straining relationships between community and police. There is no evidence that Broken Windows policing works, and after more than a decade of Stop-and-Frisk, we should know better than to rely on unsupported and discriminatory policing theories. For the everyday New Yorkers in Brownsville or the South Bronx, Broken Windows is simply more aggressive and biased policing that criminalizes black and brown communities. NYPD should change their evaluation methods so that more arrests do not equate to better policing and end quota systems that incentivize hyper-criminalization.

Thank you for the opportunity to provide testimony. I look forward to discussing these issues, and others, further so that we can finally put an end to discriminatory and abusive policing in New York City and everywhere.

DRUM - SOUTH ASIAN ORGANIZING CENTER

72-18 Roosevelt Ave, 2nd Floor, Jackson Heights, NY 11372
Tel. (718) 205-3036 | Fax (718) 205-3037 | info@drumnyc.org | www.drumnyc.org

September 7th, 2014

New York City Council – Committee on Public Safety

My name is Fahd Ahmed, and I am the Director of DRUM- South Asian Organizing Center. DRUM is a 14-year old civil rights organization of 2400 low-income South Asians fighting for their rights as immigrants, youth, workers, and as communities of color.

The death of Eric Garner, as well as the continuous and steady stream of videos showing the NYPD brutalizing other New Yorkers has outraged members of our organization, people across the city, and even people across the country.

At such a moment, it is disappointing to witness that the best response we can muster is to suggest retraining of officers.

What kind of training is necessary to teach police officers to stop choking someone when they say they cannot breathe?

How much training is needed for officers to know that they shouldn't beat a handcuffed person who is being carried off by EMTs?

Is it an issue of training for police officers to know not to viciously stomp the head of a restrained man? Or not to resort to use of force on a seven-months pregnant woman for grilling on the sidewalk?

All of these are real examples from the NYPD, and caught on camera, within the last two months. Imagine the incidents we do not capture on camera. Nevertheless, none of these incidents can be traced to a lack of training. What we have in this city's police department is a lack of accountability, and a lack of the recognition of the humanity of the people the police are supposed to serve, and in particular poor communities and communities of color.

The root cause of these problems are the theories of policing, known as "Broken Windows," "Quality of Life," or "zero tolerance," that suggest aggressive policing as the solution to everything. The saying, "when all you have is a hammer, everything looks like a nail," comes to mind. Use of "Broken Windows" has meant broken lives for countless people of this city.

We have repeatedly seen that the solution of "training" is suggested as a way to sidestep real substantive changes or accountability. Whether it is in the context of discriminatory street policing of poor, Black, and Latino communities, the biased surveillance of Muslims and activists, the over-policing of students inside of our public schools, or the daily harassment of low-wage workers like cab drivers and street vendors, the systemic changes needed within the NYPD cannot be fixed by any amount of trainings.

Rather than continuing to promote these zero tolerance policies for our communities, it would be encouraging to see our city, our officials, and our police department demonstrating zero tolerance for the systemic abuse of our communities.

Testimony presented by:

Fahd Ahmed, Director

DRUM – South Asian Organizing Center



Testimony before the NYC Council's Committee on Public Safety by Jennifer de la Cruz-September 8, 2014

Thank you to Council Member Gibson and other council members who are part of the Public Safety committee for allowing us the opportunity to discuss this issue today.

My name is Jennifer de La Cruz and I am a 25 year old transgender womN originally from Mexico.

I came to New York City to have a better life and to find acceptance and justice, given that in my country it is hard to be an openly transgender woman. Nonetheless Ive found that in this country being openly transgender makes you a target of the people who are supposed to protect us: the NYPD.

Several months ago I was coming back from work and I wanted to send my week's salary to my family. I went to the Western Union on Roosevelt ave and 90th. Outside a caucasian man asked me "how much was my price?". I told him that I was not who he thought I was and continued to deposit my money. As I was heading home, a police car pulled over near me and several officers intercepted me and proceeded to handcuff me. I was surprised and asked why I was being arrested--they said it was prostitution charges. They had no evidence, and I had done nothing wrong! But just because I was a transgender woman walking down the street, I was falsely profiled and ultimately charged with prostitution related charges.

Since that day I started to look for guidance on this issue and became involved with Make the Road's LGBTQ Justice Project. With the project I have been part of trainings on LGBTQ sensitivity that we've imparted in the 115th and 110th precincts. But these trainings are not sufficient. The NYPD needs to take leadership and continue to offer refresher trainings on the new Transgender detainee guidelines that were issued in 2012 and the policy around condoms, recently imparted by Commissioner Bratton. We cannot continue to be falsely profiled and arrested because of our gender identity or because we are carrying condoms.

