



## Legislation Text

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### Res. No. 1339

Resolution expressing a loss of confidence in Mayor de Blasio and calling upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to protect the safety and promote the general welfare of the public, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

By Council Member Menchaca

Whereas, The most essential functions of the Mayor of New York City are to provide for the safety, promote the general welfare, and protect the rights of every New Yorker; and

Whereas, The Mayor must ensure that the City's police force functions to protect people from harm, not brutalize them for exercising their rights peacefully; and

Whereas, On April 16, 2020, in his Fiscal Year 2021 executive budget, Mayor de Blasio failed to commit resources appropriately to help the City recover from the global COVID-19 pandemic, proposing a miniscule cut to the New York Police Department's (NYPD) nearly 6 billion dollar budget, while making drastic cuts to social service agencies like the Department of Youth and Community Development, and

Whereas, In his Fiscal Year 2021 executive budget, the Mayor eliminated the Summer Youth Employment Program that provided summer jobs to 70,000 young people last year, and

Whereas, In making these drastic cuts to education and employment opportunities while prioritizing the needs of a militarized and unaccountable police department, Mayor de Blasio contradicted his own promises to ensure a just and equitable recovery for all New Yorkers; and

Whereas, On May 25, 2020, George Floyd was murdered by police in Minneapolis, dying after Officer Derek Chauvin held his knee on Mr. Floyd's neck for eight minutes and forty-six seconds; and

Whereas, The killing of Mr. Floyd occurred around the same time as other high-profile racist acts

against Black people - the killing of Ahmaud Arbery by two white men while he was jogging two miles from his Georgia home, the killing of Breonna Taylor by police while she was sleeping in her home in Louisville, the killing of Tony McDade, a Black trans man, by police in Tallahassee, and the unwarranted 911 call placed by Amy Cooper, a white woman, against Christian Cooper, a Black man, after he asked her to leash her dog in Central Park; and

Whereas, During the week of May 25, protests and demonstrations against police brutality and the nation's systemic racism sprang up, starting in Minneapolis and spreading to other cities across the country; and

Whereas, The response to the police killings of Eric Garner, Amadou Diallo, Ramarley Graham, and other high-profile cases in New York City demonstrated that New Yorkers shared grievances being expressed by the national protests and demonstrations against police brutality and unaccountability, leading to protests and demonstrations in New York City; and

Whereas, According to news reports and documented video evidence, the NYPD engaged in many instances of unprovoked aggression against peaceful protestors, including pepper-spraying New York State Senator Zellnor Myrie and New York State Assemblywoman Diana Richardson, as they demonstrated alongside peaceful protestors at the Barclays Center in Brooklyn on Friday, May 29; and

Whereas, On Saturday, May 30, there were also reports and documented video evidence of an NYPD SUV driving into a crowd of protestors on Flatbush Avenue in Brooklyn, ramming at least half a dozen people and knocking several people to the ground; and

Whereas, On Monday, June 1, Mayor Bill de Blasio announced a citywide curfew from 11 p.m. to 5 a.m., which the Mayor subsequently extended to 8 p.m. to 5 a.m. through the evening of Saturday, June 6; and

Whereas, By failing to explain the curfew's parameters, limits, and guidance to the City Council, the Mayor endangered the public welfare and the City Council's ability to oversee the curfew's effectiveness; and

Whereas, According to news reports and documented video evidence, the NYPD enforced this curfew, at times violently, on peaceful protestors and members of the press exercising their First Amendment rights,

using aggressive and violent tactics such as encircling to eliminate exit routes, charging at them with batons, beating them, and throwing them to the ground; and

Whereas, There were news reports and documented video and photo evidence of NYPD officers covering their badge numbers and other identifying markers, violating New Yorkers' right to identify and file complaints against police officers engaged in misconduct; and

Whereas, There were news reports and documented video evidence of essential workers, including food delivery workers, a healthcare worker, and journalists, being detained by police, despite their exemption from the curfew; and

Whereas, There were also news reports and testimony of public defenders and legal aid organizations, who were classified as essential workers, being denied from helping detained New Yorkers to exercise their due process rights, either by detaining New Yorkers for longer than 24 hours, or by preventing essential workers from providing legal assistance; and

Whereas, The NYPD confirmed that Immigration and Customs Enforcement (ICE) agents were providing security outside NYPD precincts during the protests, raising questions about whether the NYPD is complying with city law that limits cooperation with ICE, and whether immigrants are being put in unnecessary danger; and

Whereas, At least one NYPD officer was charged with misdemeanor assault for shoving a 20-year-old female protester to the ground and causing a concussion, and law enforcement officials have said misconduct or criminal charges are being considered for as many as 40 additional officers in connection with their clashes with protesters; and

Whereas, Despite these documented instances of police brutality and the violation of constitutional rights, Mayor de Blasio failed to immediately and unequivocally acknowledge and condemn the use of unnecessary aggression and violence against peaceful protestors, instead consistently praising the performance of the NYPD overall in its handling of the protests; and

Whereas, Mayor de Blasio won his first mayoral election in 2013 on a democratic mandate to reform the police and criminal justice system, but has consistently impeded reforms that would hold police officers more accountable to the public, including by failing to fire NYPD Officer Daniel Pantaleo for murdering Eric Garner in a chokehold in 2014 and dramatically expanding the interpretation of section 50-a of the Civil Rights Law, which curtailed transparency of police misconduct complaints; and

Whereas, By failing to protect the public from police abuses, endangering immigrants through cooperation with ICE, and failing to allocate adequate resources to social services to ensure a just and equitable recovery from the COVID-19 pandemic, Mayor de Blasio has failed to perform the most fundamental duties of his office and cannot be trusted to do so in the future; now, therefore, be it

Resolved, That the Council of the City of New York has lost confidence in Mayor de Blasio and calls upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to protect the safety and promote the general welfare of the public, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

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