

**Statement of Elizabeth Glazer  
Director of Criminal Justice, Mayor's Office of Criminal Justice  
New York City Council  
Committee on Public Safety  
March 3, 2015**

Good morning, Chairperson Gibson and members of the Public Safety Committee. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice.

Thank you for the opportunity to testify today. The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside government, develops and implements policies aimed at achieving three main goals: reducing crime, reducing unnecessary arrests and incarceration and promoting fairness.

A few basic ideas are at the heart of the work my office does: first, that public safety is the foundation of civic life. When people feel unsafe, businesses do not thrive, children do not play outdoors and fear triumphs over hope. Second, safety can only be had when there is public trust. This is the core of the bond that neighborhoods must have with police and people with their governments. Finally, that while public safety is about the job that the police, prosecutors, defenders and the court system perform, it is about much more. It is about what happens way before and way after any contact with the criminal justice system -- it is about ensuring opportunities for people to build productive lives and strong neighborhoods.

In New York City, we have the good fortune to have experienced one of the steepest and most enduring drops in crime of any city in the nation. Since the early 1990's, murders have dropped 83% from a high of over 2200 to last year's 328. Some crimes are now virtually extinct, like car thefts, which fell 93%. The NYPD created and led this effort with the then remarkable idea that we could control crime -- an idea that we now take for granted.

Traditionally, we have relied upon police – “boots on the ground” – to achieve these reductions in crime. But to the extent that crime reduction is simply about controlling behavior and managing risk, we now know that there are many strategies that can lead to lower crime while building trust and creating the strengthened communities necessary for enduring crime reduction. We can employ better tools to assess risk and need and to match people to the interventions that could change the course of their lives. We can be more intentional about how the built environment around us affects behavior: a well-lit street fights crime better than a dark alley. We can be more scientific about investing in proven programs -- intensive algebra tutoring and mentoring has been shown to reduce crime by 44% among high-risk youth while increasing school achievement.

One example of this kind of comprehensive approach to crime reduction is the Mayor’s Action Plan for Neighborhood Safety. Announced last summer, the initiative focuses on the 15 housing developments that drive 20% of NYCHA’s violent crime. The effort brings together over ten City agencies, including law enforcement, community groups and non-profits, recognizing that crime goes down not only through data-driven law enforcement strategies, but also when physical conditions are improved and neighborhoods are strong.

The initiative has focused on policing strategies but also on other approaches. A significant investment in security enhancements – lights, cameras and locked doors – began yielding results almost immediately and, we anticipate, will continue to do so as more of the improvements are implemented. This included a \$50 million investment by the council and the administration and an additional \$89 million by the Manhattan District Attorney.

In addition to physical improvements, the initiative has invested and will continue to invest in programming. For the first time in 30 years, community centers were open late each night. Opportunities for jobs – almost 1000 Summer Youth Employment slots – and play – Parks Department programs that

attracted over 38,000 participants were an important part of the effort. We are currently in the planning stages for this summer and the following year.

Perhaps most important, however, is the implementation of a neighborhood “compstat.” While this is still being built, the effort focuses on ensuring that there is a regular method for neighborhood residents, police and other city agencies to identify and solve together key issues of concern. Regular meetings with the participating agencies and residents to review data and track results will ensure that the City is able to evaluate progress in real time and deliver results.

The initial returns on these investments in NYCHA neighborhoods are promising. Violent crime declined 5.9% and total crime declined 4.7% between July 1<sup>st</sup> and December 31<sup>st</sup> 2014.

Another piece of this administration’s 21<sup>st</sup> century public safety strategy being implemented by the Task Force on Behavioral Health and the Criminal Justice System. The Task Force developed a comprehensive roadmap to continue to drive down crime while also reducing the number of people with behavioral health issues needlessly cycling through the criminal justice system. On any given day in New York City jails, approximately 7 percent of those detained suffer from serious mental illness, 38 percent from a broader array of mental issues, and more than 85 percent have substance use disorders. Many justice-involved individuals with behavioral health needs cycle through the system over and over again, often for low-level offenses. For example, a group of approximately 400 individuals has been admitted to jail more than 18 times in the last five years. This same group accounted for more than 10,000 jail admissions and a collective 300,000 days in jail.

The Task Force recognizes that these kinds of entrenched and recurring problems can only be addressed if the system is looked at as a whole and if the strategy recognizes that each part of the system has an effect on the other. The Task Force spent 100 days developing dozens of interlocking public

health and public safety strategies that address each point in the criminal justice system and the overlap among those points. The goal of the strategies is to ensure that, when there is no public safety risk that individuals with behavioral health disorders: do not enter the criminal justice system in the first place; if they do enter, that they are treated outside of a jail setting; if they are in jail, that they receive treatment that is therapeutic, rather than punitive; and that upon release, they are connected to effective services.

Achieving these goals begins on the streets, where police and other first responders encounter those with behavioral health issues. This initiative will expand training for police officers to enable them to better recognize the behaviors and symptoms of mental illness and substance use. The training will ultimately be integrated into the police academy curriculum. In the short term, it will be a stand-alone 36 hour training for 5,500 officers in two target areas. The City will also pilot a clinical drop-off center in Manhattan to provide an option that is not hospitalization or jail for people who do not pose a public safety threat. A second drop-off center will open in another borough in early 2016. These are some examples of the how the work of the Task Force will equip police and neighborhoods with the tools they need to improve both public safety and public health.

While there is more work afoot, the NYCHA neighborhood initiative and the Behavioral Health Task Force offer two different insights into the approach of the administration in improving public safety. I am happy to answer any questions you may have.



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Economic Justice**

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March 3, 2015

Testimony for Public Safety Hearing on Community Policing

My name is Marjorie Dove Kent, and I'm the Executive Director of Jews for Racial & Economic Justice (JFREJ). JFREJ is a community based organization that is a member of Communities United for Police Reform; representing thousands of Jews from every borough of New York City. Our membership represents the great diversity of the New York Jewish community: old and young, religious and secular, white Jews and Jews of color.

We stand with Communities United for Police Reform to express our strong opposition to broken windows policing and all discriminatory policing practices in New York City. Broken windows policing targets people of color for minor offenses at an egregiously disproportionate rate than that of white people. For example, from 2008 - 2011, the mostly white Park Slope averaged 8 bike-on-sidewalk summonses a year, while Bedford-Stuyvesant, which is 80 percent black, averaged 2,050. According to the *New York Daily News*, blacks and Latinos account for 81 percent of the 7.3 million police summonses issued under broken windows policing since 2001. We call on Mayor de Blasio and Commissioner Bratton to end broken windows policing as an inherently discriminatory system.

We also call on the City Council to address abusive policing by passing the Right to Know Act. The Right to Know Act will be a vitally important step forward in creating transparent and accountable encounters between the police and the public. As Jews, we believe in the concept of *b'tselem elokim*, human dignity. Community safety cannot exist without our city and police force respecting black and brown lives.

Marjorie Dove Kent  
Executive Director  
Jews for Racial & Economic Justice

# **DRUM – DESIS RISING UP & MOVING**

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March 3<sup>rd</sup>, 2015

New York City Council – Public Safety Committee

Greetings to the Esteemed City Council,

I am submitting this testimony on behalf of DRUM-South Asian Organizing Center. DRUM fights for low-wage workers, South Asian immigrants, and issues such as unfair policing of our communities. We join many other New Yorkers in being concerned about the proposal to add 1000 police officers to the NYPD. We are also gravely concerned of how the scope of policing is being expanded in the name of “community policing.” While the idea of community policing sounds quite benevolent, it has no agreed upon definitions, and in practice it has resulted in policing being used as the primary solution for every social problem. This moment presents an opportunity to raise broader questions about our city, our understanding of social problems versus issues of crime, our budget allocations, and subsequently our priorities.

**IN OUR SCHOOLS:** The implementation of this philosophy of in our public schools has been devastating. New York City spends \$227 million a year on school policing to put police, safety agents, and metal detectors as the solution to normal youth behaviors, rather than investing in teaching conflict resolution skills or restorative justice practices. NYC public schools have 5,200 School Safety Agents, which is larger than entire police forces of some cities, but only 3,100 school guidance counselors. What message does that send to our young people?

**IN OUR STREETS:** It is suggested that these 1000 additional police officers would relieve the burden for aggressive policing, so that they can spend more time building better relations with communities, perhaps by working with neighborhoods to fix potholes, help kids with homework, intervene in potential flaring of violence, or assist homeless New Yorkers with finding shelter. However, for the same amount of money, we could be investing in hiring a lot more social workers, teachers, violence intervention and community outreach workers, and expanding social services. Why should our already overpoliced communities have to resort to the police to fix every social problem?

**IN SURVEILLANCE:** In the name of community policing, several community outreach efforts have been launched over the years only to later be revealed as doubling for intelligence gathering efforts. Documents published by the Associated Press indicate that the NYPD has used outreach activities such as youth cricket leagues and mosque visits as a cover for intelligence collection. Using community outreach as little more than a front for intelligence gathering is a shortsighted strategy that erodes community trust and is counterproductive. Community outreach and intelligence gathering should not and cannot be mixed together.

## **RECOMMENDATIONS:**

- The City Council should begin to reallocate funds from the NYPD School Safety Division to restorative justice programs in schools
- The City Council should pass the Right to Know Act to create greater transparency in police and community interactions
- The Public Safety Committee should hold hearings into the NYPD’s surveillance programs targeting Muslim and activist communities

Policing, whether expansive surveillance or policing in the streets or in the schools, cannot be the answer to all of our social problems. It not only results in the overpolicing of our communities, but also places undue burdens on the police that they are not equipped to handle. How we allocate our city’s resources reflects on our priorities and our expectations of our communities. Are we investing in the building of education, employment, and harmony of our communities, or are we investing in the criminalization of our communities?

**Testimony presented by: DRUM – Desis Rising Up & Moving**

## **Neighborhood Policing: A Path to Safe, Respectful and Effective Policing in New York City**

**Submitted by Delores Jones-Brown, J.D., Ph.D.  
Professor, Department of Law Police Science and Criminal Justice Administration  
Founding Director, Center on Race, Crime and Justice  
John Jay College of Criminal Justice  
City University of New York**

**To: New York City Council City, Committee on Public Safety**

**March 2, 2015**

*The following paragraphs contain excerpts from a report pending release by the John Jay College of Criminal Justice, Center on Race, Crime and Justice. Please do not use or quote without permission. Portions of this testimony were submitted to President Obama's Task Force on 21<sup>st</sup> Century Policing on January 9<sup>th</sup> and February 13<sup>th</sup>.*

Over time, many different types of policing strategies have been labeled "community policing". Based on the available research, I believe that the "neighborhood policing" approach (NP) holds the greatest promise for the future of policing in New York City. Research shows that this approach has been used to effectively address crime, disorder and fear of crime; while simultaneously improving police community relations, officer attitudes and officer behavior.<sup>i</sup> UCR data confirms that crime in New York City began its initial decline under a community policing strategy known as CPOP (the community patrol officer program).

Regardless of the size of the city, neighborhoods with higher rates of "street" crime tend to be impoverished, socially isolated and populated by residents with minimal access to quality education or legitimate employment. Such neighborhoods also tend to be heavily populated by racial and ethnic minorities/people of color. Nonetheless, a minority of such residents engage in serious crime. Identifying and controlling that minority while protecting, serving and respecting the constitutional rights of all (including the criminally involved) has become the biggest policing challenge in this city.

Between 1991 and 2010, the city of San Diego, enjoyed substantial reductions in violent crime (see pages 5 and 6) and sustained those reductions without resorting to arrest-based policing like broken windows (BWP) or the aggressive use of stop and frisk (SQF). The crime decline in San Diego exceeded that of other major cities, including New York.<sup>ii</sup>

For example, between 1991 and 1998, when NYC's homicide rate declined by 70.6 percent, the homicide rate in San Diego declined by 76.4 percent. When NYC's robbery rate declined by 60.1 percent, the robbery rate in San Diego declined by 62.6%. After the 1990s, crime continued to decline in San Diego, with overall<sup>iii</sup> violent crime decreasing by 27% between 2002 and 2012 compared to a 19% reduction in NYC.<sup>iv</sup>

By using “neighborhood policing” (NP), the San Diego police department (SDPD) managed to keep crime low without increasing the number of arrests<sup>v</sup>; without substantially increasing the number of sworn officers<sup>vi</sup>; and, without increasing the volume of citizen complaints.<sup>vii</sup> What SDPD has identified as “neighborhood policing”, is a form of community policing that incorporates a problem solving or problem oriented approach. Problem oriented policing (POP) has been identified as one of the strongest evidence-based policing approaches<sup>viii</sup>. It allows police departments to tailor policing *service* and *enforcement techniques* to the unique needs of distinct neighborhoods. Its strength lies in utilizing the voices of neighborhood residences in both identifying crime problems and making decisions about how best to address such problems once they have been jointly identified.

NP acknowledges the role that community members can play in producing public safety and values the input that different neighborhood residents provide, not just those who are business owners, property owners, church-goers or the employed.<sup>ix</sup> Under NP, neighborhood residents are co-producers of public safety within their community, not merely the recipients of decisions made by the police agency.<sup>x</sup>

NP involves the co-production of public safety through the following ideas, actions and activities:

- ▶ Shared responsibility between police and community for identifying and solving crime and disorder problems
- ▶ Creating police and community problem-solving partnerships
- ▶ Information sharing between police and community
- ▶ Police working with residents to address crime and disorder problems
- ▶ Collaborating with public and private agencies to obtain the resources for solutions
- ▶ Supporting neighborhood watch/citizen patrols as problem identifiers, reporters and crime preventers
- ▶ Use of civil remedies and building code enforcement to abate nuisances such as drug houses and other property used for illegal activity
- ▶ Collaboration with community organizations and local business groups to clean up, close down, or redesign specific locations/properties that repeatedly attract crime
- ▶ Recruitment and utilization of volunteers in varied crime prevention and victim assistance services
- ▶ Use of technology to keep patrol officers up to date on crime *and* calls for service data<sup>xi</sup>

Unlike BWP, NP does not rely on arrests and summonses as its primary means to control or reduce crime. Unlike SQF, high levels of random coercive police/civilian contact are not required before crime reduction occurs. Because neighborhood policing is not wedded to beliefs about the crime-reduction capabilities of a particular policing tactic or technique, it leaves room for the utilization of different approaches to address different crime-related problems and the simultaneous utilization and crediting of multiple approaches, including community-based efforts like street workers and volunteers.<sup>xii</sup>



## Neighborhood Policing and Evidence-based Policing

San Diego's NP model includes some aspects of each of the following six policing approaches that have been identified as effective crime reduction strategies through evaluation research:

- ▶ Problem-oriented policing<sup>xiii</sup>
- ▶ Hot spots policing<sup>xiv</sup>
- ▶ Focused deterrence<sup>xv</sup>
- ▶ Street workers<sup>xvi</sup>
- ▶ Crime Prevention through Environmental Design (CPTED)<sup>xvii</sup>
- ▶ Procedural Justice<sup>xviii</sup>

Rather than being wedded to a particular tactic, NP mandates that police and community work together to determine which approaches might be implemented in ways most feasible and tolerable to both police and community. Tailoring policing and other modes of public safety production to fit the needs, capabilities and competencies of police-community collaboratives is extremely important, but may require a trial and error process. Approaches that are highly thought of and which may demonstrate a high degree of success in one location may not be a good fit for another. Focused deterrence (also known as the Boston ceasefire model), for example, has been credited with significant reductions in gun violence, gang violence, domestic violence and drug crime in some locations, but was not found to have much impact in Newark, New Jersey and could not garner enough participation in some communities in the United Kingdom. The use of street workers, a major component of the Cure Violence or Chicago Ceasefire approach, has sometimes been criticized for inadequate training and supervision of the workers, but the practice has been successfully implemented in New York recently<sup>xix</sup> and during the 1980s<sup>xx</sup>.

Recent studies conducted by the John Jay College Research and Evaluation Center documented the existence of 25 programs operating in New York City utilizing the Cure Violence approach. The research revealed that for the period 2010 to 2013 homicides were down 18 percent in neighborhoods with Cure Violence programs and up 69 percent in neighborhoods without such programs.<sup>xxi</sup>

New York City is composed of many different neighborhoods not just areas defined by geographic space. It is important to move beyond seeing certain neighborhoods as "high crime areas" or areas with "high calls for service" to seeing them as places where people live and have a right to have a say in how they are policed and what they see as the problems that need addressing. Because they live within those spaces, residents have the greatest insights to the problems and some possibilities for solutions. With neighborhood residents at the center of police decision-making, under the NP model, police legitimacy, transparency and accountability are an embedded part of the relationship. In addition to San Diego, neighborhood policing models have been used in Seattle, Green Bay and Burbank and some departments in Illinois, Massachusetts and other parts of Washington State.

## Recommendations

### **Mandate the piloting of neighborhood policing in a sample of neighborhoods currently identified as “impact zones”:**

NP can be piloted in one or more precincts, evaluated, adjusted and expanded. The NYPD community liaisons and community meetings can be used as means to gauge the interest of residents in becoming part of the pilots.

The pilots should be preceded by the commissioning of a “How To” Neighborhood Policing Manual and consulting team. The Manual will be created in conjunction with community stakeholders, members of the NYPD; external former or current police personnel<sup>xxii</sup> with experience in implementing NP and other community engagement techniques; and a diverse group of academics. The manual will document strategies for relationship building, the pros and cons of implementing NP, the anticipated and achieved outcomes, potential challenges and resistance, the means used to overcome challenges, and recommendations and cautions for implementing the approach on a large scale. The manual should also include a candid discussion about resource requirements and sustainability.

**Partner with researchers from John Jay College and the Center for Policing Equity<sup>xxiii</sup> to design and implement the evaluation:** being particularly mindful to include researchers of color as principle investigators to address issues of implicit bias and the cultural competency of the evaluation effort.

### **Sponsor a series of youth-led summits where youth report-back about the impact of neighborhood policing in their community**

Research has confirmed the tremendous impact of urban policing on youth of color. With youth of color between the ages of 14 and 21 having the greatest amount of police contact in the city, it is imperative that we gain a sense of how this shift in policing strategy is impacting this population both in terms of their safety and their overall well-being. The well-being of youth is one of the greatest measures of the well-being of the City.

**Homicide and robbery rates between 1991 and 1998:**

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	Homicide	Robbery
New York City	-70.6 percent	-60.1 percent
San Diego	-76.4 percent	-62.6 percent
Boston	-69.3 percent	-50.2 percent
Los Angeles	-59.3 percent	-60.9 percent
Houston	-61.3 percent	-48.5 percent

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Source: Bernard Harcourt, "Policing Disorder," *Boston Review*, April/May 2002 (available here: <http://bostonreview.net/BR27.2/harcourt.html>)

**Homicide and robbery rates between 1999 and 2010:**

	Homicide	Robbery
<b>New York City</b>	-37 percent	-50 percent
<b>San Diego</b>	-52 percent	-14 percent
<b>Boston</b>	+110 percent	-29 percent
<b>Los Angeles</b>	-33 percent	-27 percent
<b>Houston</b>	-3 percent	-2.5 percent

Analysis of data from the *Uniform Crime Reports* 1999-2010 by Kevin Moran, doctoral candidate, Graduate Center, City University of New York.

## ENDNOTES

<sup>i</sup> Gary W. Cordner, 1995, Community Policing: Elements and Effects. *Police Forum*, 5 (3):1-16.

<sup>ii</sup> Prior to current investigations, SDPD was an award-winning department for police community relations under three consecutive chiefs--Burgreen, Sanders and Lansdowne.

<sup>iii</sup> Homicides, robberies, forcible rapes and aggravated assaults

<sup>iv</sup> FBI Uniform Crime Reports 2009-2012.

<sup>v</sup> between 1993 and 1996, arrests fell by 15 percent in San Diego while increasing by 23 percent in NYC (Judy Greene, 1999, Zero Tolerance: A Case Study in Police Policies and Practices in New York City. *Crime and Delinquency* Vol. 45 (183, 184),

<sup>vi</sup> Between 1993 and 1996, New York experienced an overall 37.4 percent reduction in Crime and increased the number of sworn officers by 39.5 percent. San Diego experienced a comparable reduction in crime (36.8%) but increased its police force by only 6.2% (Judy Greene, 1999.) After 2000, San Diego continued to have roughly three times fewer police officers than NYC (1.6 per 1,000 residents versus 4.6).

<sup>vii</sup> Ibid, Greene, 1999, 184. This was not the case for NYC were civil suits became the largest City pay out for governmental departments.

<sup>viii</sup> David Weisburd, Cody W. Telep, Joshua C. Hinkle & John E. Eck: *The Effects of Problem-Oriented Policing on Crime and Disorder*. A Campbell Collaboration systematic review 2008.

<sup>ix</sup> It is noted that even the customary focus on "the voting public" ignores the substantial number of New York residents who have lost their right to vote based on felony convictions but who nonetheless should have a voice in public safety decision-making.

<sup>x</sup> Under its neighborhood policing strategy, SDPD made substantial use of citizen volunteers, training roughly 1,000 residents who performed an array of crime-prevention and victim-assistance services.

<sup>xi</sup> Ibid Greene, 1999, 182-183.

<sup>xii</sup> The work of organizations like Man Up! Inc. and Save our Streets (SOS).

<sup>xiii</sup> David Weisburd, Cody W. Telep, Joshua C. Hinkle & John E. Eck: *The Effects of Problem-Oriented Policing on Crime and Disorder*. A Campbell Collaboration systematic review 2008.

<sup>xiv</sup> Anthony Braga, Andrew Papachristos, and David Hureau: *The Effects of Hot Spots Policing on Crime*. A Campbell Collaboration systematic review 2012.

<sup>xv</sup> Anthony Braga and David Weisburd: *The Effects of "Pulling Levers" Focused Deterrence Strategies on Crime*. A Campbell Collaboration systematic review 2012.

<sup>xvi</sup> Wesley Skogan, Susan Hartnett, Natalie Bump, and Jill Dubois: *Evaluation of Chicago Ceasefire*. U.S. Department of Justice, National Institute of Justice, 2009.

<sup>xvii</sup> Paul Michael Cozens, Greg Saville, David Hillier, (2005) "Crime prevention through environmental design (CPTED): a review and modern bibliography", *Property Management*, Vol. 23 Iss: 5, pp.328 – 356.