Excessive use of force is also a big problem for the transgender community when they are detained. Eric Garner could've been me or any of my friends. The NYPD needs to continue to train their officers around excessive use of force. But without accountability, training is not enough. This is why we urge the new Inspector General and the CCRB, as well as other accountability systems that are in place, to continue holding officers and precincts accountable for the systematic profiling of transgender women of color. I know that together we can continue to work towards an NYPD that serves and protects all of us.

Thank you for letting me share my testimony.

Monifa Bandele
66 Van Buren Street, Brooklyn, NY 11221
Malcolm X Grassroots Movement
Communities United for Police Reform

September 8, 2014

**Re: Testimony to the New York City Council Oversight Hearing on NYPD
planned “enhanced officer training”**

On June 14, 1978, thirty-six years ago, police officers from the 71st precinct in Crown Height Brooklyn killed community leader, Arthur Miller in a chokehold. Mr. Miller, at 35 years old, owned a construction company and impeccably maintained the apartment building where he and his wife lived. [1]

That day, Arthur Miller was working on a construction site with his two brothers when police stopped and questioned them. Multiple eyewitnesses saw police officers attack Mr. Miller following his assertion that he knew his rights during the stop. [2]

Unarmed and at work, Arthur Miller was killed by a chokehold while his family, friends, and neighbors cried, begged, and pleaded with police to release him from their deadly grip. [3]

Following his death every store window and apartment building along Nostrand Avenue featured a poster of a beloved and dearly missed community leader.

Miller posed no threat to anyone and he was an asset to all who knew him. The people of Crown Heights Brooklyn demanded accountability and justice. Those demands went on for days, weeks, months, years, and decades. But, no justice ever came for Arthur Miller, his wife, or his community. [4]

Instead, there was talk of better training.

Tragically, in 1994, less than two decades later, 29 year old Anthony Baez was killed with a chokehold by police officer, Francis Lavoti in the Bronx. Unarmed and playing a game of football near his home along with his brothers, Mr. Baez took his last breath asking why. [5]

The use of chokeholds had already been banned by the NYPD. But Lavoti, a police officer with 11 abuse-of-force complaints against him, including chokehold complaints, used it anyway.

Improving training for New York City police officers is not enough and it won't stop police brutality. Any meaningful reform must include real accountability to the communities that the NYPD is supposed to serve. Our communities must

determine how our neighborhoods are policed. Most importantly, when officers abuse their power, they must lose their jobs and be brought to justice. Time and time again we've seen what happens when accountability is not upheld.

Think about this: Francis Lavoti had nearly a dozen unresolved abuse of force complaints against him including a complaint about using a banned chokehold BEFORE he killed Anthony Baez. Officer Lavoti ultimately lost his job and served a measly seven years in prison. [6] Imagine if there had been real accountability in place during his 15 years on the police force prior to his interaction with Anthony Baez. Imagine if Francis Lavoti hadn't been on the streets on December 22, 1994. Anthony Baez's mother would still have her beloved son.

Enhanced training is no replacement for civilian oversight and accountable.

1 - Village Voice -

[http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113](http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113)

2 - Village Voice -

[http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113](http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113)

3 - Village Voice -

[http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113](http://news.google.com/newspapers?nid=1299&dat=19780703&id=dA4QAAAAI
BAJ&sjid=aosDAAAAI
BAJ&pg=4775,7113)

4 – New York Times - [http://www.nytimes.com/1982/05/08/us/loa-angeles-police-
end-use-of-choke-hold-that-stops-air.html](http://www.nytimes.com/1982/05/08/us/loa-angeles-police-
end-use-of-choke-hold-that-stops-air.html)

5 - CNN - [http://www.cnn.com/2014/08/12/opinion/baez-police-garner-michael-
brown-chokehold/](http://www.cnn.com/2014/08/12/opinion/baez-police-garner-michael-
brown-chokehold/)

6 - Wall Street Journal -

[http://online.wsj.com/articles/SB10001424052748704471904576228801350479
780](http://online.wsj.com/articles/SB10001424052748704471904576228801350479
780)

My Name is Evalena Leedy. I own a home in Bushwick and a small business in Windsor Terrace. I have been a resident of this amazing city for 25 years, and I am about to loose my drivers license.

