

December 17, 2017

New York City Council
Committee on Public Safety
City Hall
New York, NY 10007

Dear Council Member:

We write to urge you, as a member of the City Council's Committee on Public Safety, to support passage of Introduction 541-C and either withdraw Introduction 182-D or vote it down in your committee. While we support progress that advances police accountability and transparency, we do not support Int. 182-D or consider it reform that moves the issue forward in our city. In fact, we see Int 182-D as counterproductive since it fails to provide the basic protections that were the purpose of the Right to Know Act, while giving the false appearance of progress and deflating political will for real change.

We were disappointed to learn that Councilmember Torres broke his word to us and the rest of the Right to Know Act coalition of over 200 groups by advancing this version of Int 182 at the last minute without any genuine communication or notice. It's even more upsetting that the content of this Int. 182-D is lacking in substance and protections, and thus undermines police accountability in New York City. In this moment, we need politics to be put aside and for our representatives to listen to community members who are experiencing police abuses.

In your final days of session, it's hard to think of what would be worse than this City Council passing a counterproductive Int 182-D, leaving New Yorkers unprotected from police abuses that stem from a lack of transparency and accountability, but yet claiming the contrary. Those who claim that this is some progress now, better than nothing, and can be improved later are either unaware of history, not being realistic, or are being disingenuous about how police reform unfolds in this city. Collectively, we have decades of history advocating for reform and we know that between the institutional resistance of the NYPD and vanishing political will, no improvements will be made and the major problems with this bill will go unresolved. Since the encounters this bill was aimed at addressing but this version completely removes are entirely lack transparency, with no reporting requirements, there will be no way to measure how ineffective this legislation is beyond the continued abusive experiences of communities in these encounters. We're asking that you listen to communities now, before taking a step that they are telling you will not be progress, but instead would bring the movement backwards. It would be a grave disappointment to us and our city for you to move Int. 182 forward, and we urge you to not make yourselves responsible for taking the movement for police accountability backwards. Please do right by communities and families that need protections, not political victory laps.

As the surviving family members of New Yorkers killed by police in this city over past decades, we have become involved in fighting for progress on police accountability and reform in ways beyond our expectations. You have heard many of us say that we are part of a club that none of us ever wanted to join, that no one but family members who have lost loved ones to police violence can truly understand. We have dedicated so much of our lives and time to advocating for this important cause so that other families and people in New York City are not forced to go through the loss, pain and struggle that we have experienced. This fight for accountability and transparency has been waged for decades and we have sacrificed too much to accept empty reforms that will fail to make a difference on the ground while government officials claim success.

This bill has been stripped of its core protections and left only with loopholes, leaving it as an empty shell. It cannot credibly be considered progress. It removes the transparency and accountability protections from the majority of policing encounters, where abuses are prevalent because they are lacking in transparency. Protections for low-level investigatory encounters have been eliminated and traffic stops are no longer covered in the bill. It is baffling how the City Council could remove protections for these encounters when New Yorkers are most vulnerable in them, and then seek to label it as compromise. This version of the bill is a

wholesale retreat from the Right to Know Act. It seems to look more like efforts by a mayoral administration to protect its police department's lack of transparency instead of a City Council effectively exercising legislative oversight to advance police accountability. As the CCRB continues to get significant complaints of officers refusing to provide their name and badge number in these encounters, and investigations are forced to be closed because the identities of officers remain unknown, it would be shameful for this City Council to allow that concealment to continue, as this bill permits.

Our experiences have given us a unique understanding of how deeply problematic transparency and accountability are within the NYPD. Based on our experiences and advocacy work with other New Yorkers directly impacted by police abuses, we have come to greatly understand what kind of change is required to advance progress. It is the reason that for so many years, many of us fought for a special prosecutor in police killings of civilians. Two years ago, we successfully led a campaign that moved Governor Cuomo to authorize the Attorney General's Office as a special prosecutor for such killings, something most government and political officials at the time told us was not possible. When attempts were made initially to incapacitate the special prosecutor executive order with the removal of protections and insertion of loopholes, we didn't accept those broken promises and in turn ended up with something we, the state and nation could be proud of. This is the same thing – there is no reason that in NYC, police accountability should be undermined by the elected officials supposed to hold the mayor and his police department accountable. It would be unfortunate if you failed to rise to the occasion, just as state government did at that time by listening and responding to New Yorkers impacted by policing abuses. This city should end up with reforms we all can be proud of because they protect people and are a model for the state and nation. 182-D is nowhere close to achieving that.

We know how to effectively work with government to achieve important changes, and it is disrespectful and condescending to assert – as Council Member Torres has – that we are somehow “fanatical” or “demented” for demanding real change or that we don't understand compromise. But there is a difference between compromise and retreating from key principles and tenets of a bill. We supported the Right to Know Act because the reforms were overdue and critically needed for our communities. This isn't about Council Member Torres or being a good colleague to him. It is about what's best for communities. For many community members, as we know all too well, these policing encounters can become about life or death. We urge you to put police accountability and justice first, and urge that Int. 182-D be withdrawn or vote against it if it comes before the committee and the floor. The alternative is to the short and long-term detriment to police accountability in this city.