<sup>xviii</sup> Lorraine Mazerolle, Sarah Bennett, Jacqueline Davis, Elise Sargeant, and Matthew Manning: *Legitimacy in Policing: A Systematic Review*. A Campbell Collaboration systematic review 2013.

<sup>xix</sup> See Jim Dwyer's NYT's article ['No Shootings or Killings for 363 Days, but the Fight Is Far From Over'](#)

<sup>xx</sup> See Judith Greene and Kevin Pranis's Justice Policy Institute [paper](#).

<sup>xxi</sup> Butts, Jeffrey A., Kevin T. Wolff, Evan Misshula, and Sheyla Delgado (2015). **"Effectiveness of the Cure Violence Model in New York City"**. [Research Brief 2015-01]. New York, NY: John Jay College of Criminal Justice, Research & Evaluation Center. The neighborhoods were statistically matched for comparison.

<sup>xxii</sup> The fact that most have left policing does not make their work any less important and can provide them with the liberty of being more candid in their assessments and recommendations.

<sup>xxiii</sup> See testimony of Dr. Tracie Keese.

TESTIMONY BEFORE  
THE NEW YORK CITY COUNCIL  
OF  
PROFESSOR FRITZ UMBACH  
JOHN JAY COLLEGE OF CRIMINAL JUSTICE  
CITY UNIVERSITY OF NEW YORK

Tuesday, March 3, 2015

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It's perhaps easiest to understand community policing by knowing how it emerged. Community policing aims to set right the policy blunders of past decades that magnified the social distance between officers and the public. So, for example, what has been called 911 policing—where officers spend most of their tours in squad cars—put a half-ton of steel between cops and the communities they pledged to serve. And responding to such emergency calls often had the ironic effect of leaving both the police and citizens less trusting of each other. 911 ushered the police into the intimate sites of personal disputes and family troubles. And so officers often interacted largely only with lives gripped by crisis or criminality while losing contact with the workaday world of stable households and sturdy wage earners. Not surprisingly, officers' and civilians' perceptions of each other suffered.

At the same time, police departments frequently pursued a narrow crime-fighting mission that assumed making arrests under the criminal law best served their goals. Top brass, too, often measured success by tallying up arrests and officers were quick to respond by making more collars.

But it became obvious that although criminal law could authorize an arrest, it could not negotiate conflicts or maintain order. Those goals required the backing of neighborhoods. But such legitimacy was hard to win if all officers did was swoop in from elsewhere and take out their handcuffs.

Moreover, observers of the daily routine of cops saw that responding to citizens' calls for service ate up police resources, leaving officers with neither the inclination nor the time to prevent or reduce community problems. Escaping that tangle would require recognizing that the unit of police work should be the problem, not the incident. But knowing where the problems were and how to fix them, in turn, required talking to and working with the community.

And so was born the idea of community policing. The community could be a wellspring for police legitimacy that had been battered by aggressive tactics. And the community could be the "eyes on the street" that would help the police identify and cure conditions that contributed to crime.

But four decades of thousands of community policing programs nationwide has taught us some very real and sobering lessons about the strategy. It is no silver bullet. And it suffers from

the weaknesses of its strengths. While we know who the police are in the phrase “community policing,” who the community is isn’t so obvious. Who gets to speak for or define a neighborhood? Beats don’t elect leaders. And when they do, say with tenant leadership in public housing, they often call for a style of law enforcement that can unsettle civil libertarians. And self-appointed community voices often have their own agendas. Community policing is also notoriously hard to measure or manage. And since police departments can’t easily measure it, they can have a hard time rewarding it. From the perspective of the beat cop, community policing can seem a career killer. Moreover, it’s been difficult for community policing to take hold in certain communities where folks don’t actually want the police to know much about their lives. So, neighborhoods with large numbers of undocumented immigrants or active grey or black markets have sometimes resisted community policing. And as San Diego has discovered, community policing even at its best is far better at solving small-scale problems—issues at one address, one intersection—than it is at achieving large policy goals like getting guns off the streets. None of this means community policing of some flavor isn’t the right way to go. But it can solve only some of our problems some of the time.

Portions of this testimony were taken from my books:

*The Last Neighborhood Cops: The Rise and Fall of Community Policing in New York Public Housing* (Rutgers University Press, 2011)

and

*Public Housing Myths: Perception, Reality, and Social Policy* (Cornell University Press, 2015)

**Center for Court Innovation Testimony**  
**New York City Council**  
**Public Safety Committee**  
**March 3, 2015**

Good morning Chairperson Gibson and other esteemed Members of the Council. My name is James Brodick, and I am the Director of the Brownsville Community Justice Center, a project of the Center for Court Innovation. Thank you for giving me the opportunity to speak today.

The Center for Court Innovation is an independent not-for-profit organization that works with the justice system and with New York City neighborhoods to reduce crime and reduce incarceration; strengthen neighborhoods; and increase public confidence in justice. Our projects, like the Red Hook Community Justice Center and Bronx Community Solutions have been documented by independent evaluators to improve local public safety and cut the unnecessary use of jail. But perhaps most important, our programs have successfully demonstrated ways to effectively reengineer the relationship between neighborhoods and the justice system. For us, it all begins with a commitment to treating each individual who comes into contact with the justice system with dignity and respect. We also work hard to create mechanisms that bring local residents and criminal justice stakeholders together to respond to local problems. The Center for Court Innovation is committed to being a catalyst for the improvement of relationships between police and community. In fact, this collaborative work has already begun.

Just last week, the Center for Court Innovation together with the NYPD and the District Attorneys in Manhattan and Brooklyn, launched Project Reset, an early diversion pilot, where young people faced with arrest in Brownsville or East



Harlem, will be offered social services and supports instead of being prosecuted, convicted and sentenced in criminal court. This diversion program represents a new level of collaboration between police, community service providers and district attorneys and will ensure that young people receive help and guidance, and not a criminal record. This model, which represents a fundamental shift in justice processing, needs to be nurtured, sustained, and expanded. By creating new collaborative relationships with residents and local service providers with Project Reset, police precincts can not only leverage new local resources, but many more youth can receive the help and support they need, instead of a criminal record and jail.

Furthermore, the Center for Court Innovation's Community Justice Centers and Youth Justice Centers serve as neutral safe harbors where connections between communities, youth and police can be established, strengthened and sustained. At the Crown Heights Community Mediation Center and the Harlem Community Justice Center, police-youth-community dialogues are regularly convened – where unscripted conversations among teens, cops and residents have helped to not only build trust and understanding, but advance common goals. At the Staten Island Youth Justice Center, a new program – called the Neighborhood Youth Justice Council - provides a platform where young people themselves can identify critical issues affecting their own neighborhood; engage deeply with community residents, civic groups, agencies, providers and elected officials to better understand community dynamics and conditions; and together with other community members, design and implement projects to not just *talk* about, but actually create positive change. Our first Youth Council members in Staten Island identified justice reform as their primary issue and have already begun engaging law enforcement and justice officials in discussions about ways to improve outcomes

and shape justice policies that affect their lives. And, ongoing dialogues at the Youth Council will ensure that the voices of youth are consistently heard as new relationships are forged between cops and kids. At the Brownsville Community Justice Center, we are building upon existing collaboration efforts between the community and police, such as working together on community benefit projects and youth sports leagues, to expand programs that will strengthen these relationships. Working with youth and community leaders, we have begun to host orientations for new officers assigned to the Brownsville precinct. These orientations offer police a place to meet residents, and learn about community conditions and concerns with those folks most qualified to describe them – the kids and families who live there. Expansion of programs like Neighborhood Youth Justice Councils, Community Justice Centers and Youth Justice Centers and Police-Youth Dialogues can build new collaboration between neighborhood residents and the justice system to help pave the way for improved relations and understanding of one another.

We are proud to partner with the NYPD on Project Reset and on other initiatives aimed at improving outcomes for young people. We hope that the Council can support expanded diversion programming, Community Justice Centers and new ideas like Neighborhood Youth Justice Councils and police-youth dialogues, where collaboration, shaped by the principles of procedural fairness can help to forge new relationships between community residents and police, and shape new definitions for community policing.

Thank you for this opportunity to speak. I would be happy to answer any questions you might have.

**New York City Clerical-Administrative Employees**

**LOCAL 1549**

**DC37, AFSCME, AFL-CIO**

**NYC City Council Public Safety Committee Oversight Hearing**

**Examining Community Policing in New York City**

**March 3, 2015**

Testimony presented by Ralph Palladino, 2<sup>nd</sup> Vice President

On behalf of President Eddie Rodriguez and the 16,000 members of Local 1549, I would like to thank you, Councilwoman Gibson, your entire committee membership, Speaker Mark-Viverito and the rest of the city council for your support and efforts. Community policing and civilianization of the NYPD are both important. Civilianization better enables the NYPD to do community policing.

Local 1549 represents clerical and administrative staff working in the New York City Police Department (NYPD). Our members who are Police Administrative Aides (PAA), supervisors, Clerical Associates and Aides work in precincts, details and Police Headquarters.

Local 1549 has always supported the concept of Community Policing. We actively lobbied in Albany along with DC 37 and others for former Mayor David Dinkins' "Safe City, Safe Streets" initiative. As a result of that community policing program crime rates dropped.

**Civilianization= Community Policing**

Local 1549 agrees with the City Council on the need to hire more police officers in order to help make our citizens (which includes our membership) and city safer. The "Summer All Out" program instituted by the NYPD this past summer, whereby uniformed officers were sent to the street for patrol and enforcement duties was a rousing success and so proves it (See attached article).

But along with hiring, there must first be civilianization of positions. There are more than 750 able bodied uniformed police officers sitting at desks performing routine clerical-administrative duties (time keeping, roll call, answering phones, filing, etc). Local 1549 won

arbitrations and court challenges on this issue. It was John Lindsay who created the PAA title in order to carry out civilianization. That dream remains unfulfilled.

The city has not seen fit to remove the uniformed employees occupying desks, re-deploy them on the street, and replace them with clerical employees. This is puzzling? Civilianization saves tax dollars and enhances safety. The union estimates a saving of \$26 to 30 million annually (see attached). Uniformed officers safety and morale would increase also since additional officers on the beat makes it safer the police already on the street. There is also resentment among police officers I talk to and know, because they are policing while others are who perform clerical duties are "coasting".

### **Civilianization= Better Community/Police Relations**

The hiring of 750 clerical employees from the civil service list (the current list has thousands of qualified applicants) would strengthen community and police relations. The applicants are predominately women of color living in communities throughout the city. These city residents, as NYPD employees, would help bridge the gap between the officers and the community.

### **Win-Win for City, Police Officers and Residents**

Civilianization is a win-win for the city since tax payers will save money over the long run and get safer streets. Police officers' morale and safety would be strengthened. It would provide decent jobs for communities that need them along with the benefit of a safer city.

Given a large city surplus, this is a perfect time for such an investment. It is good public policy.

THANK YOU.

# YPD's summer crime-fighting initiative working as more community cops leads to 25% drop in shootings

**EXCLUSIVE:** In areas of Brooklyn and the Bronx targeted by the NYPD's Summer All Out initiative, shootings have dropped 25% after Police Commissioner Bill Bratton called for cops normally on desk duty to hit the streets.  
BY JENNA O'DONNELL, JOSEPH MATOS, THOMAS TRACY

NEW YORK DAILY NEWS

Wednesday, August 13, 2014, 2:30 AM

TODD MAISEL/NEW YORK DAILY NEWS **Police Commissioner Bill Bratton says the city is 'incredibly safe' even after shootings overall this year have spiked 11.7%, but since July 7 they have dropped 25% in higher-risk neighborhoods.**

The NYPD flooded troubled precincts with cops to cut down on gun violence this summer — and it's working.

Police took 313 cops normally assigned to desk duty and put them in communities — primarily in Brooklyn and the Bronx — where the number of shootings were on the rise. Dubbed the Summer All Out initiative, it began on July 7.

Shootings in the 10 targeted precincts fell from 83 during the five weeks before the redeployment began to 62 in the five weeks following the influx of cops. That's a 25% dip in the number of shootings on some of the city's most crime-plagued streets, according to police stats.

The initiative also helped spark a 12% drop in shootings citywide during the five-week period, compared to the five-week period before the program began.

Five Brooklyn precincts in Canarsie, East New York, Crown Heights, East Flatbush and Brownsville received 162 of the reassigned cops, according to a memo obtained by the Daily News in July.

Four commands in the Bronx's Parkchester, Fordham and Williamsbridge sections received 134 additional officers. The only other area to receive Summer All Out cops was Jamaica, Queens, which saw 17 new officers. About a third of the cops were assigned to housing developments, the memo noted.

**The NYPD moved 313 cops from desk duty into high-crime communities for the Summer All Out initiative.** Some residents in the targeted neighborhoods say they've seen more cops in their neighborhoods since the initiative began.

"I've seen them around more," said East Flatbush resident Andrea Miller, 46. "It is an increase, but there should be even more police here with all the shootings."

Out of the 10 targeted communities, six saw a decrease in shootings in the last five weeks. Three precincts saw slight increases and one remained the same.

The precinct that saw the biggest decrease was the 47th Precinct in Williamsbridge, where shootings dropped from 11 to just two. That precinct received 40 additional cops on July 7 — the highest number of officers doled out for the summer.

Richard Nunez, 62, who lives in that neighborhood, doesn't believe shootings dropped because of the influx of cops.

**Communities in Brooklyn and the Bronx have seen a 25% drop in shootings since the summer initiative started on July 7; shootings citywide dropped 12% during the same five-week period.** "It's artificial," he said. "(I) rarely see police coming around this area."

"They only come around to give tickets," he said. "I think it's a coincidence crime went down."

Police officials did not respond to requests for comment about the Summer All Out program.

While the five-week dip in shootings was encouraging, the number of shootings citywide are still up 11.7% for the year. Police Commissioner Bill Bratton said the city is still safe.

"The number of shootings we have is still the second lowest level in the city's history," Bratton told WNYC radio host Brian Lehrer. "People are running around as if the sky is falling. Let's get real. This is an incredibly safe city."

*With Rocco Parascandola*

FROM DC 37 RESEARCH DEPARTMENT.

NYPD- Using the incumbent rates after 5 years a uniformed police officer would be a cost of \$87,119.20 and a Police Administrative Aide would cost \$51, 658.60. The additional cost for a uniformed employee is \$35,460.60. Multiplied by 750 positions is **\$26,595.450.**

Notes: These figures do not include any other additions to gross, overtime, differentials, for either the civilian or uniformed titles. Since the uniformed contracts are behind the civilian contracts, it is expected that these rates will also go up by additional collective bargaining amounts. After 5 yrs it is ranges from over 60% to more than 130% more expensive to have a uniformed staff doing clerical work

Thank you, Chair Gibson and the Public Safety Committee, for holding this hearing on community policing.

My name is Shavon D. Ford; I am an alumna of NYU Steinhardt's Educational Leadership, Politics and Advocacy (ELPA), Master of Arts program. I am here today with Cathy Dang, Executive Director of CAAAV Organizing Asian Communities, and I am here as a friend of Akai Gurley's family and as an organizer seeking Justice for Akai Gurley and the Black, Brown, Yellow, Red and impoverished white communities that are being over policed in New York City and across these United States.

The addition of 1,000 new police officers is not the solution that will better New York City. This addition of new officers is a political response to the controversy surrounding Mayor de Blasio and the City Council's relationship with law enforcement. However, Chair Gibson and the Public Safety Committee, the City Council and Mayor de Blasio you all must respond to the cries coming from the families and residents of New York City by implementing their solutions, which will better New York City. The people that you represent, their solution is for community <sup>policing and</sup> patrols, which will decrease the need for additional police and hire more New Yorkers to be responsible in their neighborhood. Use the money that <sup>is being proposed</sup> you are proposing to hire new police officers instead to hire more residents in their community who are willing to teach public safety. The community <sup>policing and</sup> patrols that New Yorkers are calling for are not people with badges and uniforms that will act as wannabe cops. The community <sup>policing and</sup> patrolers the people want are people that are the good people in the community that will be trained and given a budget to engage residents in programming aimed at safety and productivity. *These individuals can serve their community the way RAs serve college campuses.*

For the past several months New York City has witnessed the power of its diversity as hundreds of thousands have protested calling for the police officers to be held accountable for their reckless actions that over-police, brutalize, and kill people in economically and educationally disadvantaged neighborhoods. New Yorkers do not want to see more police officers and last year the proposal for adding 1,000 new officers was opposed and it must be opposed again.

The protesters coming together across New York City should show all of you that more people are willing to do the necessary work to make their communities better. Yet the response to hire 1,000 new officers for more enforcement of Broken Windows' imbalanced, discriminatory, and predatory policing, 1,000 more police officers is the call for more Vertical Patrols and it is the ultimate call for more mistrust between impoverished communities of color and law enforcement. A Vertical Patrol in the Louis H. Pink Houses, a New York City Housing Authority site, is what led to the death of Akai Gurley who was doing nothing but walking down the stairs. Out of respect for the people, and the families that have lost loved ones let Public Safety be focused on giving more programming and jobs to people in the community. People that will take pride of the work they do in their community. I need all of you to raise your head and elevate your mind and respond to the people not the politics.

Thank you.

Shavon D. Ford  
Organizer, Justice for Akai Gurley

Hello,

My name is Zeinab Khalil. I am the Leader Organizer & Advocacy Trainer at the Arab American Association of New York. I would like to use this platform to discuss some issues the AAANY has been working on in regards to community policing.

For community policing to work, there must be trust between communities and police. Unfortunately, that is not the case. The relationship between the NYPD and Arab American and American Muslim communities has been strained for a long time, especially over the past 14 years.

This in large part has to do with the NYPD's blanket surveillance of Muslim communities. The NYPD must end its unwarranted surveillance programs that breed mistrust and suspicion in our communities, and do nothing to make the public safer. The NYPD should also publicly denounce its "Radicalization in the West" report which draws on negligent methodology and faulty conclusions that are counterproductive to both civil liberties and counterterrorism policy. The report promotes racial and religious profiling by making sweeping generalizations about the process of radicalization. It lists every day practices as grounds for suspect behavior, including wearing visibly Muslim clothing, growing a beard, praying five times a day, and participating in community and political activism. The NYPD should publicly clarify that criminalizing Muslims for their everyday activities is wrong. Doing so would send a strong message that the NYPD views Muslim communities as partners, not suspects.

Finally, the NYC Council needs to understand community policing in a holistic manner. Making communities safer does not come down to only relying on policing. We need to be more nuanced in understanding collective safety. Do communities have adequate services and resources for youth initiatives, recreational programs, resiliency models, and intervention programs? Are we funding and supporting the right organizations? Are we integrating *enough* organizations? I know for a fact from looking at the NYC Council Schedule C, that only a very small number of Muslim organizations are receiving financial support, even though there are over 800,000 Muslim New Yorkers who are by-in-large tax-paying, active members of their communities.

We need to understand public safety beyond handcuffs and guns. Ultimately, we should ask, what do we need to make our communities active, safe and thriving? The answer to that is multi-faceted. It involves investing in excellent education, in robust youth programs, and in community organizations that are already doing the work of violence prevention and civic engagement.



**Written Testimony of Iris Baez, Mother of Anthony Baez**

**Submitted to the Public Safety Committee of the New York City Council  
For March 3, 2015 Hearing on Community Policing**

My name is Iris Baez. I'm the mother of Anthony Baez. Anthony was placed in a chokehold and killed by NYPD Officer Francis Livoti on December 22, 1994. The idea of police-community relations is very close to my heart. It was a community police officer parked on my block that killed my son because Anthony's football accidentally hit his patrol car.

Unless you have lost a loved one to abusive police, you cannot begin to understand the pain a mother or other family member feels. We are told police officers are supposed to "protect and serve" and instead they kill our children.

If we're going to talk about improving police-community relations, we need to start by fixing the problems that exist.

When police officers do something wrong they have to be held accountable. When officers unjustly kill people they get a slap on the wrist or nothing at all happens. There are killer cops still on the streets. Brutal officers should be fired and not receive their pensions. They should be prosecuted and put in jail.

Right now NYPD officers come into our communities and treat us like criminals. They stop-and-frisk our young people for no reason and harass and abuse us. This has to end.

These officers don't know us and they don't look like us. Officers should live in the communities they work in and they should treat us with dignity and respect

We do not need another 1000 cops in low-income Black and Latino neighborhoods. This will just lead to more discrimination and brutality. If we want our communities to be safe and healthy, we need opportunities for youth. We need jobs, services and housing. We don't need more aggressive and abusive officers.



**Jews for Racial & Economic Justice**

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**FOR THE RECORD**

March 3, 2015

Testimony for Public Safety Hearing on Community Policing

My name is Marjorie Dove Kent, and I'm the Executive Director of Jews for Racial & Economic Justice (JFREJ). JFREJ is a community based organization that is a member of Communities United for Police Reform; representing thousands of Jews from every borough of New York City. Our membership represents the great diversity of the New York Jewish community: old and young, religious and secular, white Jews and Jews of color.

We stand with Communities United for Police Reform to express our strong opposition to broken windows policing and all discriminatory policing practices in New York City. Broken windows policing targets people of color for minor offenses at an egregiously disproportionate rate than that of white people. For example, from 2008 - 2011, the mostly white Park Slope averaged 8 bike-on-sidewalk summonses a year, while Bedford-Stuyvesant, which is 80 percent black, averaged 2,050. According to the *New York Daily News*, blacks and Latinos account for 81 percent of the 7.3 million police summonses issued under broken windows policing since 2001. We call on Mayor de Blasio and Commissioner Bratton to end broken windows policing as an inherently discriminatory system.

We also call on the City Council to address abusive policing by passing the Right to Know Act. The Right to Know Act will be a vitally important step forward in creating transparent and accountable encounters between the police and the public. As Jews, we believe in the concept of *b'tselem elokim*, human dignity. Community safety cannot exist without our city and police force respecting black and brown lives.

Marjorie Dove Kent  
Executive Director  
Jews for Racial & Economic Justice

Dear New York City Council Members:

Thank You for inviting me here to testify today. My name is Keeshan Harley, I am here as a youth leader of Make the Road New York (MRNY), though I am also here representing Communities united for Police Reform (CPR) and Researchers for Fair Policing (RFP).