I came to discuss the NYPD policy of traffic ticket quotas and the police misconduct that follows: which include false statements and intimidation. I have been a victim of this policy not once but twice.

July 2013 I was pulled over by a PO Loffredo. The officer approached my vehicle and asked what I was doing on my cell phone. My reply to the officer was "Officer you are mistaken I was not on my cell phone" He went crazy yelling and screaming the questioning me repeatedly, finally he asked how many tickets I had? The answer was none. I have been a licensed driver in the city for 25 years and had never received a moving violation. He issued a summons for improper cell phone use.

I immediately proceeded to the 88th precinct to file a Citizens complaint. I had to speak to 3 officers before I could make the complaint. The first said they did not take complaints for traffic tickets here, the second handed me a phone number, finally the 3rd desk sergeant Coffey appears saying that I should have compassion for the officer they have ticket quotas to meet. I plead not guilty. Sure, that standing before a judge with proof in the form of my cell phone usage records and a witness, justice, would be served. I was found guilty and issued 5 points.

November 2013 7:40am driving on Knickerbocker and Covert Again I was pulled over. Officer approached my vehicle yelling "what is your hurry" It was the first snow I was travelling about 10 miles per hour and left plenty of time to get to work. I was issued a summons failure to stop at a stop sign. Again I plead not guilty. I had stopped in fact 3 times. Standing before the Judge this time with a lawyer and a very nervous police officer. The officer admitted that I had stopped, that he had no clear recollection of my specific case. That he was working on overtime that morning and had issued 15 stop sign summons on that corner. Again guilty. 3 points.

This is a very dangerous policy. Encouraging police officers to issue tickets to meet quotas. To lie. Emboldened by superiors and supported by the DMV courts. THIS POLICY COMPLETELY ERODES THE PUBLIC TRUST.

I am a person who believes in truth and justice.

This is a systemic problem, Commissioner Bratton. TO RESTORE PUBLIC TRUST is not just matter of training but a matter of policy, and you Commissioner have the power to change these appalling policies. I used to be afraid of the criminals in this city NOW I am afraid of the police. Thank you and Thank you Councilman Espinal for standing up for justice.

9/8/2014

Jose LaSalle

It is un-democratic for the Community Liaison for the City Council (Faiza Ali) to play favoritism. New Yorker Against Brutten, Copwatch Patrol unit (CPU) and Family Against Police brutality was signed in to speak before everyone else arrive, but we was put to give testimony on the end of the line. We believe, Faiza Ali, purposely placed us at the end.

Dear NYC Councilors,

FOR THE RECORD

You have demonstrated that you really do not want to change the current treatment of our Black and Brown citizenry. You could have made a turn around with the change in the Administration.

You saw us in December when we stood on the very steps of City Hall. You ran from us with disdain.

Now you want to pair our experience of oppression and even death as well as a funnel into the prison industrial system.

For this mayor to say, "Don't Resist", is a slap in the face of all our brave people, including a Frederick Douglass.

That is an anti life system. After all we went thru these past 12 years to end up on the wrong path is not something I will assist. You are unworthy. The public rights of our children are in jeopardy. You have

FOR THE RECORD

lost your ability to be
uncorrupted.

It is not about any
police training.

My demands:

(single standard of justice)

(1) Remove Bratton and his policies

(2) Dismantle the Parade laws
written into NY C Charter
(single standard of justice)

(3) Repeal Penal Laws Section
140.50 (AKA. Stop & Frisk)

(4) Restaff CCRB
Remove the chair who has
a personal relationship with
NYPD

Signed: Agnes Johnson
Highbridge, Bx, NY

FOR THE RECORD

The elected officials have failed us. The Governmental Operations Committee on NYC Council have failed us. The Public Safety Committee has failed us. The Citizen's Action Committee has failed us.

The Community Benefit *stops at the entrance of my*
zip code,

Do our children really have
to go thru a program in
order to have public
rights.

Ladies, gentlemen, sister and bothers, members of the New York City Council Public Safety Committee

For the record let me state that Picture the Homeless is not an anti-police organization. We are an anti-unconstitutional behavior organization. We do not believe that training in response to the Eric Garner Chokehold is enough to bring this NYPD back in line under the constitution.

We at Picture the Homeless firmly believe that homeless New Yorkers are entitled to the same measure of 14th amendment protections as housed New Yorkers. Homeless New Yorkers are being targeted by the current Police Commissioner's Broken Windows policing ideology. We have two specific training recommendations for the NYPD.