Sincerely,

Iris Baez, mother of Anthony Baez (killed by NYPD in 1994)
Hawa Bah, mother of Mohamed Bah (killed by NYPD in 2012)
Valerie Bell, mother of Sean Bell (killed by NYPD in 2006)
William Bell, father of Sean Bell (killed by NYPD in 2006)
Gwen Carr, mother of Eric Garner (killed by NYPD in 2014)
Victoria Davis, sister of Delrawn Small (killed by NYPD in 2016)
Kadiatou Diallo, mother of Amadou Diallo (killed by NYPD in 1999)
Natasha Duncan, sister of Shantel Davis (killed by NYPD in 2012)
Jennifer Gonzalez, partner of Kenny Lazo (killed by police in 2008)
Carol Gray, mother of Kimani Gray (killed by NYPD in 2013)
Joyce Huang, sister of Yong Xin Huang (killed by NYPD in 1995)
Joshua Lopez, nephew of John Collado (killed by NYPD in 2011)
Constance Malcolm, mother of Ramarley Graham (killed by NYPD in 2012)
Chie Oyamada, mother of Ryo Oyamada (killed by NYPD in 2013)
Tsukasa Oyamada, father of Ryo Oyamada (killed by NYPD in 2013)
Nancy Pacheco, sister-in-law of Jayson Tirado (killed by NYPD in 2007)
Hertencia Peterson, aunt of Akai Gurley (killed by NYPD in 2014)
Tomoko Suzuki, sister of Ryo Oyamada (killed by NYPD in 2013)
Kaoru Takano, sister of Ryo Oyamada (killed by NYPD in 2013)



December 18, 2017

New York City Council
City Hall
New York, NY 10007

Dear Council Member:

We write today to explain our opposition to Intro 0182-D, one half of the ‘Right to Know Act,’ in its current form. We also urge you to vote to prevent the bill from moving forward as it is currently written. As Black and Latino law enforcement organizations we have a unique perspective of experience on the front line and understanding firsthand the need for continued discussion on policing in our communities.

The bill, as it is currently proposed, fails to address key instances of police-civilian encounters, including the majority of police interactions and traffic stops. Past events have made it clear that both civilians and officers have reason to want codified protections in such instances; it is undeniable that many people have fears of abusive behavior in such situations, and their fears are warranted. Officers, too, have reason for concern in those interactions. This bill does not alleviate or address such fears, instead removing the issue entirely. We believe that passing such legislation would have a negative impact on much needed future discussions by providing a premature celebration that leaves too much unaddressed on both sides.

Officers should identify himself or herself to the person who is the subject of such law enforcement activity by providing his or her name, rank and command via pre-printed business card or other handwritten form at the conclusion of noncustodial questioning and/or pedestrian stops. The offer of the written information to identify said Officer should be physically overt and not merely a verbal offer. In addition, a minimum number of pre-printed and/or handwritten alternatives should be determined and mandatory before an Officer is deployed to the field dependent on said Officer’s assignment (i.e. motor patrol vs. foot patrol) as is currently mandatory for Officers to carry other business documents (i.e. Department memo books, other paper index cards containing police related information i.e. radio codes, Spanish phrases, etc.). The language in the bill should clearly articulate in writing the intended behavioral expectations the council is expecting from the Police Department uniform force. If we are not exact in the bill’s language, the unintended consequence is that we allow for circumstances to be created that allow for legal protections for why the intent of the bill falls short of the public’s goal of greater police accountability and transparency.

These are complex issues, with deeply held convictions and valid concerns all around. Issues of such complexity require as much open dialogue, debate, and understanding as possible, with all parties present at the table. The ability to have these discussions is intrinsically linked to the ability to solve the real problems we face. While such discussions have the potential to develop creative, successful solutions, such solutions cease to be possible when discussions are cut off. In the haste to codify some tangible progress before an arbitrary deadline, it seems that a deal has been reached, rather than a solution.

We believe that the opportunity for a solution has not passed, and that all relevant voices should return to the conversation. While there will certainly be disagreement and difficulties between them, there is indisputable value in continuing to pursue a solution. We are committed to continuing in that pursuit, and would ask that you join us in continuing the conversation by opposing the bill that would cut it off.

Police-community relations are at a pivotal point in history, especially here in New York City. It would do a disservice to all involved to push forward in haste on an ill-conceived piece of legislation such as this. We continue to have greatest confidence in those negotiating and collaborating on all sides, if only they are allowed to continue to do so into the next session of the Council, with whom we are determined to work for betterment of all New Yorkers.

Humbly,

Charles Billups, Chairperson of Grand Council of Guardians

Julia Diaz, President of National Latino Officers Association

Noel Leader, Board Member of 100 Blacks in Law Enforcement Who Care

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 182B Res. No. _____

in favor in opposition

Date: 12/18/17

(PLEASE PRINT)

Name: Julia Carmel-Salazar

Address: 577 Van Buren St, Apt 2 Brooklyn, NY

I represent: Communities United for Police Reform

Address: _____

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