The massive mobilizations that we have seen in New York City and across the country should come as no surprise. For the last two years, I have participated in documenting the decrease of legitimacy and trust between communities of color and the New York Police Department (NYPD). This research has happened through a partnership between Make the Road New York and The Public Science Project at The CUNY Graduate Center. Our youth research is a comprehensive study with the purpose of understanding experiences with and attitudes of police with a specific focus on youth. We collectively designed a survey that was distributed in NYC schools as well as online. 1,084 surveys were collected from youth ages 14-25. Other methods included focus groups and a research archive that included writing, art, documentary shorts and video interviews/testimonials.

Our research relied on both quantitative and qualitative methods, was deeply collaborative, and was motivated by a desire to understand New Yorkers’ everyday experiences of being policed and to envision what “fair policing” might look like in our neighborhoods.

**Key Findings:**

**Communities of color report experiencing persistent and aggressive policing.**

For nearly two decades the NYPD has been practicing a style of policing that focuses on minor offenses and misdemeanors arrests. Often referred to as “order-maintenance” or “zero tolerance” or “Broken Windows” policing, it relies on the frequent use of surveillance practices such as “stop and frisks”, asking for ID, or preventing people to publically assemble (asking them to “move along”). By removing what is understood as “disorder”, the NYPD argues these techniques maintain order and prevent incidents of serious crime – though there is little evidence.

In 2011, the NYPD recorded almost 700,000 police stops citywide (nearly all – 88% - had done nothing wrong). These stops amounted to very little considering the disruption and sense of violation they caused. Our survey confirmed this level of police contact and gave us insight into how frequent, violent, and disrespectful these encounters are for many residents living in “high crime” neighborhoods (See table below). Not only do aggressive policing strategies like these violate individual freedoms, they eat away at residents’ ability to connect with each other, to socialize, and build community.

Researchers for Fair Policing Survey	Percentages reflect youth experiences from 2010 to 2013 or 2014
The following two rows provide data about witnessing police activity and provide an indication how common police activity is in the respondents’ communities.	
88%	% who witnessed someone getting stopped by police in the neighborhood
71%	% who witnessed family or friends stopped by police in the neighborhood
The following four rows provide data about personal experiences of police surveillance and provide an indication of both the variation and regularity of this level of police scrutiny.	
52%	% stopped by police at least once
76%	If stopped, % stopped by police more than once
27%	% asked to show identification in or just outside their apartment
58%	% asked to move by police
The following four rows provide data about the proportion of people stopped by police within marginalized categories and provide evidence that this is not only a young black male issue.	
39%	% women who were stopped by police
52%	% identified as LGBTQ who were stopped by police
43%	% undocumented who were stopped by police
73%	% recently homeless who were stopped by police

The following three rows provide data about the types of negative contact with police and provide evidence for strained police community relationships among some residents.	
31%	% who were spoken to disrespectfully by police
20%	% who experienced extreme physical force by police
9%	% who experienced inappropriate sexual harassment/violence

**Communities of color express mistrust, fear, and anger towards the NYPD.**

In NYC, aggressive policing is disproportionately practiced in communities of color and commonly understood within these communities as discriminatory and abusive. The police are in the hallways of their apartment buildings, in schools, subway stations, and streets.

One participant observed, *“They target blacks and they target Latinos. Sometimes I see 30-40 police around this neighborhood, and they’re just harassing everybody they could find.”* People report fearing involvement with the criminal justice system every time they set foot outside their apartment door, whether it’s to go to work, spend time with loved ones, or run an errand to a store or bank. One youth participant stated, *“It makes me feel like I shouldn’t even come outside anymore if I’m just gonna get harassed by a policeman that’s supposed to be protecting me.”*

There is awareness that policing is not uniform and equitable across the City, and residents ask questions like, *“Why is it considered disorder when people drink alcohol on a South Bronx stoop but not when they drink alcohol on a blanket in Central Park?”* Our surveys captured some of these negative sentiments (See the tables below.)

<b>Researchers for Fair Policing Survey</b>	Percentages reflect youth experiences from 2010 to 2013 or 2014
The following five rows provide data on attitudes about abuse of power and authority and help provide evidence for lack of legitimacy by many residents.	
65%	% who believe police abuse power
66%	% who feel the police discriminate
50%	% who feel police are unfair
84%	% who feel targeted by police
59%	% who feel that when people get stopped they usually did nothing wrong
The following five rows provide data on attitudes about diminished trust and respect and help provide evidence for a weakened sense of legitimacy by many residents.	
55%	% who feel police are dishonest
50%	% who feel police create problems
50%	% who feel police are untrustworthy
48%	% who feel police are poor role models
57%	% who feel dissatisfied with police’s job

Unfavorable attitudes like these were commonly reported in our studies, revealing delicate community police relationships. Across our research, youth and adults describe the heavy toll aggressive policing has taken both on individuals and communities. Participants in our studies repeatedly expressed a deep frustration with police and a strong desire for change.

**Key Considerations**

**1. Investing in community development is an important strategy for police reform.**

Public safety is not solely about policing and the criminal justice system. Public safety involves vibrant schools, living-wage jobs, affordable housing, and overall socio-economic investment in low income and communities of color. Increased police surveillance and control does little to address the deeper roots of community safety. At the same time that people of color are being policed on an everyday basis, rents are going up while paychecks are not, families are being displaced from their neighborhoods, and school discipline and suspension rates are increasing while graduation

rates are decreasing. With this in mind, our research suggests using an assets-based approach to strengthening communities and building capacity.

**2. The everyday experience of policing impacts the whole community.**

Policing is not only focused on young men of color, but experienced collectively as a community under siege. Our research demonstrates the intense police presence in the everyday spaces of people's lives, most importantly the home, school and neighborhood public spaces. Our research also shows the impact of policing upon family members, mothers who worry about their sons, little brothers & sisters watching their big brother handcuffed and grandmothers answering the door to the police. The over policing of communities tears the fabric of community relationships and creates a hostile environment. At the same time, not only are young men of color targeted by the police, our research demonstrates the discriminatory policing of other community members, including LGBTQ, young people, women, undocumented community members, homeless people, and Muslims.

**3. Repairing trust between individuals, communities, and police requires addressing systemic racism in policing practices and policies.**

Our research demonstrates that communities of color desire "respectful and dignified" not "discriminatory and biased" policing on both an individual and structural level. It's not a matter of a "few bad apples" in the police force. When communities experience negative police activity on the street, all positive activity remembered disappear. *[Hillard, 2003: It takes ten positive interactions to balance one negative encounter.]*

**4. Communities of color must be included in a democratic process of influence and oversight on how they are policed.**

A collaborative approach needs to be developed to support community involvement in policing. Some of these structures already exist and need to be reformed to facilitate careful, meaningful citizen engagement in how communities are policed. A first step includes revitalizing the broken Civilian Complaint Review Board (CCRB). A second step involves facilitating structured conversations that promote higher levels of thinking on policing. It is not enough to simply hold town halls for community feedback sessions.

Thank You again for the opportunity to testify today.



## Testimony for the New York City Council Public Safety Committee Community Policing | March 3, 2015

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

Good morning, my name is Alyssa Aguilera and I'm the Political Director at VOCAL-NY, a statewide grassroots membership organization building power among low-income people affected by HIV/AIDS, the drug war, and mass incarceration, along with the organizations that serve us, to create healthy and just communities. We accomplish this through community organizing, leadership development, public education, direct services, participatory research and direct action.

I want to thank Chair Gibson and the rest of Public Safety committee for inviting us to participate in this important hearing. Our members are both disproportionately the victims of crime and the targets of police enforcement activities. Therefore, we take a great interest in how policing is carried out in New York.

We share many of the recent concerns about overly aggressive, discourteous, and unlawful policing that have been raised in the last several months. Every day our members have unwanted and problematic interactions with the police including unjustified stops and searches, frequent issuances of summonses for non-criminal behavior, and harassment and intimidation by police. In the first 9 months of 2014, 55% of almost 600 members we surveyed reported being arrested by police, often more than once, mostly for marijuana possession and MTA violations. A similar number had received summonses for low level "Broken Windows" type infractions. Overall, they reported the same or worsening relations with the NYPD during that period. There is a need for major reforms in how policing is conducted in New York City.

We are very concerned, however, that the leadership of both the NYPD and the City Council are proposing to expand the headcount of the NYPD under the guise of expanding community policing. Too often, community policing means more intensive and invasive policing of minor disorderly behavior that serves to criminalize mostly young people of color without dealing with the underlying causes of these community concerns.

The majority of New Yorkers are not actively engaged in the political life of their local neighborhood. Some may be politically active in other venues, others may be focused on national or international concerns and most are caught up in the daily struggles of home and work. Part of the problem lies in the nature of community. Those who are active in community affairs are not always representative of the full diversity of views and experiences in our many neighborhoods. Community Boards and Precinct Community Councils tend to be populated by long-time residents, those that own rather than rent their homes, business owners, and landlords. In the case of Community Boards, some of these people do not even live in the neighborhood in question. The views of renters, youth, homeless people, and the most socially marginalized are rarely represented in these bodies.

Community policing tends to turn all neighborhood problems into police problems. Across the country, community police programs have been based on the idea that the community should bring its myriad

concerns about condition in the community to the police, who will work with them on developing solutions. Invariably, however, the range of community problems extends far beyond serious crime. Why should the police necessarily be the sole or even lead agency in developing strategies to address community concerns about disorder and public safety?

One of the most frequent concerns of neighborhood residents is the presence of low level drug dealing and use. This generates a tremendous number of calls to 311 and 911. Enhancing the ability of police to respond to these community concerns will just further criminalize people involved with drugs. The strategy of criminalizing these activities has done nothing to reduce the availability and negative effects of drugs on individuals or communities and has produced substantial negative collateral consequences for those arrested and has been a major drain on city resources. The cost of running each bed at Rikers Island comes to over \$150,000 a year; money better spent on prevention, treatment, and jobs programs.

There is also extensive research that shows that most complaints that “community representatives” take to the police are about “quality of life” problems rather than serious crime. People tend to raise concerns about local disorderly conditions such as noise and traffic complaints, or public behaviors they find annoying such as low level drug dealing, prostitution, and any gatherings of young people. More intensive police attention to these “community” concerns will invariably lead to further unnecessary and counterproductive harassment and criminalization of many of New York’s poorest and most vulnerable.

As an example, at a recent 67<sup>th</sup> Precinct Community Council meeting in Flatbush, Brooklyn the main complaint of community members was the regular presence of homeless people in and around businesses at the corner of Church and Nostrand Avenues. Some of these people had obvious mental health problems and others panhandled for money for subsistence purposes. The local police commander pledged to respond to these concerns but acknowledged limited capacity and resources to do so. Increased police responsiveness to these kinds of concerns, in the absence of new services, will lead to the harassment and arrest of these people in the name of community policing. This is not the kind of improved policing we need.

To the extent that police need to be involved in managing these community concerns, it should be restricted to either responding to truly dangerous conditions. The could also play a role as gatekeeper to enhanced services, such as how Seattle's Law Enforcement Assisted Diversion (LEAD) program diverts low-level drug offenders and sex workers to social services instead of jail. For too long the city has overrelied on the police as first responders to a range of community concerns that might better be dealt with through other city agencies. The police primarily have punitive tools at their disposal, such as arrest and the use of force. What is needed instead, are responses that are less punitive and provide real pathways out of homelessness, addiction, joblessness, and health crises.

We do want the police to be more courteous, professional, and respectful, but expanding the ability of police to respond to community concerns will lead to more criminalization of people trying to survive when their most basic needs are not being met. Therefore, we oppose any increase in the number of police at this time and instead call on the City Council to use whatever resources it would have used to increase the headcount of the NYPD, to instead invest in supportive housing, drug treatment, and health services that can play a much more positive and sustained role in reducing very real community concerns about disorder and public safety.

Thank you for the opportunity to testify today.

**My name is Djibril Toure and i am a Member of the Malcolm X Grassroots Movement - which is on the steering committee for Communities united for Police Reform**

As a longtime resident of Bedford-Stuyvesant, who directly experienced stop-and-frisk abuses and police misconduct and was a plaintiff in the initial federal lawsuit against discriminatory NYPD practices after the 1999 murder of Amadou Diallo by NYPD officers, I am greatly saddened by the fact our city appears to be risking a repeat of history, despite a difference in rhetoric and tone.

In my community, like communities of color throughout our city, we have long struggled against hyperaggressive and abusive policing in ways that those in Park Slope, Chelsea, or Brooklyn Heights could never imagine.

In 1978, activists from Black Veterans for Social Justice marched for justice after the death of Arthur Miller, a community activist who was choked to death by NYPD officers. In the years since, we have seen too many cases in which lives are senselessly lost because of police brutality and a discriminatory, overaggressive approach to policing for even the most minor infractions. This obsessive focus characterizes “broken windows” policing. But make no mistake: This enforcement occurs primarily in certain neighborhoods and targets New Yorkers of color throughout the city.

In central Brooklyn, it is not uncommon for someone to be arrested or summonsed for riding a bike on the sidewalk. That same behavior in Brooklyn Heights is rarely addressed, let alone the subject of a police encounter.

This broken windows style of policing that was central to Bill Bratton’s first stint as police commissioner under then-Mayor Rudy Giuliani, and remains the focus now during his second stretch under Mayor Bill de Blasio, not only criminalizes our communities but also is incompatible with improving police-community relations. We saw this up close on video, with the tragically unjust and unnecessary death of Eric Garner at the hands of the NYPD.

Recently, we have all seen the disturbing videos from across the city - of NYPD officers using excessive force against individuals who were unarmed, nonviolent and surrounded by multiple officers. In one video, a young man in a Harlem subway station is placed in a similar chokehold while being punched in the face by an officer until bloody. Another shows a man in my neighborhood having a gun pulled on him and kicked in the head by an officer while handcuffed on the ground. The latest example shows a pregnant mother being placed in a chokehold by NYPD officers in front of her young daughter. The officers in that incident were reportedly enforcing a law against barbecuing on the sidewalk.

Bratton has promised renewed training for the entire NYPD. But his staunch commitment to broken windows policing is problematic. While training is important, it is an empty solution to this problem. We’ve heard it after most incidents of deadly use of excessive force by NYPD officers: Anthony Baez, Ramarley Graham, Sean Bell and others. The problem is that it hasn’t stopped the next incident, because it’s not the real problem. The only kind of community policing that will be effective is that which doesn’t seek to over-police minor incidents, and instead works in conversation with the community to deal with serious conditions.

We need leadership from City Hall that is going to tackle the real challenges that allow these incidents to continue the failed accountability for police brutality and the systemic issues with broken windows policing that target our communities. We see that officers with multiple civil rights suits and CCRB complaints, like Daniel Pantaleo, face no real consequences and are allowed to brutalize us again and again.



To the many New Yorkers who demanded change in the policing of our communities and felt hopeful when our City Council passed the Community Safety Act last year, these recent events are discouraging. New Yorkers voted for a more just and accountable NYPD, but we appear to be getting more of the same substance with simply a softer tone.

Mayor De Blasio has a choice to make. Will he bring real accountability for systemic police abuses and brutality and depart from the broken windows theory that led to the explosion of stop-and-frisk abuses? For the health and safety of our city and communities, it is critical that he fulfill the promises he made to communities of color while pursuing office, because we need real change, not more broken policy that will inevitably lead to more brutality and tragedies.

**STATEMENT OF**  
**SUSAN HERMAN**  
**DEPUTY COMMISSIONER, COLLABORATIVE POLICING**  
**NEW YORK CITY POLICE DEPARTMENT**  
  
**BEFORE THE NEW YORK CITY COUNCIL**  
**PUBLIC SAFETY COMMITTEE**  
**MARCH 3, 2015**

**Good morning, Chair Gibson and members of the Council. I am Susan Herman, the NYPD's Deputy Commissioner, Collaborative Policing. I am joined today by Assistant Chief Terence Monahan, the Commanding Officer of the NYPD's Office of Chief of Department. On behalf of Police Commissioner William J. Bratton, we are pleased to be here today to discuss community policing in New York City.**

**The community policing philosophy has three important components: partnerships with the community, problem-solving as a primary policing methodology, with a clear focus on crime prevention. These goals are as appealing today as they have ever been.**

**This vision of community policing requires active engagement with community partners at the neighborhood level in identifying and solving problems of crime and disorder. At the citywide level, it also leads to much more collaboration on public safety initiatives with other city agencies and nonprofit organizations.**

**When Bill Bratton was sworn in as Police Commissioner for a second time a year ago, he spoke very directly about police community relations. He said he was troubled that, although crime had been reduced to record lows, and although police had contributed greatly to this decline, many people, and particularly communities of color, were angry at the police.**

**He understood that the public safety successes had not led to more trust and confidence in the police. He said then, and he has consistently emphasized, that one of his overarching goals in returning to the Department was to restore public trust in the police.**

**In other hearings and briefings, you have already heard about many of the Department's initiatives to rebuild the public's trust and confidence in the NYPD. We are training officers differently, both in the Academy and during in-service training. Our curriculum is becoming more scenario-based, more interactive. When recruits graduate from the Academy, seasoned officers have volunteered to become field training officers to mentor these newly minted officers -- to guide them as they learn to interact with the public, get to know the neighborhoods where they are assigned, and practice exercising discretion -- so critical to policing effectively.**

**For the first time, we are also working with Community Partners in every precinct, residents who are orienting these new officers, to help them see a neighborhood through**

the eyes of local residents. We have involved members of our local clergy in this effort, ensuring that every command numbers one or more clergy members among their Community Partners. Further, our precinct commanders and executive officers have been attending services at local houses of worship, to speak to the congregation and reinforce the Department's commitment to building trust within the community. They are encouraged to bring their new officers with them on these visits, accompanied by the field training officers who guide them. In addition, a new Training Advisory Committee has been deeply involved in the curriculum design and implementation.

But rebuilding the public's trust requires more than training and a different kind of supervision. Our policies, our deployment strategies, our essential approach to policing, must all be aligned with core principles of community policing.

Commissioner Bratton has -- since Day 1 -- stressed that we must return to the first principles of community policing and address problems of crime and disorder through partnerships and problem-solving, and that we must seek to prevent crime, not just respond to it.

Practicing community policing in 2015 requires creativity, a willingness to collaborate with others, and a new emphasis on community engagement.

As you know, Commissioner Bratton also created the new position Deputy Commissioner, Collaborative Policing, my job, to very explicitly emphasize the importance of engaging others outside the Department in addressing public safety issues. In other words, he wants to emphasize the community policing principles of partnering and problem-solving in our efforts to make our city even safer.

In the last year, our office has worked with 43 government agencies, and 87 nonprofit groups on a wide variety of topics -- from the theft of copper wire in the subways (where we partnered with the MTA and our Civil Enforcement Unit to shut down the demand for the stolen copper), to campus sexual assault (where we have collaborated with several universities to encourage prompt reporting to the NYPD), to overly aggressive costume characters in Times Square (where we have worked with both the costumed characters' organization and the Times Square Alliance).

The thread that runs throughout our work is that we always work with partners, we always engage in problem-solving efforts to develop appropriate strategies, and crime prevention is a constant priority.

Working closely with other parts of the Department, and many outside partners, we have engaged in issues ranging from the development of the Department's policies regarding seizing condoms as evidence, and issuing summonses rather than arrests for small amounts of marijuana, to creating a new U-Visa certification process. We are working with the Mayor's Office to Combat Domestic Violence NYC Housing Authority Domestic Violence Response Team (NYCHA DVRT) to conduct outreach, connect victims to services at the

NYC Family Justice Centers and identify potential high-risk clients, for further attention and services.

Mayor de Blasio and Commissioner Bratton have specifically directed us to explore ways to keep more people out of the criminal justice system whenever it's possible to address the problems they present -- more effectively -- in other ways. To that end, we have worked with prosecutors, other city agencies, and nonprofits to create diversion programs - - new off-ramps -- some pre-arrest, others post-arrest.

For example, working closely with the Manhattan and Brooklyn District Attorneys' Offices and legal services providers, we recently instituted a pilot program in the 25<sup>th</sup> and 73<sup>rd</sup> Precincts, called "Project Reset," which allows 16- and 17-year-old, first time, nonviolent misdemeanor offenders who would otherwise be eligible for a Desk Appearance Ticket (DAT), to be diverted to community justice centers for counseling, rather than appearing before a judge. The program allows police officers and prosecutors to steer these young offenders to programs run by the Center for Court Innovation.

If the diversion program is successfully completed, the charges will be dropped before arraignment. The young person will never have to go to court at all and the arrest will be sealed. We just launched the program a couple of weeks ago and will monitor results carefully over the next few months.

Two additional diversion programs bear special mention, again, as a way of addressing problems through non-enforcement strategies. We have partnered with the MTA, Department of Homeless Services, Bowery Residents Committee, and the NYPD Homeless Outreach Unit, to design and implement a joint operation designed to offer services and shelter in lieu of arrest to homeless people in the subway who have committed minor violations.

As part of the Mayor's Task Force on Behavioral Health, we have also partnered with the Department of Health and Mental Hygiene to design a Health Diversion Center which will open in East Harlem in the fall of 2015. The new Center will provide mental health and substance abuse services in lieu of arrest to people who have committed violation level offenses. As part of this initiative, we are also partnering with the Department of Health and Mental Hygiene to design new training for officers to enhance their capacity to identify mental illness and substance abuse and respond appropriately.

Mayor de Blasio and Commissioner Bratton have also asked us to develop ways to be more strategic and focused in our enforcement efforts. To that end, we have launched NYC Ceasefire based on the work of David Kennedy at John Jay College of Criminal Justice. Often referred to as focused deterrence, Kennedy's model is an evidence-based, nationally recognized strategy to address gang and crew related homicide and violence.