The disorderly conduct statute is used by the NYPD as a blank check to ticket and arrest us when the NYPD has nothing to charge us with but want to remove us from public space. The NYPD needs training on the intent and use of the disorderly conduct statute. In 2011, a federal Judge in Manhattan approved a stipulation between the City of New York and Ms. Sojourner Hardeman (a homeless New Yorker who panhandled and was repeatedly arrested and ticketed for disorderly conduct because panhandling is not illegal) that included training for officers in the Midtown North Precinct on the definition of the disorderly conduct statute which is routinely used by the NYPD to harass homeless New Yorkers.

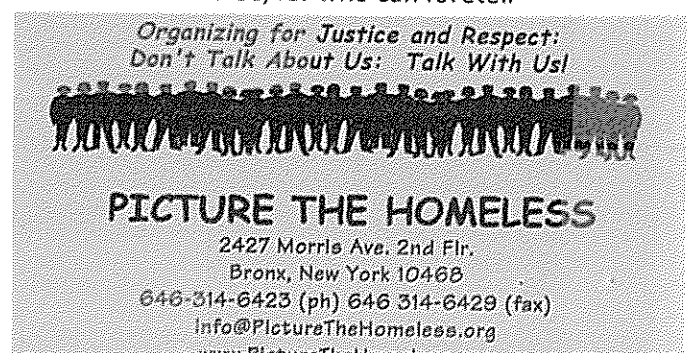
Sensitivity training for the NYPD relative to their relations with homeless New Yorkers must be mandated. Picture the Homeless volunteers to assist with those trainings. Homeless New Yorkers are the targets of much of the Police Commissioners Quality of Life Policing. Yet being homeless and receiving a ticket or arrest can have much more harmful consequences than for a housed New Yorker. You can lose your shelter bed, and your belongings. Criminal defense attorneys have told us that when someone is arrested for a Quality of Life violation or misdemeanor and they are homeless, Judges often don't set bail for them and they are remanded to Rikers. Such was the case with Jerome Murdough, who sought relief from this winters bitter, freezing cold in a NYCHA building, only to be arrested, denied bail and sent to Rikers where he "baked" in a hot cell. Picture the Homeless requests that the NYPD be trained in the specific consequences of arrest for homeless New Yorkers for Quality of Life violations where they have the discretion to give a warning, issue a ticket or arrest us.

When a federal judge finds a systemic pattern and practice of the denial of both 4th Amendment rights and 14th Amendment rights in communities of color from which disproportionate number of our homeless population emerge it is time for reform, time for a change. When the mandates of both Mapp v. Ohio and the subsequent Terry v. Ohio decisions are being ignored by this police department - it is time for reform, time for change.

And when current police practices within communities of color in New York city would place New Yorkers of color back to a pre-Dred Scott period, it renders all New Yorkers less free, for who can foretell what group will be targeted next?

Respectfully submitted

Jean Rice, Picture the Homeless



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 09/08/2014

(PLEASE PRINT)

Name: Police Commissioner William Bratton

Address: NYPD

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 09/08/2014

(PLEASE PRINT)

Name: Benjamin Tucker, Deputy Commissioner Training

Address: NYPD

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: MICKEY OSTERREICHER

Address: _____

I represent: NATIONAL PRESS PHOTOGRAPHERS

Address: ASSOCIATION (NPPA)

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:55

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: KIRSTEN JOHN FOY

Address: 106 W 145th ST Harlem NY 10038

I represent: NATIONAL ACTION NETWORK

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:30

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: Sandra Mitchell

Address: 3605 Kingsboro Ave. #4L 10463

I represent: Community Coalition Crisis Intervention Team

Address: 2 Rector Street NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:35

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8

(PLEASE PRINT)

Name: Mariya A. Bandyk

Address: 66 Van Buren St

I represent: Malcolm X Grassroots Munt.

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Charence Conty Jr

Address: 309 Lafayette Ave

I represent: as a long time activist

Address: 309 Lafayette Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: Martha L. Williams

Address: 1899 Strauss Street, B'klyn 11212

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: TYLONE ANTTSON

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:10

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Sept 8, 2014

(PLEASE PRINT)

Name: HERMAN FRANK O'S

Address: 340 Alexander Ave

I represent: Bx Chapter N.Y.N

Address: 812 Faite St Bx N.Y.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:20

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: Candis Tolliver

Address: _____

I represent: New York Civil Liberties Union

Address: 125 Broad Street, NY NY 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10:25