As you know, most homicide and gun violence is committed by a small percentage of people. These people are overwhelmingly involved in gangs, crews, drug sets and other

**active offending groups. They predominantly hurt each other, which means that group-involved people are at an exceptionally high risk of violence.**

**This population has the highest likelihood of getting hurt, or killed, or hurting or killing someone else. This also includes people close to them who are not criminals. We are intentionally focusing our efforts on them in order to keep them from hurting someone, getting hurt themselves or going to prison.**

**We have launched NYC Ceasefire -- in Brooklyn North, plus the 67<sup>th</sup> and 69<sup>th</sup> Precincts in Brooklyn South.**

**The way this works is simple. We speak to group members directly and say that the violence needs to stop. We have brought in a range of social services and we can help you if you'd like -- and we're going to tell you ahead of time what's going to happen if you don't stop the violence. This message is given during a meeting, a "call-in", where there are representatives from law enforcement, social services, and particularly compelling voices from the community.**

**We are also conducting custom notifications, where precinct commanding officers visit the homes of group members, often with a community member, and deliver the same messages -- offers of support and social services, as well as warnings about what the legal consequences will be if they engage in further violence.**

**This simple, clear, and powerful message, coupled with an unprecedented enforcement effort when the warnings are not heeded -- has been given in scores of cities and evaluated over and over. It not only works -- it brings down homicides and shootings -- it also results in fewer arrests and less incarceration than other strategies.**

**Our enforcement partners include the Brooklyn DA, the US Attorney's Office Eastern District, the ATF, Probation, NYS Department of Corrections and Community Supervision, Federal Probation, Federal Pre-Trial, the NYC Sheriff, the NYC Department of Corrections, and the Law Department. Our main social service partners include the New York Foundling, the Brownsville Community Justice Center, and Community Solutions. We are also working with several ministers in Brooklyn who reinforce the community message that the violence needs to end.**

**The direct communication with group members and the collaboration among law enforcement, community members, and social service partners differentiates this strategy from others. It works. It's worked across the country and we are confident that it will work here.**

**I cite all of these initiatives to demonstrate that the Department is actively collaborating with many partners to build a bigger toolbox to more effectively solve problems of crime and disorder. That effort, at both the local level and the executive level, lies at the core of community policing, and we believe it translates into better police-community relations overall.**

We understand that Commissioner Bratton's vision of community policing must be felt every day in all our neighborhoods across the city. We also know that a police officer walking a beat is often the most powerful way to communicate a community-oriented approach.

There is also a huge advantage in a police officer being assigned to the same geographic location every day and getting to know the life of a neighborhood up close. Building on the best aspects of various community policing models that have been implemented here and in other cities, we are now going to try something a bit different.

Utilizing existing resources, we are developing a pilot program in four precincts, the 33<sup>rd</sup> and 34<sup>th</sup> in Upper Manhattan and the 100<sup>th</sup> and 101<sup>st</sup> in the Rockaways, which will divide the precincts into neighborhood-based sectors, numbering at least three or four in each precinct. Each sector will have a dedicated cadre of officers assigned only to that sector, 24/7, who will be expected to stay within that sector during their entire tour of duty. The goal is to set aside about one-third of their tour during which they will not be responsible for responding to 911 calls for service, but instead use that time to fully get to know their sectors, form the types of relationships that community policing is designed to foster, and identify public safety problems and needs that the Police Department can help address. This will include addressing specific conditions in their sector, one-on-one interaction with community members, attendance at community meetings, follow-up visits on prior incidents, and other community-related activities, for which the Department will develop the appropriate metrics.

Each sector will also be staffed with Neighborhood Coordination Officers, or NCOs, whose role will be to walk the streets, engage the community, make home and business visits, and generally learn everything possible about their assigned area. The NCOs will also use that knowledge to coordinate the efforts of the sector officers, as well as any other resources that are needed to address local neighborhood problems. The program will be staffed on a voluntary basis, and will likely begin next month, after the officers receive smartphones and tablets, along with the necessary training.

We believe that focusing on neighborhoods will reinvigorate community policing in the NYPD.

As Commissioner Bratton often says, our new neighborhood policing will create many opportunities for us to do things *with* New Yorkers rather than *to* them or *for* them.

We are hopeful that this program will yield tangible results, not only reducing crime and disorder, but also increasing the trust and confidence in the Department.

We thank the Council for giving us the opportunity to discuss the Police Department's philosophy of community policing, and look forward to continued partnership with you as well.

I would like to end with a quote from a colleague of mine, Bill Geller, who has worked on community policing initiatives for many years. He recently made the following observation about building police-community trust.

“I think durable trust comes *not* when cops and community members who distrust each other *sit and talk* about distrust but when they *take action* together that solves daunting crime problems. Trust is a valuable *byproduct* of collective pride in a job well done by people who were brave and dedicated enough to suspend their skepticism and work across the police-community divide to accomplish something important that neither could have done acting alone.”

Testimony of  
Tracie L. Keesee, PhD  
Before the New York City Council  
Public Safety Committee  
City Hall, Council Chambers  
“Examining Community Policing in New York”  
March 3, 2015, 10:00am

Good afternoon, I am Dr. Tracie Keesee, the project director of the National Initiative for Building Community Trust and Justice, a Department of Justice partnership led by the National Network for Safe Communities at John Jay College. The National Initiative is designed to improve relationships and increase trust between communities of color and the criminal justice system, as well advance the public and scholarly understandings of the issues contributing to those relationships. I am also the co-founder of the Center for Policing Equity (“CPE”), a research consortium that promotes police transparency and accountability by facilitating innovative research collaborations between law enforcement agencies and empirical social scientists. It is through these facilitated collaborations that CPE seeks to improve issues of equity—particularly racial and gender equity—in policing, both within law enforcement agencies and between agencies and the communities they serve. CPE aims to effect cultural transformations within both law enforcement and the academy by creating opportunities that simultaneously preserve the dignity of law enforcement and advance the application of social science to the real world.

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Nationally, law enforcement is re-examining a critical component of policing: the relationship between the police and the communities they serve. Once again, police and community members find themselves back at the table in an attempt to discover what it will take to create, nurture and sustain a trust-based relationship and achieve their common goal of public safety.

In the mid to late 1980s, most law enforcement agencies were introduced—or, I should say, reintroduced—to what historically has been a basic tenet of policing: community engagement. Community policing brought to law enforcement problem-solving models and basic principles to help create relationships where there were previously none. The goal was to empower individual police officers with decision-making and problem-solving skills; however, these new methods would, at times, would create tensions within paramilitary organizations.

The implementation of community policing was as diverse as the communities it was designed to engage. Some agencies compartmentalized community policing, creating special units or identifying specific individuals to create and maintain community engagement. The results of the early implementation generated mixed results, but overall, community policing was embraced as a step toward rebuilding police-community relationships.

As decades passed, crime patterns, enforcement priorities and budgets changed, as did the face of community policing. Several prominent moments challenged the notion of community policing, including the War on Drugs and, of course, the events of September 11, 2001, when a new threat to the nation shifted police priorities toward an increased need for intelligence. Unfortunately, law enforcement goals to increase intelligence-led policing often resulted in aggressive and targeted policing in the neighborhoods most vulnerable to disparate treatment.



In an effort to correct this, several trends have begun to emerge in policing that are focused on rebuilding community trust in law enforcement, creating transparency in the criminal justice system, and examining the disparate outcomes created by policing policies designed to decrease criminal activity within communities: these trends include a focus on enhancing procedural justice, reducing implicit bias, and promoting reconciliation.

**Procedural justice** is a notion that articulates the perceived fairness of law enforcement and court system processes. Rather than focusing on the fairness of the outcomes of the various justice systems, procedural justice evaluates public perceptions of how the outcome was arrived at. In other words, even if an individual is sentenced for a crime, he or she can still feel a sense of procedural justice if the individual believes that the sentence was arrived at fairly. In the context of law enforcement, this means that trainings and policy recommendations should not only consider procedural justice from the perspective of one individual navigating multiple justice systems, or a community response, but also from the perspective of officers. That is, officers' need to feel legitimate is a critical component of positive community interactions, and police policies on community engagement should reflect that.

**Implicit Bias** has identified a shift in the way that racial equity is conceived because the way that we think about racism in the US has been reexamined. Previously, racial bias was thought to be a result of individual explicit biases that resulted in biased behavior and resulted in racially biased outcomes. We have found that implicit biases are equally as important to producing negative racial outcomes. Implicit bias is the automatic and non-conscious association between two things. For instance, it is not surprising that when we think of the word "doctor" we are more likely to think of the word "nurse." This is because when we bring a given concept to mind we also bring to mind the set of concepts that are highly associated with it. Implicit racial biases function similarly with "Black," "Asian," "White," or "Latino" calling to mind racial and ethnic stereotypes for each respective group and an individual may hold implicit biases without even knowing that they do.

**Reconciliation**, according to John Jay College Professor David Kennedy, "is a method of facilitating frank engagements between minority communities, police and other authorities that allow them to address historical tensions, grievances, and misconceptions, and reset relationships." Additionally, respect, collaboration, and effective working relationships between police and the communities they serve are key elements to both community safety and effective policing. The reconciliation process recognizes firstly, that police and community have a fundamental misunderstanding of one another; secondly, both parties have contributed to undesired conditions or results; thirdly, there are mutual goals in areas that are important to both; and finally, an agreement that an immediate collaboration can result in real gains for both.

**Technology** plays an important part in increased transparency, as noted by recent calls by community members for mandated police video-recording capabilities. By providing police officers, particularly officers on patrol, with body cameras, many agencies hope residents will be more likely to accept that officers are carrying out their duties in a fairer, more equitable fashion. However, as I testified earlier in front of the President's Task Force on 21<sup>st</sup> Century Policing, the interpretation of the footage without the use of a cultural lens may serve to diminish the level of transparency body cameras may provide.

**National Database Project**, the collection, analysis and dissemination of police data is another important component of building community trust and increasing transparency. Presently, there is no national-level database on police behavior, meaning we have no way to answer the question, "How bad is the problem?" with regards to racially disparate policing. As a result, we have limited insight into how we can solve this problem. This database will standardize data collection across many of the country's police departments, and there are early commitments from departments that service a significant portion of the United States. This database will provide an opportunity to analyze, and ultimately correct, racial disparities where they can be found, especially during arrests, traffic and pedestrian stops, and in use-of-force scenarios. The National Database Project reveals the importance of interoperability in records management systems within and across departments in order to maximize departments' ability to conduct the most useful data analyses. The database would serve as the largest and most comprehensive data set on racial equity in law enforcement.

It has been almost fifty years since the President's Commission on Law Enforcement and Administration of Justice. It is now incumbent upon law enforcement and communities to find a way of working collaboratively to create public safety. The current challenge brings with it a new generation of thought, technology, and energy. We now must learn from the past, while placing our focus on the new possibilities for policing, public safety and, most importantly, the police-community relationship.

Thank you.

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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**

**COMMUNITY POLICING &  
THE NEW YORK POLICE DEPARTMENT**

**MARCH 3, 2015**

The New York Civil Liberties Union respectfully submits the following testimony regarding Community Policing and the New York Police Department (NYPD).

## 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.

From New York City to Ferguson, Missouri, the issue of police-community relations has taken center stage – the President has even established a *Task Force on 21<sup>st</sup> Century Policing* to hear recommendations from stakeholders across the country and make recommendations. In New York City, the deaths of Eric Garner and Akai Gurley at the hand of law enforcement have reignited the call for police accountability. New Yorkers are taking to the street to demand a different approach to community safety. We hope the City Council will lead the way in helping the New York City Police Department (NYPD) engage communities in a way that fosters good relationships, encourages respect for Constitutional rights, and promotes safety without the price of police abuse or misconduct.

Community policing is a term with as many meanings as there are communities, but most scholars agree it represents a policing model that entails greater community involvement in the definition of crime problems and solutions.<sup>1</sup> In New York City, years of aggressive stop-and-frisk and selective, aggressive enforcement practices have driven a wedge between police and residents in the communities hardest hit by crime. In order to work with the community, specifically communities of color, the NYPD first needs to rebuild trust, and then must give New Yorkers meaningful input into what works and what doesn't.

We have four recommendations today:

- The Council should put an end to the NYPD's aggressive enforcement of nonviolent, noncriminal infractions, such as possessing an open container or riding a bicycle on the sidewalk. These violations account for almost half a million police encounters each year—all of which have the potential to escalate into something far worse than a ticket.
- The Council should work with the NYPD and the Mayor's Office of Criminal Justice to improve collection and reporting of data about violation enforcement, particularly demographic information on summonses, which is currently not collected or reported by the NYPD.

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<sup>1</sup> David Weisburd and John E. Eck "What Can Police Do to Reduce Crime, Disorder, and Fear?" ANNALS, AAPSS, 593, May 2004

- The council should investigate how the NYPD recruits and promotes officers of color, particularly black men.
- The Council should mandate that the NYPD commissioner provide regular comprehensive explanations to the Civilian Complaint Review Board (CCRB) of why he rejects or downgrades discipline recommendations in substantiated cases.

### **I. De-prioritize Aggressive Enforcement of Violations and Misdemeanors**

From 2002 through 2013, there were more than five million stops of New Yorkers. During that same period, there were more than six million summonses issued to residents for low-level violations, such as riding a bike on a sidewalk. While it's easy to dismiss the summons process as minor, receiving a criminal court summons requires an in-person court appearance and can carry fees and severe collateral consequences; forty percent of summonses result in an arrest warrant being issued for a failure to appear in court.<sup>2</sup> Arrests associated with low-level violations and misdemeanors can affect many areas of a person's life, including eligibility for public housing and student financial aid, job opportunities, child custody and possibly immigration status. And, as was tragically the case for Eric Garner, aggressively enforcing these lowest-level infractions is not without the possibility of physical force, injury, and even death.

The NYPD should de-prioritize enforcement of low-level violations, especially in cases where there is no threat to public safety. Instead officers should use discretion to give warnings, both formal and informal, to New Yorkers about these violations, and to issue summonses instead of effectuating an arrest. A decrease in these aggressive tactics, and a move towards enforcement that does not rely on physical custody, will lessen the number and impact of encounters between police and communities of color. It will reduce the sense of being unfairly targeted for minor misdeeds that regularly go unnoticed in white neighborhoods, which itself will promote trust.

### **II. Increase Transparency about Police Practices**

The data made public by the NYPD after they were required to collect and report on Stop-Question-Frisk practices (SQF) shed light on the inefficiencies and stark racial disparities of the practice. The data showed that not only was SQF discriminatory but it was not efficient at getting guns off our streets or rounding up criminals. Instead, it divided communities along racial lines and created a major rift between police and impacted communities.

A limited glimpse into data about enforcement of non-criminal violations, provided to the NYCLU by the Office of Court Administration (OCA), indicates the same troubling racial disparity. According to the demographic data available (approximately 30 percent of the dataset included race/ethnicity indicators), Black and Latino people in New York City bear the brunt of enforcement of minor non-criminal offenses. From 2002-2013, the NYPD issued nearly 81 percent of tickets for these offenses to Blacks and Latinos.

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<sup>2</sup> Taken from data NYCLU received from the Mayor's Office on Criminal Justice – December, 2014

This practice is of continued concern because of Mayor de Blasio and Commissioner Bratton's vocal commitment to "Broken Windows" policing. In this context, it should be especially appalling to discover that the NYPD has essentially stopped gathering any data on race and ethnicity of people charged with violations (in recent years only 4 percent of summonses include any demographic data whatsoever). The City Council must ensure the NYPD is regularly collecting and reporting the number of summonses issued, disaggregated by charge, precinct, race, ethnicity, and age of the person charged, and whether the person was arrested or ticketed.

Mandated reporting of violation and misdemeanors enforcement is vital to understanding and improving street policing in our city.

### **III. Increase Racial Diversity of the Police Department**

Black New Yorkers encounter police officers more than any other demographic group in New York City. For example, in 2013, black people constituted 55.8 percent of all stops. Young black men (ages 14-24) represented close to 26 percent of stops though they only accounted for 1.9 percent of the city's total population.<sup>3</sup>

While Black men are encountering law enforcement often, they are usually met by officers who do not look like them. Recent data made public by Brooklyn Borough President Eric Adams suggest that the number of black men on the force is shrinking. According to the data, less than 16 percent of the city's police officers are black, and black men only make up about seven percent of the city's police academy.<sup>4</sup> Additionally, Black people are all but non-existent in the command posts, or positions of captain and above. In 2013 Blacks made up less than seven percent of total officers.

The perception of the department as fair is vital to community engagement. The NYPD should increase diversity of patrol officers and command officers to begin to restore community trust and collaboration.

### **IV. Increase Accountability for Officer Misconduct and Abuse**

Achieving real accountability for officers who perpetrate abuse is essential to improving police-community relations. The NYPD has a demonstrated pattern and practice of using excessive force, most often on people of color, according to data from the NYPD stop-and-frisk database and Civilian Complaint Review Board (CCRB).<sup>6</sup> And these acts of misconduct and abuse are often met with little to no punishment for the offending officer.

One reason for the lack of accountability for police abuse is that police discipline is concentrated in the hands of the police. Currently, the NYPD refuses to discipline officers in 40 percent of complaints substantiated by the Civilian Complaint Review Board.<sup>7</sup>

<sup>3</sup> NYCLU 2013 Stop-and-Frisk report

<sup>4</sup> NY1 Exclusive: Number of Black Men on NYPD Force Shrinking; Dean Meminger, February 9, 2015,

<sup>5</sup> Office of Equal Opportunity Report, March 3, 2014

<sup>6</sup> See eg, Civilian Complaint Review Board 2013 Statistical Appendix and 2013 Stop & Frisk report, New York Civil Liberties Union

<sup>7</sup> Civilian Complaint Review Board, 2013 Annual Report

Community trust in police is diminished every time an officer is not brought to justice for misconduct or abuse of authority. While the Council cannot change the commissioner's authority to discipline officers, we recommend the Council use its oversight power to require regular comprehensive explanations for why he rejects or downgrades recommended discipline by the CCRB. The role of law enforcement in our community is far too important to go unchecked. At the very least, the city deserves to understand why the commissioner made his decision—the alternative is the pervasive sense that our only civilian oversight mechanism is consistently and systemically undermined.

## **Conclusion**

Paramount to any successful policing model is a strong collaborative relationship between the police and the community it serves. The NYPD cannot focus on a real community policing strategy until it first rebuilds trust in all communities. New York City can't afford to continue to promote or accept NYPD practices and policies that burn bridges between the police and communities that need their services the most.

We recommend that the City and police department take progressive steps to create a more positive, respectful relationship between the department and New York communities. The over-aggressive enforcement of non-violent con criminal violations should not be the priority of our police department. These practices continue to create distance between police and communities who feel over policed and harassed for minor behavior. And apparent racial disparities in who bears the brunt of low-level enforcement further adds to the mistrust between communities of color and the police force. The council should seek to improve transparency around low-level enforcement by mandating regular reporting on which New Yorkers are being ticketed for non-criminal offenses.

The racial diversity of the force is the visible showing of how the NYPD prioritizes building relationships with a city as multi-cultural as New York City. The Council should work with the NYPD to develop strategies to increase the racial diversity, particularly increasing the number of black officers, of the NYPD rank and file as well as the command staff. Our police force should represent the population of the city

Years of unchecked officer misconduct and abuse continues to divide police from minority communities across the city. To increase trust between the groups, there must be oversight and accountability when officers engage in bad behavior. The Mayor, Council and NYPD could increase accountability by ensuring that officers are disciplined for substantiated misconduct charges by the CCRB.

We thank the Public Safety Committee for your contribution to the discourse by holding hearings like this one. We urge the Council to continue to take a proactive role in increasing transparency and ensuring that we have a police department that promotes public safety while protecting the rights of all.





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## **TESTIMONY**

The Council of the City of New York  
Committee on Public Safety

### **In Support of Community Policing**

March 3, 2015  
New York, New York

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

Presented by: Cynthia H. Conti-Cook  
Criminal Defense Practice Special Litigation Unit

Good morning. I am Cynthia Conti-Cook. I am a Staff Attorney Legal Aid Society, Criminal Defense Practice Special Litigation Unit. I am joined by attorneys from our Anti-Gun Violence Unit that provide legal services to community-based organizations affiliated with the CURE-Violence network. We submit this testimony on behalf of The Legal Aid Society, and thank Speaker Melissa Mark-Viverito and Chairperson Gibson for inviting us to speak about community policing.

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is an indispensable component of the legal, social and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Society accomplishes this with a full-time staff of nearly 1,900, including more than 1,100 lawyers working with over 700 social workers, investigators, paralegals and support and administrative staff through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City. The Legal Aid Society operates three major practices — Criminal, Civil and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program.

The Society's Criminal Practice is the primary public defender in the City of New York. During the last year, our Criminal Practice represented over 230,000 indigent New Yorkers accused of unlawful or criminal conduct on trial, appellate, and post-conviction matters. In the context of this practice many of our lawyers exert considerable thought and effort to avoid the worst of the direct and indirect consequences that are associated with a criminal conviction.

The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help clients move out of poverty; prisoners' rights, and reentry and reintegration matters for clients returning to the community from correctional facilities.

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.

The breadth of The Legal Aid Society's representation places us in a unique position to address the issue before you today. Our perspective comes from our daily contact with people who can experience life altering consequences as a result of an otherwise minor criminal conviction.

### **In Support of Community Policing**

We support the City Council initiating a conversation about community policing in New York City because our clients and communities cannot continue to live under the current policing paradigm. Public safety is not achieved in a sustainable way by deploying large numbers of armed officers into communities they are unfamiliar with and who are unfamiliar with them. Indeed, it has the opposite effect on our communities: increasing tension and alienation from all government entities out of reasonable fear for the government entity they interface with daily: the police.

Everyone today has likely come with different definitions of what community policing means. To us, it means that when an officer finds a broken door, she finds a building supervisor who might fix it rather than a young man she can arrest because he walked through it. It means that community residents have no fear of unlawful searches or questioning when they approach an officer on the street; perhaps they even know him. It means that all New Yorkers may feel the freedom to, walk down the street or enjoy public spaces without fear that their daily lives will be interfered with by aggressive encounters with police officers who saturate their neighborhoods, carry guns and who, unfortunately have often resorted to unfair, discriminatory policing.

Our written testimony covers in detail how the City might begin a path towards community policing. The path begins with NYPD participation in active dialogue with

community groups in the Floyd/Davis/Ligon Joint Remedial Process and beyond. The severe racial disparities prevalent in our current system must be acknowledged and addressed. Before community trust can be established, the NYPD must show that it operates a system that transparently responds to community grievances and civilian complaints to hold officers accountable for misconduct. Officers' incentives to unlawfully search, arrest and ticket must also be addressed before trust may be built. Widen the incentives and metrics for productivity beyond "law enforcement actions" like arrests and tickets to refocus officers' scope of discretion in addressing non-criminal conduct. For example, remove incentives that only track the number of arrests and tickets made. Track cases where evidence was thrown out because it was unlawfully acquired. Reward problem solving skills by officers who address conditions without defaulting to an arrest.

We believe these are the first basic steps towards building community trust. See the attached photograph taken in Portland of teenagers sitting on a police car while an officer stands by, relaxed but present. This is a picture of community policing that we would like to see the NYPD strive towards.



## A. Joint Remedial Process

The long-awaited beginning of the Floyd/Davis/Ligon Joint Remedial Process is an opportune time to begin a conversation about community policing in New York City. The importance of the NYPD's presence in future discussions about reform cannot be understated. For more than a decade, our communities fought stop and frisk policies on the street, in state and federal court, in the City Council, in the media and in town halls. Yet the NYPD was unwilling to respond, unwilling to testify in City Council hearings or town halls, and unwilling to admit, even when two appellate courts overturned gun convictions, that its stop and frisk policy was unlawful.<sup>1</sup> This polarization was, by itself, a danger to the community, as Councilmember Jumaane Williams remarked at the 2012 hearing held in Brooklyn. "Bklyn Tr." At 15:25-16:22 and see Councilmember Rose's opening remarks on "Queens Tr." 7-25-8:23.<sup>2</sup>

Indeed, the Black, Latino and Asian Caucus of the City Council submitted an *amicus brief* in support of the Joint Remedial Process for a much greater purpose than reforming just stop and frisk, but to "[reconcile] two parties torn apart by an emotionally charged, politically sensitive history of distrust...This will benefit everyone: the communities that are most impacted will feel — and be — more safe; police officers who fight crime in those communities will receive greater cooperation from community members; and the City will see a reduction in the constant political strife and high financial costs that are endemic to

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<sup>1</sup> "Bloomberg Angered By Overturned Conviction In Stop-And-Frisk Case" CBS News(June29, 2012), available at <http://newyork.cbslocal.com/2012/06/29/bloomberg-angered-by-overturned-conviction-in-stop-and-frisk-case/>.

<sup>2</sup> "Oversight—The New York City Police Department and Its Use of Stop, Question and Frisk." Committee on Civil Rights, City Council, City of New York (October 23, 2012) transcript available at <http://legistar.council.nyc.gov/Calendar.aspx?Mode=Today> ("Bklyn Tr.") at pages 6:5-6. See also the transcript from the Queens hearing on October 24, 2012 at the same web location ("Qns Tr.")

hyper-aggressive, unaccountable policing practices.”<sup>3</sup> Certainly, the events this City has witnessed since March 2013, including the deaths of Kimani Gray, Eric Garner, Akai Gurley, Officers Liu and Ramos, have cost us dearly.<sup>4</sup> But for the department’s (and then the union’s) obstruction, and then the extended delay caused by the union’s appeal, the Joint Remedial Process would have been entering its second year this summer.

Instead, the Joint Remedial Process has just begun. It is an ongoing structured dialogue between police and community that was ordered by Hon. Shira Scheindlin as one of five remedies in the recently concluded stop-and-frisk litigation - Floyd, Davis, and Ligon v. City of New York. The Process will be presided over by retired Appellate Division Justice Ariel Belen, who will recommend permanent reforms in police-community relations to presiding Federal Judge Analisa Torres, SDNY.

The NYPD’s active participation in the Joint Remedial Process, its presence at City Council hearings, town halls, and its willingness to recognize the need for meaningful reforms will determine whether community policing and a new trust is possible.

## **B. Severe Racial Disparities**

The most crucial component of rebuilding community trust will be achieved we see a narrowing of the gap in racial disparities in arrests. From open container violations to riding

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<sup>3</sup> *Amicus curie* on behalf of Black, Latino and Asian Caucus of the City Council, Floyd v. City of New York, Dkt. No. 08-CV-1034, submitted March 4, 2013. Available at <http://www.scribd.com/doc/128906254/NYC-Council-Black-Latino-and-Asian-Caucus-Amicus-Brief-in-Stop-and-Frisk-Litigation> (submitted by Cynthia Conti-Cook, then of counsel to BLAC).

<sup>4</sup> Juzwiak, Rich and Aleksander Chan. “Unarmed People of Color Killed by Police 1999-2014”, Gawker.com, December 8, 2014, available at <http://gawker.com/unarmed-people-of-color-killed-by-police-1999-2014-1666672349>

a bike on a sidewalk, to drug possession to resisting arrest, low-level misdemeanors and violations are pursued against a disproportionate number of people of color in New York City.

Deploying more officers in communities of color alone doesn't result in public safety when their only "productivity" focus is arrests and summons. This produces a higher rate of, for example, riding bikes on sidewalks.<sup>5</sup> Such racial disparities in how all crimes, but especially low-level offenses, are enforced further deteriorates trust in the police and other government entities.

A major decrease in aggressive policing of low-level offenses should accompany any attempt at reinforcing community trust in police. As we've suggested previously in testimony regarding summons, there should be a working group to devise a plan to address and reduce unwarranted racial disparities in New York City's criminal justice system, and there should be a review of the procedures and practices of NYPD officers in the precincts with the most arrests and summonses to ensure that officers' actions are constitutional and fair.

### **C. Accountability**

Many New York City residents live in equal fear of people committing crimes and of the NYPD who have dominated their neighborhoods. Clients have told us that they live in fear that family members, friends or visitors will be arrested when going to school, work or to the store. Indifference and disrespect by the NYPD for the people, families and

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<sup>5</sup> See also "Testimony by Harry Levine", December 15, 2014, available at [http://marijuana-arrests.com/docs/Testimony\\_NYC\\_Criminal\\_Court\\_Summons\\_System\\_Dec\\_15\\_2014.pdf](http://marijuana-arrests.com/docs/Testimony_NYC_Criminal_Court_Summons_System_Dec_15_2014.pdf), pg. 10.



especially young men and women of color that reside in low-income neighborhoods, have become the norm in many communities.

Systems of oversight, accountability and transparency are crucial to creating a solid foundation of trust between the police and communities. As of 2011, the NYPD still employed over 300 officers who have been stripped of their guns and badges due to misconduct at an annual cost to taxpayers of \$22 million.<sup>6</sup> This is an unacceptable message to send to communities being asked to trust the officers to protect them from crime.

Before communities can trust the NYPD, the NYPD must clean its own house. They cannot continue to tell our city that criminals should be arrested but that cops who commit crimes continue to be paid taxpayer dollars.

#### **D. Widen Incentives for Police Officers Productivity Goals**

In 2011, then Police Commissioner Ray Kelly committed to writing what Police Officer Adrian Schoolcraft exposed: the NYPD's entrenched system of quotas and other incentives to force officers to commit stops, write tickets and make arrests. NYPD Operation Order 52 named them "productivity goals".<sup>7</sup> The Council should require the NYPD to broaden the measures it uses to incentivize police activity. Why should they use their discretion not to arrest someone when an arrest is a metric of productivity but proper use of discretion *not to* isn't? Make officers' promotions and evaluations be based on their ability to use discretion

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<sup>6</sup> Blau, Reuven. "Outcast Cops Still Rake It In," NY Post. March 20, 2011. Available at <http://nypost.com/2011/03/20/outcast-cops-still-rake-it-in/>.

<sup>7</sup> Rayman, Graham. "Ray Kelly Puts NYPD Quota Demands in Writing; Rank And File Not Happy [Updated]", Village Voice. October 28, 2011, available at, [http://blogs.villagevoice.com/runninscared/2011/10/ray\\_kelly\\_puts.php](http://blogs.villagevoice.com/runninscared/2011/10/ray_kelly_puts.php).

wisely; question whether they were able to exhaust other available resources before making an arrest; make an arrest the last possible resort for absolutely “necessary” arrests only.

Do not punish officers by limiting vacation and sick days when “law enforcement actions” are minimal; indeed, “law enforcement actions” should be used minimally.

### **E. Problem-Solving**

Crime and violence must be addressed at the source. The Legal Aid Society applauds the City Council and its Taskforce to Combat Gun Violence and Mayor De Blasio’s Administration for recognizing this and supporting the implementation and expansion of the Cure Violence model of violence interruption, which addresses and stops violence at its root in neighborhoods most affected by gun violence. Further, we commend the City Council’s addition of “wrap-around services” such as mental health and trauma services, job readiness, legal services, and after-school programs when it established the New York City Crisis Management System to provide crucial support to those communities most impacted by gun violence. As a part of these “wrap-around services,” The Legal Aid Society’s Anti-Gun Violence Unit provides legal support to these community-based organizations. Through our community outreach and legal support services, we have the opportunity to see firsthand the incredible impact that these organizations have on improving safety in their communities.

The Cure Violence model is an evidence-based public health approach dedicated to strengthening communities and making them safer. It depends on community members, many of whom have past criminal involvement themselves, to identify the most at-risk

individuals and intervene to curb episodes of violence. Vital to this method are the concepts of trust in the first instance and supportive services as the relationship continues. The success of the Cure Violence Model relies in part on having credible messengers to be able to reach those at risk of partaking in gun violence and/or being victims of gun violence in the community. Credible messengers can get in and gather and disseminate information as well as mediate conflicts because of the respect they have in the communities they serve. That really is one of the tenants that sets this model apart from the rest.

We have seen that when at-risk individuals in the community have this level of commitment and support from people who understand where they come from, they are less likely to commit criminal acts and more likely to focus on turning their lives around. It is through the tireless dedication of our partner community groups such as, Man Up! Inc. in East New York, Brooklyn; L.I.F.E. Camp, Inc. in South Jamaica, Queens; SOS South Bronx and Crown Heights, Brooklyn; Harlem SNUG in Manhattan; and 49 Strong in Staten Island, plus over a dozen more, that the communities are growing safer and stronger.

It is our recommendation that to make our communities safer, the NYC City Council continue to invest in community-based organizations dedicated to supporting individuals and strengthening the community through preventative measures such as these. The City Council should continue to strengthen these resources and encourage the NYPD to use these community referrals before defaulting to arrests.

We thank the Council for inviting us to testify.

**Statement of Syeda Tasnim  
Law Student Intern  
CLEAR Project, Creating Law Enforcement Accountability & Responsibility  
City University of New York School of Law**

before the

**New York City Council Committee on Public Safety**

concerning

**Oversight: Examining Community Policing in New York City**

March 3, 2015

Chair Gibson and members of the Committee on Public Safety:

Thank you for offering me this opportunity to address concerns around community policing in New York City. I do so on behalf of the CLEAR Project at the CUNY School of Law.

By providing direct services, community education and supporting advocacy, CLEAR aims to address the unmet legal needs of those communities particularly affected by national security and counterterrorism policies. Although I'm here today to talk about how community policing affects Muslim, South Asian, Arab and other communities in this city, this is an issue that affects all New Yorkers.

Effective community policing should be based on mutual trust between law enforcement agents and the communities they are supposed to serve. For so many in New York City, this trust is fundamentally nonexistent. The driving force of this mistrust boils down to racial profiling and reflects a system that effectively alienates communities of color from law enforcement. In large part, this is due to the "Broken Windows" policing approach followed by the New York Police Department and the use of fatal force against black people. Most recently, we've seen this policy culminate in the tragic deaths of Eric Garner and Akai Gurley. But history informs us that these deaths are a far cry from isolated incidents and are part of a system that has an overwhelmingly disparate impact on communities of color.

For our clients at CLEAR, mistrust in police stems from law enforcement's religious and racial profiling culminating in sweeping surveillance programs, the extensive use of undercover informants, and aggressive police stops and questioning, all without any basis of individualized suspicion. These practices have included infiltrating a variety of Muslim, Arab and/or South Asian establishments ranging from places of worship to restaurants to Muslim Student Associations throughout New York City and beyond. The impacts of this blanket profiling have been documented in CLEAR, MACLC and AALDEF's report, *Mapping Muslims: NYPD Spying and its Impact on American Muslims*, which found that entire communities have been chilled

from constitutionally protected activity- from freely practicing religion to freely expressing themselves through speech and association.

Many of our clients at CLEAR seek legal representation in connection with questioning and surveillance by the NYPD or other law enforcement agents. With little or no explanation, innocent CLEAR clients, their families, and members of the communities they are from become targets of surveillance and intelligence gathering. Too often, our clients have been stopped and questioned, or approached at their homes, asked about people they know, places they've traveled, and their views on political "hot topics." These practices are a part of a fishing expedition rather than based on actual criminal investigations. As a result, entire communities are stigmatized and baselessly treated as suspect, leaving little room for the trust needed for effective community policing.

With the passage of the 2014 Community Safety Act, the city has taken a historic legislative step towards combating discriminatory policing. CLEAR is among the many organizations that have applauded this attempt to move away from profiling as well as to create an independent inspector general office. Despite this move, there is still a need to critically examine the role of community policing and its impact on New Yorkers. CLEAR remains concerned that community policing and outreach is being used as a guise to gather intelligence based on religious and racial profiling. The city must ensure that policies rooted in religious and racial profiling, like overbroad surveillance and blanket intelligence gathering, are dismantled. We ask that this committee consider the recommendations listed in *Mapping Muslims*, and articulated by many of our partners: conduct hearings on the activities of the NYPD's intelligence division, and revisit ways of building relationships that follow the spirit of the Community Safety Act; ways not only based on mutual trust, but are consistent with protecting civil rights.

Testimony on Community Policing, March 3, 2015  
Submitted by: Cathy Dang, Executive Director, CAAAV Organizing Asian Communities

Thank you, Chair Gibson and the Public Safety Committee, for holding this hearing on community policing. My name is Cathy Dang and I am the Executive Director of CAAAV Organizing Asian Communities, a 29-year old organization with the mission to organize Asian immigrants and refugees for racial, gender, and economic justice. We organize pan-Asian immigrant communities on housing rights and police accountability. We have a membership base of 300 members who live in rent-regulated apartments in Chinatown, we are building out our base and working with 50-70 Bangladeshi, Korean, and Chinese tenants at Queensbridge Public Housing, and our youth come from all over New York City who live in private and public housing.

In many instances of vacate orders in Chinatown posted by the Department of Buildings (DOB) or Department of Housing Preservation and Development (HPD), the residents in Chinatown or given only a few days and sometimes only a few hours to leave their home. When vacate orders are posted, we try to get the vacated residents to go to a shelter as in interim plan until we can get the landlord to fix the building. And there have been several times where residents would go back into their apartments even with a vacate order. Our understanding, explained by city agencies, is that the NYPD can come and do a sweep in vacated buildings if tenants refuse to leave. Although we tell the residents that information, they go back into their buildings knowingly and risking arrest because they don't want to leave their homes. This policy needs to change and community organizations, local elected offices, and service organizations should be the main point of contact to work with residents who can't or won't leave their homes, not the NYPD. These sweeps are similar to sweeps in vertical patrols in public housing, *except vertical patrols are discriminatory & targets Black & Brown communities.*

CAA AV Organizing Asian Communities is here with Shavon Ford, a family friend of Akai Gurley and one of the organizers for Justice for Akai Gurley, who has been organizing residents in East New York to demand accountability of Officer Liang, the NYPD, and NYCHA. CAAAV and many other Asian community members stand behind the Gurley Family in demanding the end to vertical patrols, which puts residents at harm's - of being injured or killed by the NYPD in these vertical patrols. These are our CAAAV members that we are talking about who are seniors, immigrants, parents, grandparents, siblings, sons, and daughters. These are community members of ours - Black and Latino parents, sons, daughters, grandparents, and most importantly - human life - Black and Brown lives. The City should fund and support the development of community patrols in public housing where residents are trained and equipped to patrol their own developments.

Instead of funding 1,000 new officers, that funding should go towards community patrols. More officers is not the solution and will not improve community-police relations, it will only aggravate our members and New Yorkers, at large, when we haven't even seen justice for the families who have lost loved ones to police violence.

*In public housing*

# JUSTICE COMMITTEE

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## Testimony of Juan Aguirre On Behalf of the Justice Committee

### Submitted to the Public Safety Committee of the New York City Council For March 3, 2015 Hearing on Community Policing

Dear Members of the Public Safety Committee,

My name is Juan Aguirre. I am a representative of the Justice Committee, a community-based organization that has been working with victims of police misconduct and brutality and families who have lost loved ones to the NYPD for the last three decades. I am also a native New Yorker who grew up in Corona, Queens and who has witnessed the impact of abusive policing on my community.

My testimony is organized into three sections: 1. A brief introduction to the Justice Committee; 2. An overview of the problem; and 3. Recommendations.

#### **Introduction to the Justice Committee**

The Justice Committee is a community-based organization that serves poor and low-income Latino/as and other New Yorkers of color who are impacted by the NYPD's discriminatory and abusive policing practices and policies. We focus much of our working on supporting families who have lost loved ones to the police. We also organize teams of neighborhood residents to monitor police misconduct, educate 100s on their rights every year, and are a leading organization of Communities United for Police Reform.

#### **Overview of the Problem**

These days, we often hear policy makers and NYPD officials talk about "improving police-community relations." While there is nothing inherently wrong with this phrase, it often hides the true nature of the problem: the systemic and historic mistreatment and abuse of low-income communities of color by the NYPD.

"Community policing" should be based on ensuring dignity, safety and respect for all New Yorkers. For decades, our communities have experienced the opposite: We have been and still are over-policed, illegally charged, beaten, killed and criminalized. Until we see real changes in the way the NYPD treats us and there is real accountability for misconduct, the conversation about "improving police-community relations" cannot begin.

The NYPD's mistreatment of our communities takes many forms. My comments will focus on a few: Broken Windows Policing, excessive and deadly force, and the systemic lack of police accountability.

#### **Broken Windows Policing**

Broken Window Policing – which promotes the aggressive enforcement of low-level offenses – has never been proven to reduce crime. It does, however, ensnare low-income New Yorkers of color in the criminal justice system, creating bars to housing, education and employment – all things that are necessary for real community health and safety. It is what led to the explosion of stop-and-frisk abuses, as well as other discriminatory practices.

The Justice Committee helps to develop Cop Watch teams, which monitor police activity throughout the city. In spite of the Mayor's assertion that stop-and-frisk as been fixed, the experiences of these teams prove that unjust stops are still happening, whether or not UF250 forms are being filled out. There are nights when the Justice Committee's team in the Jackson Heights/Corona area – which I am part of – sees 4-5 stops in a two hour period

on one avenue. In many of these cases, after the incident has ended, the person who was targeted tells us they have no idea why they were stopped. Our team frequently has to translate what is written on summonses for community members and explain what has happened because the officers making the stops – who are predominately white – do not speak Spanish. I probably do not need to point this out, but this is not what “community policing” should look like.

Broken Windows Policing teaches officers to treat entire communities as criminal and encourages cops to approach us as enemies, which can have fatal consequences. The NYPD killing of Eric Garner is a tragic example of this. The incident began with a Broken Windows stop. The NYPD says Mr. Garner was selling untaxed cigarettes, but witnesses say he was actually breaking up a fight. The stop escalated to an unjust arrest and ultimately to the NYPD killing Mr. Garner.

Which leads me to my next point: Excessive Force and Deadly Force

The killings by police of Ramarley Graham, Eric Garner, Akai Gurley and others have recently made the scope and systemic nature of the crisis of discriminatory and abusive policing more transparent for New Yorkers.

Sadly, tragic killings by police officers are like the tip of an iceberg. Daily incidents of discriminatory and abusive policing form the foundation of the iceberg and include: racial and other discriminatory profiling; verbal and sexual harassment; unconstitutional stops, frisks and searches; excessive and discriminatory ticketing and arrests; deadly force and other uses of inappropriate/excessive force, intimidation and humiliation.

The following cases help to demonstrate the extent of the problem:

- Javier Payne – a 14-year-old who was reportedly thrown through a window last year while handcuffed, suffering life-threatening injuries. The District Attorney declined to bring the case before a grand jury<sup>1</sup> and there is no publicly available information regarding NYPD discipline of the sergeant who was accused of smashing Javier through the window or other officers on the scene.
- Stephanie Maldonado – who was beaten by an officer who was not in uniform, during an incident for alleged jaywalking<sup>2</sup>. There is no publicly available information regarding whether there have been any NYPD disciplinary consequences for officers involved in the incident, and the District Attorney did not bring charges against any officer.

Cases of excessive and deadly force have severe impacts on individuals, families and communities. In addition to the obvious physical suffering and loss of life, police brutality survivors and families who have lost loved ones to police violence frequently experience severe trauma, depression and other emotional distresses as they fight for justice in a system that consistently fails. The stress from this can exacerbate family challenges, and can cause financial, housing, employment and/or educational instability. Family members who are impacted include parents, guardians, siblings, aunts, uncles, nieces, nephews and others - as well as chosen family members such as partners, friends.

The impact in many of these cases goes far beyond immediate family and friends, to impact neighborhoods and communities who fight alongside the family for justice, only to have the system fail again and again. In addition to the violence experienced in these cases at the hands of police officers, the lack of meaningful and timely accountability from police departments and local justice systems results in re-traumatizing police brutality survivors and families who have lost loved ones. These experiences result in fear, anger and lack of trust that officers will protect and serve all New Yorkers equally. This is the opposite of what safety should look like in our communities and the opposite of “community policing.”

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<sup>1</sup> <http://www.nydailynews.com/new-york/nyc-crime/bronx-attorney-decides-not-file-charges-nypd-accused-slamming-boy-barwindow-article-1.2000966>

<sup>2</sup> [http://gothamist.com/2014/08/03/woman\\_claims\\_cop\\_assaulted\\_her\\_for.php](http://gothamist.com/2014/08/03/woman_claims_cop_assaulted_her_for.php) and <http://7online.com/news/investigationwoman-claims-police-brutality-against-nypd-officer/229978/>



Excessive and deadly force cases involving people with psychological or cognitive disabilities, and those who are under emotional distress are particularly disturbing. The killings of Iman Morales, Mohamed Bah and others demonstrate the too-often inappropriate use of force by officers in these cases, resulting in fatal consequences.