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: ALYSSA AZULERA

Address: 80-A 4th Ave Brooklyn, NY 11217

I represent: WOCAL-NY

Address: 80-A 4th Ave, Bx, NY 11217

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:22

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Daniel Loehr

Address: 111 E. 125th St. Apt. 4W, NY, NY

I represent: The Bronx Defenders

Address: 361 E. 161st St Bronx, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:45

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Josmar Trujillo

Address: East Harlem, NY

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:46

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jose La Salle

Address: Bronx, NY

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:45am

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: MARIBEL MARTINEZ GUTIER, ESQ. (PLEASE PRINT)

Address: 1

I represent: WOMEN'S LEGAL SERVICES - NYC

Address: 40 NORTH ST, Rm 606, NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:47

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: NICHOLAS HEYWARD (PLEASE PRINT)

Address: 413 BALTIC ST

I represent: PARENTS AGAINST POLICE BRUTALITY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:47

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: IRIS BEAZ (PLEASE PRINT)

Address: 413 BALTIC ST

I represent: PARENTS AGAINST POLICE BRUTALITY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:47

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JUANITA YOUNG

Address: 413 BALTIMORE ST

I represent: PARENTS AGAINST POLICE BRUTALITY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:47

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Agnes Johnson

Address: 1212 DR MARTIN LUTHER KING BLVD

I represent: B. W. A. R. E

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:48

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9-8-2014

(PLEASE PRINT)

Name: LYSSY PASTRANA

Address: 1655 ALLERTON AVE

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:45

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8

(PLEASE PRINT)

Name: JEAN RICH

Address: 1075 WEBSTER AVE

I represent: PIZDORF THE HOMELESS

Address: MORRIS AVE BOX 201A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:45

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Adam Rudich

Address: _____

I represent: Simon Wiesenthal Center

Address: 226 E 42nd St NY, NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:50am

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8

(PLEASE PRINT)

Name: CARLA RABENOWITZ

Address: _____

I represent: CCITNYC + Community Access

Address: 2 Washington Street, 9th Fl. NY, NY 10004

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:50

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: Christia Bella / ~~WILLIAM GIBNEY~~

Address: 199 Water Street NY NY 10038

I represent: The Legal Aid Society

Address: 199 Water Street NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:50

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/2014

(PLEASE PRINT)

Name: WILLIAM GIBNEY

Address: THE LEGAL AID SOCIETY

I represent: LEGAL AID 199 WATER ST NY NY

Address: 199 WATER ST NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9:50

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Yvonne Lee

Address: 357 Edgecombe Ave #4F

I represent: 150-155 ST Edgecombe Block Assoc

Address: #11 STARS PROJECT 542 WEST 42 ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9.50

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9-8-14

Name: (PLEASE PRINT) Sydney Popp - Richardson, AVP

Address: 240 West 35th Street, #200 NY 10001

I represent: NYC Anti-Violence Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9.55

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

Name: (PLEASE PRINT) JEAN RICE

Address: 2427 MORRIS AVE

I represent: PICTURE THE HOMELESS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10.00

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

Name: (PLEASE PRINT) Fazeela Siddiqui

Address: The Legal Aid Society - 120-40 Queens Blvd, Kew Gardens, NY 11435

I represent: Muslim Bar Association of NY

Address: P.O. Box 1171, NY, NY 10013

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

9/8

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Deshonay Dzier (PLEASE PRINT)

Address: _____

I represent: New Yorker's Against Brutal

Address: NYC RESIDENT

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10.00

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Sept 8 2014

Name: Linda A. Fikore (PLEASE PRINT)

Address: _____

I represent: All Stars Project

Address: 543 W. 42nd St NYC NY 10036

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

10am

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 9/8/14

Name: Evelina Leedy (PLEASE PRINT)

Address: 276 Cornelia Street Brooklyn

I represent: the citizen

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: VERONICA PNICKEY

Address: 14 E 96 St

I represent: Private Citizen

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 9/8/14

(PLEASE PRINT)

Name: Sara Schwartz

Address: 185 West Houston St

I represent: Stop Mass Incarceration Network

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 9/8

(PLEASE PRINT)

Name: Joshua Brown

Address: ALL STARS Project

I represent: ALL STARS Project

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: GENGHIS KHALID MUHAMMAD

Address: P.O. BOX 2128, NY, NY 10108

I represent: SELF

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Linda Sarsour

Address: 711 5th Avenue, Bklyn, NY

I represent: Arab American Association of NY

Address: Same as above.

Please complete this card and return to the Sergeant-at-Arms