#### Lack of transparency and failure of existing discipline and accountability systems

There is a systemic lack of accountability for officers who use excessive or deadly force. Coupled with the lack of adequate early warning systems to help prevent such instances, this teaches officers that they are beyond reproach, above the law, and can act with impunity.

Time and time again we see officers who have killed or brutalized community members remain on police forces collecting a paycheck. At best, discipline includes a slap on the wrist – lost vacation days or a reprimand. In many cases, there is no discipline of officers at all.

The following are just a few of dozens of examples from New York City in the past two decades.

- In the 2012 case of 18-year-old Ramarley Graham<sup>3</sup>, Ramarley was killed in his home in front of his grandmother and six-year old brother, after officers broke into his home without a warrant. Two grand juries were convened in this case. The first indicted one officer, but the grand jury decision was thrown out by a judge. Due to community pressure, a second grand jury was convened, which did not indict any officers. There is no publicly available information regarding whether there were any NYPD disciplinary charges brought against officers involved in the incident, and to the family's knowledge the involved officers are all still on-the force. The Department of Justice is reportedly still investigating the case, but federal charges have not been brought against involved officers.
- In the 2006 case of Sean Bell<sup>4</sup>, who was killed in a hail of 50 bullets shot by 6 officers, it took almost six years before only one of the officers was fired. Three of the other officers were reportedly forced to retire almost 6 years later, with full pensions.
- In the 1995 case of Anthony Rosario and Hilton Vega the New York Civilian Complaint Review Board substantiated an excessive force complaint, but William Bratton, the Police Commissioner at that time, dismissed it.
- Disturbingly, officers who use deadly force have frequently been the subjects of prior complaints and lawsuits claiming excessive force, civil rights violations and/or misconduct. A few examples of this include the NYPD officers who killed Anthony Baez, Kimani Gray and Shantel Davis.

There is frequently no transparency for and terrible treatment of families who loved ones have been killed, both in the immediate aftermath of the killing and during departmental investigations. One extreme example is the direct aftermath of the killing of Ramarley Graham: his grandmother who witnessed Ramarley being shot and killed, was held for seven hours without access to her attorney; his mother was assaulted while at the precinct; his parents were not communicated with and were left in the dark by the NYPD about what had happened; and Ramarley's body was lost by the City for several days. In most cases, there is little to no communication with families regarding the status of department investigations. Again, this is not "community policing."

#### Trend Towards Over-Policing and Criminalization

I briefly want to touch on a few recent developments, which point to an on-going trend of criminalization and over-policing:

It is deeply troubling that members of the Council are supporting a proposal to add 1000 more officers to the force. Relying exclusively or primarily on increasing the NYPD headcount is a flawed approach to addressing long-term issues of crime and safety in our city. Flooding police officers into communities of color in the past – for example through Operation Impact – has resulted in neighborhoods feeling under siege and militarized. In the context of decades of abusive NYPD practices, this over-policing of communities contributes to the erosion of police-community relations. There have been too many instances where an oversized NYPD presence in low-income communities of color has led to criminalization and police violence, rather than increased safety.

<sup>3</sup> [http://www.huffingtonpost.com/2014/08/08/ramarley-graham-nypd\\_n\\_5662134.html?utm\\_hp\\_ref=tw](http://www.huffingtonpost.com/2014/08/08/ramarley-graham-nypd_n_5662134.html?utm_hp_ref=tw)

<sup>4</sup> [http://www.nytimes.com/2012/03/24/nyregion/in-sean-bell-killing-4-officers-to-be-forced-out.html?smid=tw-share&\\_r=0](http://www.nytimes.com/2012/03/24/nyregion/in-sean-bell-killing-4-officers-to-be-forced-out.html?smid=tw-share&_r=0)

The Police Commissioner's call to make "resisting arrest" a felony level charge is another troubling recent development. As the experience of Justice Committee members can attest, "resisting arrest" is frequently used by police officers to cover up brutality, as well as to target protesters. These two developments, as well as the Commissioner's announcement of new units for counter terrorism and the policing of protests, point to a trend towards criminalization and over-policing, which is antithetical to "community policing."

### **Recommendations**

It is imperative that affected New Yorkers' voices and ideas be prioritized in moving the NYPD towards "community policing." Additionally, any reforms enacted must not only happen "on the books." They must be systemic and cultural and result in real changes in how low-income communities of color experience policing. Towards this end, we recommend that the City Council supports:

- An end to Broken Windows Policing and other discriminatory and abusive policing policies. This includes hyper-aggressive selective enforcement of low-level offenses, discriminatory arrests for violations (non-criminal offenses), enforcement of possession of small amounts of marijuana, and blanket surveillance of Muslim communities and political activists.
- Passage of the Right to Know Act, which will require officers to identify themselves during interactions with New Yorkers and inform them of their right to not consent to a search when there is no legal justification.
- Review and reform of the NYPD's use of force policies. Policies should begin with the assumption that force should be used only as an extreme last measure. Reforms should seek to eliminate excessive use of force and incentivize communication and de-escalation. There should be mandatory psychological and substance abuse testing for officers who use deadly force, as well as those involved in police brutality incidents.
- Development and implementation of an early warning system within the NYPD to identify and appropriately discipline officers who engaged in discriminatory profiling, misconduct and excessive use of force.
- Development and implementation of a comprehensive accountability system that includes clear consequences in NYPD disciplinary procedures for officers who utilize unjustified excessive or deadly force.
- The establishment of a special prosecutors for all cases involving civilians killed by police and/or while in police custody, as well as excessive force cases.
- A holistic approach to community safety that does not rely on over-policing and criminalization. There should be investment in anti-violence organizations and practices that do not rely on the police; youth and adult employment programs; increasing permanent housing units for poor and low-income New Yorkers, and other proven social service programs.

# **The Bronx Defenders**

Redefining public defense.

## **Written Comments of The Bronx Defenders**

### **New York City Council Committee on Public Safety Oversight Hearing: Examining Community Policing in New York City March 3, 2015**

Good morning. Our names are Kate Rubin, Managing Director of the Civil Action Practice at The Bronx Defenders, and Scott Levy, Director of the Fundamental Fairness Project at The Bronx Defenders. We submit these comments on behalf of The Bronx Defenders and thank the City Council and members of the Committee for the opportunity to testify.

The Bronx Defenders provides innovative, holistic, and client-centered criminal defense, family defense, civil legal services, social work support and advocacy to indigent people of the Bronx. Our staff of nearly 250 represents over 35,000 people each year and reaches thousands more through outreach programs and community legal education. We work in interdisciplinary teams to ensure that each client of The Bronx Defenders has seamless access to multiple advocates and services to meet his or her legal and non-legal needs. The primary goal of our holistic defense model is to address the underlying issues that drive people into the criminal justice system and mitigate the devastating impact of criminal justice involvement, such as deportation, eviction, the loss of employment, student loans and public benefits, or removal of children from the home. Instead of referring to these outcomes as “collateral consequences,” we use the term “enmeshed penalties,” which better reflects the grave risks and realities that our clients face from the moment of arrest.

In the course of serving hundreds of thousands of clients in the Bronx over 18 years, we have seen the dramatic impact of policing practices on communities we serve, particularly low income communities of color. Our model for providing public defense rests on the notion that an arrest is never just an arrest. Every arrest, even for the most minor charges, can have far-ranging

consequences for an individual, his family, and a whole community. For this reason, "Community Policing" must be defined as broadly as possible and any Community Policing program should be evaluated not only on its effectiveness at reducing crime but on its sustained impact on all communities in New York City.

Over the past ten years, New York City has arrested and prosecuted an unprecedented number of people for low-level misdemeanors. Despite the dominant presence of the NYPD in so many of the city's poorest neighborhoods, however, shockingly little attention has been paid to the role of policing in maintaining economic and social disparities that persist in all five boroughs.

This testimony describes two critical lenses through which the development and evaluation of any successful community policing program must be considered: 1) the impact of enmeshed legal penalties of arrests and convictions and 2) the economic impact of policing practices on communities. Our understanding of enmeshed legal penalties is based on more than a decade of experience providing civil legal services related to housing, immigration, family, employment, education, consumer debt, and other matters to thousands of clients facing criminal charges in the Bronx. This understanding is also supported by extensive legal and social science research describing the severe and often-hidden punishments that accompany criminal justice involvement. Likewise, our concerns regarding the economic impact of low-level arrests are based on both anecdotal experiences of clients and a study conducted by the Bronx Defenders' Fundamental Fairness Project in the summer of 2014. The study includes data from interviews about the economic consequences of arrests with over 160 clients who were charged with marijuana possession. We urge the Council to carefully consider each of these issues as the baseline for any conversation about community policing.

Underlying enmeshed penalties and economic impact is the problem of racial disparity and implicit bias at every level of the criminal justice system. A person arrested for marijuana possession may suffer the legal sanction of losing her employment license as well as the direct economic punishment of lost wages for missed days of work. Because of the racial disparity in marijuana arrests, a Black person is 4.5 times more likely than a white person to be arrested for

marijuana possession,<sup>1</sup> and the economic impact of the arrest will likely be more severe.<sup>2</sup> Likewise Black and Latino New Yorkers are more likely to have force used against them in police encounters.<sup>3</sup>

Any successful Community Policing program in New York City must reduce racial disparity and increase trust between the police and communities of color. A recent report by the John Jay College of Criminal Justice found that as both violent and non-violent crime plummeted from 1980 – 2013, misdemeanor arrests increased by 200%. The majority of increased enforcement targeted young Black and Latino men; the arrest rate for black men doubled from 1990-2013.<sup>4</sup> These statistics are consistent with documented trends in stops and frisks, marijuana arrests, and summonses over the same period. However, we lack a comprehensive picture of the impact of policing on communities of color. We are encouraged that the City is revising summons forms to ensure that data on race and age is consistently collected and we urge the Council to partner with advocates to improve public access to data on race and policing practices, particularly the issuance of summonses. But efforts at addressing racial disparity must go beyond data collection. The City must implement policies that address selective enforcement and ensure that no New Yorker is punished disproportionately for any activity because of her race or ethnicity. This can only be achieved through strict oversight of stops, searches, arrests, and use of force.

### **Enmeshed Legal Penalties**

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<sup>1</sup> The War on Marijuana in Black and White. American Civil Liberties Union (2013), p. 130. Accessible: <https://www.aclu.org/sites/default/files/assets/1114413-mj-report-rfs-rel1.pdf>. Note that this data is from 2010, when arrests for marijuana were considerably higher in New York City. However, as overall marijuana arrests have decreased, racial disparity in marijuana arrests has not. See "Race, Class & Marijuana Arrests in Mayor De Blasio's Two New Yorks," Drug Policy Alliance (2014), p. 1. Available: <http://www.drugpolicy.org/sites/default/files/Race-Class-NYPD-Marijuana-Arrests-Oct-2014.pdf>.

<sup>2</sup> Pager, D. (2003). The Mark Of A Criminal Record. *American Journal of Sociology*, 108(5), 958-958. Pager's audit study of job-seekers applying for employment with and without criminal records found that even white applicants with criminal records received more favorable treatment (17%) than Black applicants without criminal records (14%).

<sup>3</sup> Stop & Frisk 2013. New York Civil Liberties Union (2014), p. 13. Accessible: [http://www.nyclu.org/files/publications/8.26.14\\_Stop-and-Frisk\\_2013\\_final.pdf](http://www.nyclu.org/files/publications/8.26.14_Stop-and-Frisk_2013_final.pdf).

<sup>4</sup> Goodman, J. (2014, October 28). Crime Dips in New York as Misdemeanor Arrests Rise, Report Says. *New York Times*. Available: [http://www.nytimes.com/2014/10/29/nyregion/crime-dips-in-new-york-as-misdemeanor-arrests-rise-report-says.html?\\_r=0](http://www.nytimes.com/2014/10/29/nyregion/crime-dips-in-new-york-as-misdemeanor-arrests-rise-report-says.html?_r=0)

*Mr. Dorian<sup>5</sup> was at a bar on 189<sup>th</sup> Street in the Bronx on a rainy night in April, celebrating his friend's birthday. He bought his friend two pitchers of beer, but he had a migraine so he wasn't drinking. After midnight, a fight broke out outside the bar between several men and the police came to the scene. Although Mr. Dorian was on his way out, an officer yelled, "Get the fuck out of here. Keep it fucking moving." Mr. Dorian gave the officer a dirty look and turned to leave. He was immediately thrown to the ground, kned in the face, and handcuffed. Mr. Dorian threw his hands behind his back to make it clear he was not resisting and said, "Please stop hitting me in the face. I am a security officer." In response a police officer yelled, "Resisting arrest!" and started kicking Mr. Dorian in the face. Six more officers joined in. One took a running start and kicked Mr. Peralta in the side by his kidney. Another officer said, "This is what you get for being a smart ass."*

*Mr. Dorian was charged with Harassment, Attempted Assault, and Resisting Arrest. Convinced of his innocence, Mr. Dorian vowed to fight his case. After more than a year, he had his day in court and was acquitted of all charges at trial. But Mr. Dorian's struggles had only just begun. Throughout the year that he had an open criminal case, he was unable to renew his Security Guard license and was suspended from his job. Without income, Mr. Dorian fell behind on rent and was eventually served an eviction notice. Only through advocacy from housing, employment, and public benefits specialists at The Bronx Defenders was Mr. Dorian able to enroll in the FEPS program, stay in his apartment with his wife and infant, and eventually get back his license to work as a Security Guard.*

Hundreds of federal, state and local laws combine to erect barriers to success for the hundreds of thousands of people arrested in New York City each year and the hundreds of thousands more who receive summonses for low-level offenses. Those barriers translate into lost employment opportunities, housing instability, and obstacles to education. They mean that families are separated, whether by incarceration, placement of children in foster care, or deportation of parents. None of these effects are isolated; each one radiates out to touch families, neighborhoods, and the fabric of our entire city.

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<sup>5</sup> All names of clients have been changed.

We applaud the City for taking significant steps in recent years to mitigate the most severe penalties of arrests, particularly low-level arrests. Most notably, this body has passed legislation removing Immigration and Customs Enforcement (ICE) from Rikers Island and prohibiting the NYPD and the NYC Department of Correction from honoring detainer requests issued by ICE in most cases. Because of the Council's action on this issue we have represented dozens of clients who were allowed to return home to their families, jobs, and communities rather than face deportation. In addition, we appreciate that the City has made great efforts to expand participation in the New York City Housing Authority (NYCHA) Family Reentry Pilot Program, which allows New Yorkers returning home from jail and prison to reunite with their families in public housing, even if they would otherwise be barred from doing so under NYCHA's ineligibility guidelines. To address one of the most extreme consequences of the most minor convictions, NYCHA also revised those ineligibility guidelines so that people are no longer automatically barred from living in public housing as a result of a conviction for a *non-criminal* offense. The City Council has introduced the Fair Chance Ordinance, which when enacted will ensure that job applicants with criminal records have a fair chance by requiring that employers run criminal background checks only *after* making conditional offers of employment.

Despite these substantial steps, severe consequences of arrests – even the lowest level arrests – persist for families and communities. While the City Council has reduced exposure to deportation through the City jail system, under federal immigration law two convictions for turnstile jumping or marijuana possession still make a Lawful Permanent Resident deportable if detected by ICE. In the public housing context, a misdemeanor conviction still triggers automatic NYCHA ineligibility, as does any allegation of marijuana possession, even if not proven in court. In the internet age, job seekers are powerless to defend against online searches that turn up information about arrests, even if those arrests were later dismissed and sealed. And while job seekers enjoy some discrimination protections under the City and State Human Rights Laws, apartment hunters have no parallel rights. Landlords may lawfully inquire of prospective tenants about all past arrests, even those that were dismissed and sealed.

Any Community Policing approach must account for the far-reaching impact of enmeshed penalties on families and communities. While we hope to continue to work with the City Council to craft policies that mitigate the civil harms of arrests, by far the most effective

strategy for reducing these harms is to reduce arrests in the first place. We are encouraged by the announcement of new pre-arrest diversion programs and hope those programs will be sustained and expanded. We also call on the Council to thoroughly review all offenses defined in the Administrative Code with the aim of downgrading offenses whenever appropriate to non-criminal violations, and to support a parallel effort on the state level.

### **Economic Impact**

*Mr. Smith, a Bronx resident in his late 40's who had worked as a bricklayer for over a decade, was arrested for possession of marijuana one weekend in the spring of 2014 and issued a Desk Appearance Ticket (DAT). Though he ultimately received an Adjournment in Contemplation of Dismissal months later, he was forced to miss a full day of work, losing approximately \$150 in wages. In the interim, he was told that he was ineligible for a job involving a governmental agency due to his open case. Finally, because Mr. Smith was a legal permanent resident at the time, his immigration status and ability to work and provide for his family was put in jeopardy, despite the fact that he has lived legally in the United States for most of his life.*

This past summer, The Bronx Defenders systematically interviewed over 160 people arrested for low-level marijuana possession, collecting data on the economic and broader community impact of marijuana arrests in the Bronx. The findings, put forward in our report, "The Hidden Tax," are striking. The data suggest that the City's marijuana arrest policies and practices cost the residents of the Bronx, and of New York City more broadly, millions of dollars each year in fines, court fees, and lost wages, in addition to countless missed days of work and appointments, school absences, and childcare complications. Based on our interviews, we estimate that in 2013 alone, misdemeanor marijuana arrests cost Bronx residents almost \$1 million in fines, fees, and lost wages. Looking back over a five-year period, the number jumps to almost \$7 million in the Bronx and a staggering \$24 million citywide.

As the data show, the costs associated with broken windows policing overwhelmingly fall on young men of color and their families in the city's low-income neighborhoods –



communities and populations that are particularly vulnerable to economic shocks. These costs function as a hidden regressive tax on the city's low-income communities of color.

The seemingly minor disruptions associated with an arrest can easily destabilize a family living from paycheck to paycheck or on the edge of severe poverty or homelessness. This is especially true in communities like the South Bronx, where more than 60% of residents spend more than 30% of their income on housing expenses, and homelessness is a constant threat.

For many people, the threat of losing a job is the most immediate and pressing consequence of an arrest. The 167 arrests represented in our study resulted in at least 93 missed days of work by respondents, their families, and their friends. Over half of the people we interviewed for our report had jobs either at the time of their arrests or on the day of their arraignments. Of those, fully 69% were forced to miss work in order to come to their first court appearances, which regularly required spending hours in court.

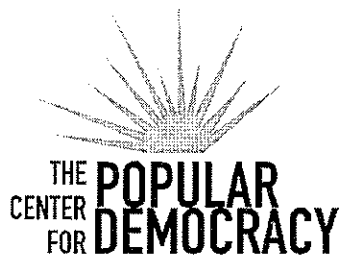
For many of those forced to take a day off from work for court, a missed day of work means not only a lost day of wages but also an increased risk of losing a job completely. Our clients are among the most vulnerable people in the workforce. They have little in the way of job security, sick leave, or vacation time. When they miss work because of an arrest, their jobs may not be waiting for them when they get back.

When the negative economic consequences of low-level arrests are multiplied by tens of thousands of cases every year and concentrated in the New York City's most vulnerable neighborhoods and communities, quality-of-life policing can become a significant destabilizing force and obstacle to economic opportunity. With a relatively small number of economically depressed neighborhoods bearing the brunt of the aggressive policing of low-level offenses, more attention needs to be paid to the ways in which the myriad costs, inconveniences, disruptions, and trauma that result quality-of-life arrests contribute to the widening inequality gap.

Working with clients day in and day out in the Bronx we have seen that charging and processing tens of thousands of low-level, nonviolent misdemeanors each can lead to significant and long-lasting negative consequences--such as higher unemployment, decreased access to education, and homelessness--in communities that are already struggling. These costs have been largely externalized by the NYPD. Any formulation of community policing going forward must internalize these costs. The City should work with academics and social scientists to monitor the broad, community-wide social and economic effects of its policing strategies, so that any evaluation of new community policing initiatives reflects a broad, more holistic view of community outcomes

### **Conclusion**

A robust community policing strategy must take into account the full spectrum of legal, social, and economic consequences of law enforcement in low-income communities of color. As the city looks toward a new era in community policing, we encourage policymakers not to merely focus on police-community relations—which, of course, are vital—but also on how the success of the policing function is to be assessed. Specifically, we hope that policing strategies will be evaluated not just in terms of crime rates, but overall community health and broader holistic outcomes.



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*Testimony of Marbre Stahly-Butts, Center for Popular Democracy  
Soros Justice Fellow & Staff Attorney before the Public Safety Committee of the New  
York City Council*

**Oversight: Examining Community Policing in New York City  
March 3<sup>rd</sup>, 2015**

The Center for Popular Democracy (CPD) respectfully submits the following testimony on Community Policing in New York City. We would like to thank the Public Safety Committee for giving CPD this opportunity to testify.

The Center for Popular Democracy is a national organization that works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD provides organizational, capacity and policy support for our partners across the country. We have deep partnerships with strong, effective racial justice, economic justice and immigrants' rights organizations, in close to thirty states. Here in New York City our core partners include Make the Road NY, VOCAL NY and New York Communities for Change.

Most of our partner organizations are based in low-income communities of color. Because of the prevalence of police discrimination and mass criminalization in these communities we have been working on issues of criminalization and police accountability since our inception in 2012. Here in New York City CPD has been an active member of Communities United for Police Reform.

Community Policing has become an increasingly popular term. The importance of a policing regime that is accountable to, in service of and collaborative with communities became the focal point of national conversations after a string of high-profile police involved killings this summer. However, despite its growing ubiquity there is not yet a shared understanding of the underlying philosophy or defining practices of Community Policing. We believe that Community Policing should be premised on the idea that communities most devastated by state and interpersonal violence must be central to decisions about policing—from determining safety priorities to disciplining officers.

The idea that Community Policing should translate into more input from communities and more accountability for police departments is not universal. Here in New York City some use the term to simply repackage, and even escalate, old, broken ways of policing. Our fear that Community Policing will become just a new way of talking about aggressive Broken Windows style policing has been exacerbated by various statements and requests by NYPD Commissioner William Bratton—many in reaction to widespread peaceful protests, which were a manifestation of long standing grievances by communities across the City who for too long have been underserved and over-policed. Despite continuing high profile incidents of abuse the NYPD has refused to address the underlying systemic issues in the Department or hold the officers involved accountable. Instead the Commissioner has intensified law enforcement aggression and has done so in part under the banner of Community Policing. An example is Commissioner Bratton recent proposal to form a “Strategic Response Group,” consisting of 350 NYPD officers armed with machine guns, tasked to police peaceful protests and placed in communities throughout the City. The suggestion by Commissioner Bratton that these roaming, armed military units will improve community police relations is an affront to common sense as well as the outcries of communities of color throughout the City, who continue to call for a de-escalation of militarized policing tactics and philosophies.

The Center for Popular Democracy believes that Community Policing does not mean more militarized police in our communities. Nor does it mean increased surveillance of our communities. CPD believes that the promise of community policing lies in the democratization and demilitarization of policing. It is time to move away from the mentality that police in low-income black and brown communities are engaged in warfare. Community Policing should be based on the assumption that communities and community members are experts in what makes them safe and how they should be policed and therefore must be integrally involved in setting the priorities and monitoring the practices of policing. This requires transparency, accountability and investment in community safety that goes beyond fattening the NYPD’s budget. It is only through increased community power and NYPD accountability that we can build trust and foster respect between police officers and those communities who have for too long bore the brunt of NYPD brutality, occupation and impunity.

We submit the following set of recommendations which we believe will lay the foundations for meaningful community policing practices here in New York City and will increase trust, cooperation and respect between NYPD officers and the communities that they are deputized to serve.

### **Oversight**

In order for communities to engage in collaborative community policing strategies the NYPD’s power and discretion must be subject to democratic oversight. The passage of the Community Safety Act is a step in the right direction but effective and sustainable implementation is necessary. This includes: ensuring that the New York City Human Rights Commission is fully funded with sufficient staff trained under the End Discriminatory Profiling Act to begin investigating and adjudicating claims brought under the Act; instituting and enforcing data collection and reporting policies that will allow for assessment of compliance with End Discriminatory Profiling Act and enable the public to track the Department’s progress in key areas; and ensuring the continued full funding of the newly-created Inspector General’s office.

### **Accountability**

The NYPD works for the people of New York City and they must be accountable to them. There are a number of steps that could be taken today which would increase accountability. This includes passage of The Right to Know Act (RTKA). The RTKA is a legislative package currently before City Council that is an important foundation to police accountability in interactions with civilians. The RTKA would require NYPD officers: to identify themselves at the end of encounters that do not result in an arrest or summons, to provide specific reasons for their searches or questioning and to explain that a person has the right to refuse a search and obtain proof of voluntary consent to a search.

Currently, too many New Yorkers are unaware that they have the right not to consent to a search for which there is no constitutional justification. Police officers can and do exploit this lack of knowledge or violate New Yorkers' constitutional rights by searching without consent. Too often, that is achieved by misleading New Yorkers into giving "consent" by simply ordering them to empty their pockets or open up their bags, without informing them that they do not have to agree. Such practices, in addition to being against the spirit of the Constitution, increases distrust between community members and police. Policing tactics should not cut constitutional corners or trick residents into exposing themselves to draconian criminal sanctions often for small amounts of marijuana or other non-safety related offenses.

When community members feel informed and empowered they are better equipped to collaborate with police officers. The U.S. Department of Justice has recognized the value of these types of provisions and made the adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Departments.

In addition to increasing accountability in police encounters with the public through passage of the RTKA it is also essential that police are held responsible for misconduct—from extreme cases of brutality like the beating of Javier Payne or killing of Eric Garner to small acts of disrespect and dehumanization that occur on a daily basis throughout the City. The lack of accountability for officers involved in misconduct is a major source of tension and hostility between communities and the NYPD. In January, Philip Eure, New York's first NYPD Inspector General, released his first report exposing the lack of transparency and the dysfunctional nature of the NYPD's disciplinary system. The report makes clear that there are serious problems that need to be addressed, including lack of meaningful and timely discipline for officers who engage in forms of excessive and deadly force. This report sounds the alarm for greater disciplinary reform and accountability at the NYPD. Until officers face real consequences for the use of excessive and deadly force, officers won't change their behavior, and will be allowed to operate above the law. In addition to re-examining the current discipline system the NYPD should enforce a zero-tolerance policy for police brutality, sexual harassment and assault of members of the public.

### **Community Input and Investment**

It is essential that communities have a substantive role in NYPD oversight and priority setting. The Floyd Joint Remedial Process provides an exciting opportunity to start to repair the relationship between communities and the police by giving communities a sense of ownership over substantive policy reforms. Impacted communities must have a

role in the identification of reforms, as well as in the evaluation of compliance and progress. We urge the City Council to advocate for a formalized and sustained role for impacted communities in the implementation, monitoring and evaluation of the Floyd Remedial order.

Additionally, strong communities require a de-escalation of mass criminalization, which has resulted nationwide in the incarceration of nearly one in three black men and a growing number of Latina and black women. Here in New York City Commissioner Bratton's aggressive Broken Windows policing philosophy results in the unnecessary stopping, harassing and sometimes arresting of tens-of-thousands of New Yorkers each year. Broken windows policing aggressively targets low-income communities of color—specifically black and brown people, young people, homeless people, LGBTQ people, people with disabilities, immigrants, and women. Many who have been stopped have reported intense harassment by police. At their most extreme these policies lead to fatal encounters—exemplified by the tragic death of Eric Garner.

These policies make us all less safe, by creating an atmosphere of fear and mistrust of the police. They are also often unnecessary and costly. Some 20% of issued summonses are ultimately found defective or legally insufficient.<sup>1</sup> Moreover, there is absolutely no conclusive evidence that these discriminatory and abusive practices result in less crime. What is proven is that these practices thrust tens of thousands into the criminal justice system unnecessarily and often with dire consequences. Additionally, broken windows strategies force police officers to engage with communities in coercive and exploitative ways, which are counterproductive to collaborative safety strategies.

CPD is excited about the proposed criminal justice reforms mentioned in Speaker Mark Viverito's State of the City and strongly believe that the City Council should work hard to ensure that Commissioner Bratton and the NYPD permanently end all discriminatory arrests and summonses for low-level offenses. While the thrust of the proposal is exciting the devil is in the details. It is essential that there is full transparency in the issuing of summonses. We strongly advocate for the immediate adoption of a system to document the ethnic and racial breakdown of those issued summonses—a dangerous blind spot in the current system.

Lastly, the NYPD does not and should not have a monopoly on safety. Community Policing requires strong communities not simply strong police departments. For too long working class and low-income black and brown communities have seen excessive state investment in the form of militarized police and paddy wagons to Rikers, while essential services such as education, housing, health and job programs have been cut. It is time to think creatively about safety and invest in long-term community solutions that make our communities stronger, more stable and safer.

Thank you for your time and consideration.

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<sup>1</sup> See The Daily News, "Many ways for Bratton to fix broken windows," February 2, 2015 available at: <http://www.nydailynews.com/opinion/rory-lancman-ways-bratton-fix-broken-windows-article-1.2098495>

**WRITTEN TESTIMONY OF DARIUS CHARNEY  
CENTER FOR CONSTITUTIONAL RIGHTS  
TO THE NEW YORK CITY COUNCIL  
COMMITTEE ON PUBLIC SAFETY  
HEARING ON COMMUNITY POLICING**

**MARCH 3, 2015**

Good afternoon. My name is Darius Charney, and I am a senior staff attorney with the Center for Constitutional Rights (CCR). I would like to thank the Committee for inviting me to testify on behalf of CCR at this important hearing on Community Policing in New York City. This hearing comes at a critical moment during the ongoing and important discussion here in New York City and nationally about the relationship between police departments and the communities they police, particularly those communities which have historically borne the brunt of abusive and discriminatory policing practices.

Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization dedicated to advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights and committed to the creative use of law as a positive force for social change. For almost two decades, through litigation, legislative advocacy, research, and social movement support, CCR has challenged and sought to reform abusive and discriminatory policing policies and practices in New York City and across the country. Among our recent efforts are *Floyd v. City of New York*, a federal class action lawsuit that successfully challenged the constitutionality of the New York City Police Department's (NYPD) stop, question and frisk practices, and our ongoing involvement as a founding member of Communities United for Police Reform (CPR), a diverse

coalition of more than 60 grassroots, legal, policy and academic research organizations who in 2013 helped achieve the City Council's passage of the landmark Community Safety Act.

In discussing "community policing," it is important to first develop a shared, accurate, and meaningful understanding of the term because police reform advocates (including myself), police department officials, the media, and City, state and federal policymakers have often been guilty of defining the term so broadly as to rob it of any real meaning and usefulness as a guide in policing policy reform discussions. The definition that I like to use is provided by the Department of Justice's Office of Community Oriented Policing Services (COPS). In its 2009 report on *Implementing Community Policing*,<sup>1</sup> the DOJ states that a true community policing program involves three dimensions: (1) problem solving, (2) community engagement, and (3) organizational adaptation. While other witnesses who have testified or will testify today will discuss the problem-solving piece in detail, I would like to focus my remarks on the community engagement piece, particularly when it comes to reforming NYPD policies and practices that have historically alienated and/or violated the rights of various communities in New York City. In doing so, I will also touch briefly on the third dimension, organizational adaptation.

As the DOJ correctly notes, while police departments have often sought community support and assistance, "decision-making power has traditionally remained firmly in the hands of the police." Community policing, in contrast, "changes the nature of the partnership" by requiring police and community members to "share decision-making responsibilities," so that they are jointly deciding not only which problems to prioritize, but how to address them.<sup>2</sup>

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<sup>1</sup> Community Oriented Policing Services, U.S. Department of Justice, *Implementing Community Policing: Lessons from 12 Agencies* (2009) (hereinafter "COPS Report"), available at <http://ric-zai-inc.com/Publications/cops-p172-pub.pdf>.

<sup>2</sup> *Id.* at xx.



However, as CCR's work on stop-and-frisk over the past fifteen years has shown, and as anyone who has followed controversy over stop-and-frisk during those years knows all too well, the NYPD's response to what was a serious, widespread and longstanding problem for many communities in this City was the opposite of community policing. Instead, as was documented in the media, by the State Attorney General's Office, and in the comprehensive findings of the federal court in the *Floyd* litigation, the NYPD continued for more than a decade to ignore and reject the concerns raised by the community, and the few reforms it did undertake were unilaterally developed and enacted by the Department, with no community input, and thus, not surprisingly, were all minor, cosmetic, and did not meaningfully change the way officers behaved on the streets of New York City.

Thus, at the conclusion of the *Floyd* trial in 2013, CCR and our clients sought, and the federal court ultimately ordered, a "Joint Remedial Process" (JRP) to remedy the NYPD's unconstitutional and racially discriminatory stop-and-frisk practices. Through the JRP, which is overseen by a court-appointed facilitator, input will be sought from a wide array of stakeholders on the stop-and-frisk issue into what specific reforms, beyond traditional changes to officer training and formal written policies, are necessary to bring the NYPD's stop-and-frisk policies and practices into compliance with the Constitution and to end racially discriminatory law enforcement practices on the part of the NYPD. This input will then be used by the Facilitator, the *Floyd* Plaintiffs, the Police Department and the Court-Appointed monitor to develop a set of proposed reforms to submit to the Court for approval.

First and foremost on the list of stakeholders whose input must be obtained are the communities who have been most heavily impacted by the NYPD's unconstitutional stop-and-frisk practices. An additional stakeholder group named by the Court are local elected officials,

including the members of this Council whose constituents come from these impacted communities and who therefore have important insight to provide on potential policing reforms.

The JRP, which is modeled after the Collaborative Reform Process ordered by the federal court in a class action civil rights lawsuit against the Cincinnati, Ohio Police Department over a decade ago but which has not really been tried any place else, is a judicial remedy that is at once truly innovative and based upon a very basic democratic principle: that those communities most heavily impacted by an illegal and abusive governmental policy should have a direct say in how to fix it.<sup>3</sup>

The Collaborative Reform Process in Cincinnati resulted in the landmark Collaborative Agreement in 2002, which has not only transformed the way the Cincinnati Police Department polices that City, but has greatly improved what was once a toxic relationship between the CPD and Cincinnati's Black community. We, at CCR hold out similar hope for the Joint Remedial Process in New York, particularly in light of the tragic and disturbing brutality and violence perpetrated and suffered by New York City police officers that has taken place in Staten Island, East New York, Bedstuy and other parts of the City over the past year, which enemies of police reform have tried to use as grounds to oppose meaningful, community-driven police reform.

I submit that the City Council will play two crucial roles in ensuring the ultimate success of the JRP. First, as discussed above, Council members, as the elected representatives of those communities most heavily impacted by discriminatory and abusive stop and frisk practices, can and must communicate the reform ideas and desires of their constituents directly to the Court-appointed facilitator during the JRP. Second, this Committee can and must use its oversight

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<sup>3</sup> See *Floyd v. City of New York*, 959 F.Supp.2d 668, 687 (S.D.N.Y. 2013).

authority over the NYPD and its strong working relationship with the deBlasio administration to ensure that the Department itself participates in good faith in the JRP and is truly committed to its success.

A successful Joint Remedial Process in *Floyd* will not only bring lasting and meaningful changes to the NYPD's unconstitutional stop-and-frisk practices; it can serve as a model for how to engage communities as true partners in police reform long after the *Floyd* litigation and federal oversight of the NYPD ends, so that true community policing can be a reality in New York City for years to come.

Thank you.

My name is Linda Sarsour, and I am a member of the Muslim American Civil Liberties Coalition. There is a concern in American Muslim communities that community policing or “community outreach” in the name of counterterrorism is just intelligence gathering in disguise. This concern is not unfounded. Documents published by the Associated Press indicate that the NYPD has used outreach activities such as youth cricket leagues and mosque visits as a cover for intelligence collection.<sup>1</sup> The Department also actively spied on some of the same Muslim leaders it has involved in outreach, leading to boycotts and protests under the previous administration.

In Minneapolis-St. Paul, one of the pilot cities participating in the Justice Department’s new “Countering Violent Extremism” (CVE) program, new documents published by the Brennan Center for Justice show that community outreach programs were actually intended to identify suspects, recruit informants, and gather intelligence — not just address safety and other concerns as initially presented to community leaders.<sup>2</sup> Other uncovered documents show that the FBI profiled Muslims in Northern California for between 2004 and 2008, under the guise of community outreach, collecting information on mosque members and storing it in investigative files.<sup>3</sup>

Community outreach can be good practice, but using it as little more than a front for intelligence gathering is a shortsighted strategy likely to erode community trust and prove counterproductive. Muslim communities are unlikely to feel like partners in the fight against terrorism if they are also treated as potential suspects. Community outreach and intelligence gathering should not mix.

There are also a number of issues related to the NYPD’s surveillance of Muslim Communities that merit the City Council’s attention. These include: (1) the use and recruitment of informants in Muslim communities, which sows distrust and harms community relations with the NYPD; (2) the abuse of Terrorism Enterprise Investigations (TEIs) to launch wide reaching investigations into mosques and community organizations with little justification or oversight; (3) the retention of police records about community members and their First Amendment activities where there is no suspicion of criminality; and (4) the NYPD’s use of training materials that ascribe to a

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<sup>1</sup> Dave Zirin, Not a Game: How the NYPD Uses Sports for Surveillance, The Nation. Sept. 10, 2013, available at <http://www.thenation.com/blog/176082/not-game-how-nypd-uses-sports-surveillance>.

<sup>2</sup> Michael Price, Brennan Center for Justice, Community Outreach or Intelligence Gathering? A Closer Look at “Countering Violent Extremism” Programs (2015), available at [https://www.brennancenter.org/sites/default/files/analysis/Community\\_Outreach\\_or\\_Intelligence\\_Gathering.pdf](https://www.brennancenter.org/sites/default/files/analysis/Community_Outreach_or_Intelligence_Gathering.pdf).

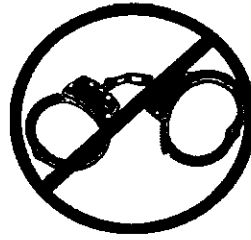
<sup>3</sup> Maria La Ganga, *FBI Documents Reveal Profiling of N. California Muslims*, L.A. Times, Mar. 28, 2012, available at <http://articles.latimes.com/2012/mar/28/local/la-me-fbi-california-mosques-20120328>.

discriminatory and thoroughly debunked theory of “radicalization” that equates religiosity with terrorism.

Many members of the Public Safety Committee have recently received an invitation to discuss these issues with Muslim community leaders. And if you haven't yet, you will soon. Although I speak to the Council in my capacity as a representative of the Muslim American Civil Liberties Association (MACLC), we are part of a broad and united coalition that includes AAANY, the Muslim Community Network (MCN), the CUNY Creating Law Enforcement Accountability & Responsibility (CLEAR) project, Women In Islam, the Council on American-Islamic Relations (CAIR), the Muslim American Society (MAS), the Association of Muslim American Lawyers (AMAL), DRUM – South Asian Organizing Center, the Muslim Public Affairs Council (MPAC) of New York, the Muslim Bar Association of New York (MuBANY), the Muslim Ummah of North America, the Islamic Circle of North America (ICNA), and the Majlis Ash-Shura (Islamic Leadership Council) of Metropolitan New York, and the Brennan Center for Justice.

We urge you to meet with us and to hold a public hearing on these issues.

**SAS** STREETWISE  
& SAFE



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**TESTIMONY OF CHRIS BILAL - CAMPAIGN STAFF, STREETWISE AND SAFE**

**MARCH 3, 2015 HEARING OF THE PUBLIC SAFETY COMMITTEE ON**

**EXAMINING COMMUNITY POLICING**

My name is Chris Bilal and I am campaign staff at Streetwise and Safe, a youth-driven organization that challenges the criminalization of LGBTQ youth through legal education, political advocacy, direct action and community education.

Our young leaders notice that all too often calls for community policing have been code for cash infusions into militarized police departments that have a history of selectively and arbitrarily enforcing laws and using violence against the LGBTQNC community. We call on City Council to invest in community initiatives and 1000 beds for homeless youth instead of a 1000 more cops. Strong communities and community policing can't exist where broken windows policing flourishes. We ask that the council divest from broken windows policing instead of investing more money into it.

LGBTQNC youth of color know that buzzwords like community policing are talking points that ring weak and hollow, especially when LGBTQNC folks are constantly profiled based on our sexual orientation, strip-searched to determine our gender identity, and are subject to having condoms seized from us at the slightest furtive movement in the city that is at the epicenter of the HIV/AIDS and epidemic.

Let's begin bettering community relations by actively listening to what community members have already asked for. After hearing the Garner verdict, communities marched in the streets and asked the City Council to pass the Right to Know Act. Having legislation that would require officers to secure objective proof of voluntary and informed consent for searches where there is no other legal justification should be considered basic to implementing a respectful and effective "community policing" plan. Having legislation that would require officers to identify themselves and the nature of the encounter would build trust and help prevent routine police encounters from escalating or taking on a gender and or sexually specific nature that damages any attempt at community policing.

True community policing can't occur if condoms are still being used as evidence of prostitution. True community policing requires that we expand the prohibition of the use of condoms from some to all prostitution related charges. Women of color, and especially transgender women of color, and LGBTQ youth of color are particularly hurt by this loophole and selective enforcement of the law. True community policing can occur by expanding and tightening the condoms operation order.

True community policing can't occur if we are still hearing complaints from our community that their preferred gender pronouns are being ignored or that they are being slurred by police officers. True community policing can't occur if we are still hearing stories of folks being searched to determine their gender, or if we are still hearing complaints that transgender and gender nonconforming people do not feel safe in police custody. We ask that the Inspector General investigate the implementation of changes made to the NYPD patrol guide in 2012, with the leadership of now Councilmember Menchaca, to address

these violations. We have a right to know not only if the trainings are being done, but if the changes are actually being followed.

Ending Broken Windows Policing, passing the Right To Know Act, enforcing changes to the Patrol Guide regarding the respectful treatment of transgender New Yorkers, and expanding the operations order on condoms should be considered basic to implementing a respectful and effective “community policing” plan that respects the rights of our LGBTQ communities.



Feb 28, 2015 VR in response to: Always start out with your name and specific affiliation the coalition and campaign

**Mark-Viverito I would like you to ask the citizens that have been the target of the “Draconian Policing Policy, “Stop n Frisk” and now “Broken Windows” for their perspective. ENY Brooklyn has be ground zero for both!** <sup>+ BROX</sup> Mayor De Blasio's \$78 billion dollar preliminary budget, does **NOT** include money for more cops, **despite** mild request from the Police Commissioner. But it does propose increase spending to combat **homelessness** and to help citizens below the safety net, battle **income inequality**” the new NYCHA agreement with the BCTC (Building Construction Trade Council) is the right direction for good paying union **jobs. NOT NEW POLICE!** The money that would have to be allocated for 1000 new cops can be applied to real crime reduction sustainability, **mental health, housing (NYCHA), Education, Transportation and infrastructure** would be a better use of our tax dollars. It's apparent that your civic and political alignment is outside the interest of the people of New York and the State Supreme Court. We believe you have lost your direction, for progressive solutions to improve the quality of life for all citizens and residents in the City of New York, but it's not too late to change that perspective. We would like you to follow the lead of the Mayor, the statistical ClaimState (2014) of the Controller (Scott Stringer) and the people, not that of Commissioner Bratton on this issue. **Historical Facts:**

- “Stop N Frisk” has already been declared unconstitutional based on the overwhelming **targeting** of Black/Brown people and the working poor. It's obvious that you and the council members that follow your lead, still haven't relented, on your unwillingness to follow the **spirit** of the decision by the Supreme Court.
- Broken Windows policing policy have targeted the same demographic Black/Brown people and the working poor.
- Broken Windows will have to be rescinded before any true improvements in relationship between law enforcement and those targeted. Any law enforcement officer worth their oath knows that it takes the community working with police to truly reduce crime.
- Crime is down, **tort** is up! The tortfeasors, NYPD cost the City \$137 million in FY 2013 alone. So your advocacy for more police is elusive at best. A comprehensive proposal would have to consider the additional tort cost per officer
- We believe that your soft reference to “Community Policing” is void of a systemic solutions and is just a way to placate and hide the continued policy of Bill Bratton.
- The immediate replacement of Bill Bratton as commissioner will be a progressive improvement.

- December 30, 2014 a letter was sent to your district office as well as your New York office (from Brite Leadership Coalition/eny) requesting a meeting to discuss a holistic approach for solutions in three primary areas, **homelessness**, improved relationship between the police, citizens and the alternative to Bill Bratton's policing philosophy.
- Three months later no response. I applaud the Mayor's office for responding and actually setting up meetings.
- It's obvious that your opinion has been shaped by someone other than the citizens that had to endure for decades the "Gestapo" style policing tactic level against them under the direction of Bill Bratton. The recent killing of an innocent citizen by the name of Akai Gurley was the results of the Broken Windows policing policy.
- East New York Brooklyn is and has ~~been~~ ground zero for Stop n Frisk, Broken Windows, excessive shelters and the Mayor's ambitious "Affordable Housing" initiative.
- The unwillingness to meet with the communities that have been targeted, to get their perspective for solution is interesting to say the least. Buffered by the advocacy of 1000 new cops confirm an egregious and outdated philosophy. If it's just a form of revenue raising, than say so.
- BLC is a member of a coalition "Organization Against Broken Windows" and have joined a campaign to highlight alternatives to Bratton's policing policy, named "**Safety Beyond Policing**". This coalition consist of intellectuals, civil servants, laborers, college students, Community Board members, 501(c) 3 organizations, Immigrations specialist and residents from the effected communities.

Mark-Viverito to strongly defend the proposal by making statements like this, lacks vision and historical realities. "Many of us continue to believe very strongly that this Police Department needs more police officers. And if we put in place effective community policing the way it is supposed to be, you need more officers on the ground interacting with communities," end Quote. We recognize "community policing" is a narrative that have no more meaning, than "Affordable Housing". "**Safety Beyond Policing**" is the solution. I know it leaves you at a disadvantage because no one you ever met with before ever used such a term to describe solutions to crime, social, economic, educational, mental health and housing issues. It should be noted that the letter you received in Dec. 2014, similar letters were also sent to a number of Chairs from relevant committees. The specific committees may be provided on request. BLC anticipated that at least a collaboration would have taken place between you and them. The double down on 1000 more police confirms that there was not, an open dialogue between you and your colleagues. No new Cops and End Broken Windows policing policies. **NOW !**



Thank you very much for allowing me to testify today on behalf of Citizen Action of New York. I'd like to start off by reading you the mission statement of the NYPD and then going into some of the reforms necessary to make our city safer by employing just methods of policing.

*The MISSION of the New York City Police Department is to enhance the quality of life in our City by working in partnership with the community and in accordance with constitutional rights to enforce the laws, preserve the peace, reduce fear, and provide for a safe environment.*

So why are we falling short in fulfilling this mission statement?

While the language of the statement emphasizes community partnerships and respect for constitutional rights, for too long, the NYPD has relied on a "command and control" approach to policing, using paramilitary tactics to apply overwhelming force to neighborhoods with already marginalized populations.

Rather than viewing themselves as engaged in a battle against "the bad guys" – a mentality that fosters mass criminalization and incarceration – the NYPD should act in cooperation and coordination with the communities that they serve.

The term "community policing" is one that has become popular among progressive policymakers, but there is no clear consensus on exactly how the concept should be implemented.

While some officials view it as simply increasing the number of beat cops that perform foot patrols in neighborhoods, we feel a broader interpretation is necessary in order to truly heal the sharp divisions between police and communities throughout the city. Our vision of true community policing is one in which police act in coordination with citizens and other public servants, so that arrests, fines, and summonses are not seen as the only solutions to societal issues.

The community affairs bureau should promote itself more actively to encourage more participation from the various communities that form the rich tapestry of cultures that is NYC.

There should be a program to introduce dedicated beat cops into a neighborhood so the community and officer can start to form a relationship that is harmonious rather than adversarial towards one another.

There is a need to encourage police hierarchy to assign officers that speak languages that are predominant in neighborhoods where they will be assigned. There are large numbers of people in

NYC whose first language isn't English. Encourage candidates to enroll in the academy from these neighborhoods.

Officers should also be trained in cultural sensitivity and to respect differences among the people whose lives are in your hands. Just one wrong signal exhibited at the wrong moment could lead to a tragic conclusion.

Operation Impact, a central program under the leadership of Bratton's predecessor, Ray Kelly, assigned rookie officers to patrol crime hotspots across the city. This program was reformed under Bratton to ensure that more experienced officers would patrol with rookies fresh out of the academy. This began in the early part of 2014. On November 22, 2014, Akai Gurley was gunned down in what appears to be a gross breach of protocol. What is being done to insure that this "mistake" never happens again?

The NYPD should be trained on social services available through other city agencies. Police officers should recognize that use of force and arrest does not have to be the answer to every problem they encounter.

In conclusion, there needs to be an increased level of trust between the police and the community that they are tasked to serve and protect. We should end the policy of 'broken windows' immediately and institute community policing practices to ensure that people won't fall into an ugly cycle of recidivism. It ruins lives and adds to the costs, both financially and morally to our commonwealth. There is a fine line that cannot be crossed or the freedoms that we cherish in our democracy are at serious risk of disappearing. Finding that line will make this city safer in all ways.

Josmar Trujillo

Tuesday, March 3, 2015

**Statement to New York City Council Public Safety Committee  
on behalf of the Safety Beyond Policing campaign:**

The Safety Beyond Policing Campaign calls on all elected officials and council speaker Melissa Mark-Viverito in particular, to abandon the push to add to the NYPD headcount Speaker Viverito mentioned in her state of the city speech (1). Organizers demand that the council suspend the dangerous idea of adding 1,000 more cops at a forecasted price tag of \$90-\$120 million for FY 2016, which doesn't include the commitment of funds for future years. The city should instead invest in our neighborhoods to strengthen the safety net for poor and working class New Yorkers and to address the socio-economic conditions that cause crime and intersect with unjust laws that criminalize our communities.

**Adding more cops to a militarized NYPD that carries out racist Broken Windows policing will only add more fuel to the fire.**

The NYPD is by far the largest police force in America (2). It also has one of the highest police to citizen ratios in the nation. According to a PROP study the NYPD already spends over \$1 Million Dollars A Day for low-level arrests (3, 4). The known NYPD budget has grown to over \$4.7 Billion for FY 2015. Increasing the size of an already massive police force doesn't make us safer; it only guarantees more Broken Windows-based policing (5) whose cops operate more and more like counter-terrorism troops. Dante Barry, Executive Director of Million Hoodies Movement for Justice says, "There is a national dialogue underway about demilitarizing the police (6). City officials must not play into the agenda of increasing an already large militarized NYPD force ahead of the community's needs."

**Our communities know what 'public safety' means and it's not more police.**

Communities of color are redefining safety - safety for us means investment in our basic needs and less police. Opal Tometi, Executive Director of BAJI and co-founder of Black Lives Matter (7) says, "We know that Speaker Viverito and city council are talking about 'Community Policing.' The term is nothing more than a euphemism for more surveillance and racially unjust policing practices. We don't need more police to carry out broken windows policing that keeps Black and Brown New Yorkers, including immigrants, in terror of law enforcement that any interaction with local police will lead to summonses, unaffordable fines, jail, immigration detention, or escalated violence."

**We do not need more police officers. We need strong communities.** Communities of color are being systematically over-policed while also being displaced by rising rent and gentrification. According to Coalition to End Broken Windows organizer Josmar Trujillo (8), "We need to fundamentally reinvest in our high-poverty neighborhoods in a way that strengthens community building, not vague notions of 'community policing'. Our campaign members believe our city money is better spent on things like jobs for young people, public transportation, mental health services and resident-empowering investment into NYCHA, among other glaring needs—not more cops."

**Campaign Partners:** Black Lives Matter NY, Coalition to End Broken Windows, Million Hoodies, El Grito de Sunset Park, Black Alliance for Just Immigration, Parents Against Police Brutality, Queens Neighborhoods United, Justice for Akai Gurley, Brite Leadership Coalition, East NY Concerned Citizens, Busk NY, ANSWER Coalition, Cop Watch Patrol Unit, Stop NYPD Spying, Mothers Cry for Justice, Bronxites for NYPD Accountability, Families for Freedom, Police Reform Organizing Project.

For more information visit [safetybeyondpolicing.com](http://safetybeyondpolicing.com) or email us at [nonewnypd@gmail.com](mailto:nonewnypd@gmail.com).

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*\*The above text originally appeared in the launch press release of the Safety Beyond Policing campaign.*



March 3, 2015

New York City Council  
Committee on Civil Rights  
250 Broadway - Hearing Rm, 16th Fl.  
New York, New York 10007

Dear Chairperson Vanessa Gibson and esteemed members of the Committee on Public Safety:

Greetings. My name is Rashad Robinson and I serve as executive director of ColorOfChange.org. With more than one million members, we are the largest online civil rights organization in the country. We are Black people in America and our allies of every race, working to make government and corporations more accountable to the concerns of our community.

Over the past three years ColorOfChange has been deeply involved with organizing New Yorkers around ending Stop, Question and Frisk, the “Broken Windows” policing tactic, racial profiling and baseless stops of hundreds of thousands of Black and brown folks by NYPD officers each year. Our members have also organized and taken to the streets to demand systemic reforms and an end to the police killings of Black New Yorkers like Ramarley Graham, Akai Gurley, and Eric Garner.

Mayor Bill de Blasio has kept his campaign promise to drop the city’s frivolous appeal of the landmark case *Floyd v. City of New York*. The appeal was originally filed by his predecessor, former Mayor Michael Bloomberg. But as evidenced by the high profile killings of unarmed Black people like Eric Garner and Akai Gurley during Mayor de Blasio’s term, it’s clear that our leaders in city government have much more work to do in order to keep Black and brown New Yorkers safe from police violence.

The unfortunate police killings of Eric Garner and Akai Gurley don’t tell the full story of the day to the day trauma’s suffered by Black and brown New Yorkers at the hands of officers. In recent months, several videos have gone viral of horrifying instances of NYPD brutality:

- A pregnant mother in Sunset Park was thrown to the ground;12
- A chokehold was used on a pregnant woman in East New York;13
- A man was brutalized in a Harlem train station;14
- A 16-year-old with his hands in the air was pistol whipped by an officer in Brooklyn;15
- A man was beaten in the Bronx after simply asking why he was questioned;16

At the peak of Stop and Frisk, the rate of stops in Black New Yorkers in communities like, Brownsville was 572 stops per 1000. Prompting Mayor de Blasio to launch focus his campaign platform on ending discriminatory policing in New York City and he won because of the power of Black and brown people. But now the Mayor has indicated that both Stop and Frisk and Broken Windows are here to stay, the consequences of which are enormous. Black and brown New Yorkers who are arrested as a result of Broken WIndows violations end up stigmatized, burdened with fines and arrest records that make it harder to find jobs, secure loans or obtain housing, especially public housing. At the end of the spectrum are unnecessary civilian deaths.

We applaud City Council Speaker Mark-Viverito for setting reform of the city's criminal justice system as a high priority in her State of the City – her plans to expand civil legal services, create a citywide bail fund, and reform school disciplinary practices are essential to moving our city towards are sure fire ways to interrupt the pipeline to prison that so many Black and brown youth find themselves trapped in and creates a more fair equitable justice system for everyone. The Speaker's proposals to address the use of arrests in the enforcement of low-level offenses are necessary to end the unjust criminalization of Black and brown communities.

Even these much needed reforms may not be enough to end a culture of police violence and impunity which is why we've developed our [CopWatchNYC.org](http://CopWatchNYC.org) police accountability tools. CopWatchNYC provides New Yorkers with helpful information on how to lawfully conduct cop watch and encourages them to monitor, record and expose police misconduct by sharing video footage. So everyone is doing their part to end racial profiling and expose discriminatory policing tactics.

### **About ColorOfChange engagement in the fight to end discriminatory policing in NYC**

- Nearly 240,000 ColorOfChange members have demand justice for Eric Garner;
- Nearly 35,000 ColorOfChange members have demanded justice for Ramarley Graham;



- Nearly 9,500 ColorOfChange members have demanded an end to NYPD's racially targeted marijuana arrest crusade;
- More than 43,000 ColorOfChange members have demanded an end to the Broken Windows policing tactic;
- More than 2,000 NYC ColorOfChange members have demanded an end to the discriminatory Stop and Frisk policing tactic.

## **Two New Yorks**

This issue hits close to home for me. I grew up on Long Island, the son of working class folks who own their business and worked hard to build a life for their two sons. I dreamed of living in New York City, which is where I now reside. I love this city. Besides being the capital of arts, media and culture, it's thought of as the capital of possibilities: The possibility that if you work hard and use your talents, you can make it here no matter where you're from. I grew up only a train ride away, but the city felt like another universe, illuminated by the bright lights of opportunity.

But what I've come to know is that there are two New Yorks, and the one you live in often depends on your race, ethnicity and socioeconomic status. I have seen the side of the city where people are treated like criminals because of the way they look and the assumed size of their bank accounts. And I have seen the other side of the city, where people trust that they can walk through their neighborhoods without fear of being stopped, harassed or humiliated by police or security personnel without just cause.

ColorOfChange members are committed to ending racial profiling anywhere it may occur in the city and we are encouraging the City Council to use this hearing as an opportunity to hold both the NYPD and proponents of discriminatory policing accountable for practices that target, and even lead to senseless killings of Black and brown New Yorkers.

## **Voice of ColorOfChange members**

“On behalf of Black Americans and other minorities who are being victimized by bias racial profiling police officers I am calling for help. Please help Black American citizens and other voiceless minorities live peacefully in America.”

“Please end the appalling "Broken Windows" policy and all such police-state type policies. They have no place in the United States.”

“I am tired of reading about the senseless killing being done by the people who we pay our taxes to serve and protect us. They are starting to be no better the the people they are suppose to be protecting us from.”

“Youth should all have equal opportunities to survive and thrive to become the

shapers of the future. Ramarley's life was cut short by the police who were hired to protect his life. His family should not know this kind of pain.”

“Broken Windows harasses New York neighbors, and enough is enough. Please use your office to set policies that treat black and brown citizens as equal human beings whose lives and talents are valued.”

“Is this what you mean by "protect and serve"? These officers should be fired, investigated, and, if warranted, tried for murder--which is more of a chance than they gave Eric Garner. If this is the type of policing meant by "Broken windows" policy (which I believe applies more to abandoned buildings, tagged public places, and overgrown lots), it needs to be halted immediately.”

“Hold them accountable! Police brutality and racial profiling has to be stopped. Look at Richmond, California - it can be done.”

## **Conclusion**

In addition to the proposals laid out in Speaker Melissa Mark-Viverito’s The Council and de Blasio administration must address:

- Unequal police enforcement for low-level offenses occurring throughout the five boroughs, in order to reduce the racial disparities in arrests so that they are not transferred to disparities in who receives summonses and desk appearance tickets.
- Passage of the pending Right To Know Act in the City Council to improve transparency and the daily interactions between civilians and the police.

The discriminatory ways in which our communities have been policed have gone unaddressed for too long, and we look forward to working with the Council to ensure all New Yorkers are provided with equal protection under the law. There remains important work ahead to ensure the enforcement of these reforms, but we are hopeful and confident that we are able to work with the City Council to ensure long-term accountability and an end to the types of dangerous and discriminatory tactics that put our communities at risk. And we hope now that NYC has abandoned its commitment to Stop and Frisk and Broken Windows -- a smart policy decision that would pressure other cities to end discriminatory policing as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Rashad Robinson". The signature is fluid and cursive, with the first name "Rashad" and last name "Robinson" clearly legible.

Rashad Robinson, ColorOfChange Executive Director

**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: Dolores Jones Brown

Address: John Jay College

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: \_\_\_\_\_

(PLEASE PRINT)

Name: Maryus Jenkins

Address: \_\_\_\_\_

I represent: Drum

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: 3/3/15

(PLEASE PRINT)

Name: KIRSTEIL JOHN FAY

Address: 529 BOSTON AVE BRONX NY 10466

I represent: NATIONAL ACTION NETWORK

Address: 106 W 145<sup>TH</sup> ST HARLEM NY 10039

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: Jose LaSalle

Address: Brnx

I represent: Copwatch Patrol Unit

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: 3/3/15

(PLEASE PRINT)

Name: Marjorie Dove Kent

Address: 646 Angyle Road 18E, Brooklyn, NY 11230

I represent: Jews for Racial and Economic Justice

Address: 330 7th Avenue, suite 1901, NY, NY 10006

**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: Prof. Grey UMBACH ("Fritz")

Address: 205 WARREN 2G

I represent: CITY UNIV. OF N.Y (John Jay)

Address: 899 10<sup>th</sup> AVE

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: 3/3/15

(PLEASE PRINT)

Name: Darius Charney  
Address: 666 Broadway 2th Fl NY, NY 10012  
I represent: Center for Constitutional Rights  
Address: 666 Broadway 7th Fl NY, NY 10012

**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: 3/3/15

(PLEASE PRINT)

Name: Djibril Toure  
Address: 193 Cambridge Street  
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: \_\_\_\_\_

(PLEASE PRINT)

Name: Tracee Keese  
Address: 555 W. 57th Ave. New York - 10019  
I represent: John Jay Library  
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: 03/3/15

(PLEASE PRINT)

Name: Keeshan Harley

Address: 854 Hancock St, Brooklyn, NY

I represent: Make The Road NY, CRR, RFP

Address: 301 Grove St

**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: 3/31/15

(PLEASE PRINT)

Name: Chris Bilal

Address: 147 W. 24th Street

I represent: Streetwise + Safe

Address: 147 W. 24th Street

**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: March 3, 2015

(PLEASE PRINT)

Name: Jackson Leon

Address: 2470 79th St. 36 Jackson Heights NY 11222

I represent: Iris Baez, father of Anthony Baez

Address: 6 Anthony Baez Pl Bronx NY 10453

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: 3/13/15

(PLEASE PRINT)

Name: Sharon Hester

Address: 9 Dodd St. # C-5 Bldg. # 07003

I represent: Justice for Akai Gurley

Address: (testifying with Cathy Dang, CAAAV)  
(CDR)

**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: 3/13/15

(PLEASE PRINT)

Name: Cathy Dang

Address: 55 Hester St. New York 1002

I represent: CAAAV organizing Asian Communities

Address: (we are with Communities United for  
Police Reform)

**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: March 3<sup>rd</sup> 2015

(PLEASE PRINT)

Name: Juan Ramon Aguero

Address: 55-30 99<sup>th</sup> St #6E Corona N.Y. 11368

I represent: The Justice Committee

Address: 105 E 17th St. N.Y.C. 10003



**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: 3/3/15

(PLEASE PRINT)

Name: Scott D. Levy

Address: 360 E. 161<sup>st</sup> St., Bx

I represent: The Bronx Defenders

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: Josmar Turillo

Address: \_\_\_\_\_

I represent: Bits

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: 3/3/2015

(PLEASE PRINT)

Name: Linda Sarsour

Address: 7111 5<sup>th</sup> Avenue, Bklyn NY 11209

I represent: Muslim American Civil Liberties Coalition

Address: same as above

**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: Zeinab Khalil

Address: 460 Drington Ave

I represent: Arab American Assoc. of NY

Address: 7111 5th Avenue NY NY 11209

**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: 3/3/15

(PLEASE PRINT)

Name: Ralph Palledino

Address: 125 Barclay Street NY NY 10007

I represent: 2nd VP, L1549, DC37

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: Kate Rubin

Address: 646 Argye Rd Apt. D17, BKlyn

I represent: The Bronx Defenders

Address: 360 E. 161st Street, Bx, NY 10451

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: 3/3/15

(PLEASE PRINT)

Name: Cynthia Conti - Cook

Address: Legal Aid Society 199 Water

I represent: Special Litigation Unit

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: 3/3/15

(PLEASE PRINT)

Name: James Brodick

Address: 520 8th Ave NY NY 10012

I represent: Center for Court Innovation

Address: 520 8th Ave - NY, NY 10012

**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: Marbret Stainy - Butts

Address: 3111 GLENWOOD Rd, B7 BROOKLYN NY 11210

I represent: CENTER FOR POPULAR DEMOCRACY

Address: 802 Kent Ave, BK NY 11205

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: 3/3/15

(PLEASE PRINT)

Name: Dep. Comm. Susan Herman

Address: Dep. Comm., Collaborative Policing

I represent: NYPD

Address: 1 Police Plaza NYC

**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: Michael Kern

Address: 7311 3rd Avenue #2F

I represent: Citizen Action NYC Chapter

Address: 40 Worth St., Ste. 802, NY, NY 10007

**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: 3/3/15

(PLEASE PRINT)

Name: SYEDA TASNIM

Address: 2 COURT SQUARE (CUNY School of Law)

I represent: CLEAR Project

Address: Long Island City, NY

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: \_\_\_\_\_

Name: MARK Rampersant (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYC DOE- Office of Safety & York

Address: Development

**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: \_\_\_\_\_

Name: ELIZABETH DANK (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: OCDV

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: 3/3/2015

Name: Elizabeth Glazer (PLEASE PRINT)

Address: 1 Centre St.

I represent: The de Blasio Administration

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: March 3, 2015

(PLEASE PRINT)

Name: Patrick O'Hagen

Address: Bronx

I represent: NYCHA

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: March 3, 2015

(PLEASE PRINT)

Name: Brian Clarke

Address: \_\_\_\_\_

I represent: NYCHA

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: 3/3/15

(PLEASE PRINT)

Name: Alyssa Aquilera

Address: 80-1 FOURTH AVE, BK, NY 11217

I represent: VOCAL-NY

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: 3/3/15

Name: Vincent RIGGINS (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: BRITE LEADERSHIP COALITION

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: 3/03/15

Name: Benjamin Nduyga-Kubuye (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Safety Beyond Policing

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: \_\_\_\_\_

Name: Christopher Lewis (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Department of Youth + Community Development

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: DAVID F. HAY

Address: \_\_\_\_\_

I represent: NYC D

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: Carroll Tiller

Address: 175 Broad Street

I represent: New York City

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: 3/3/15

(PLEASE PRINT)

Name: Asst. Chief Terence Monahan

Address: CO, Chief of Department's Office

I represent: NY PD

Address: 1 Police Plaza NYC

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