



Legislation Text

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Res. No. 59

Resolution calling upon the appropriate Committee of the Council to conduct an oversight hearing on the NYPD's request to alter the Handschu agreement.

By Council Members Perkins, Monserrate, Barron, Comrie, Jackson, Jennings, Sanders, Seabrook, Quinn and Clarke

Whereas, On September 25th, the NYPD petitioned a Federal District Court judge to lift restrictions that limit the ability of the police to monitor political activity, contending that these restrictions now significantly threaten to hamper its counterterrorism efforts; and

Whereas, These restrictions, which are contained in a consent decree signed by the City in 1985, known as the Handschu agreement, limit the power of the police to investigate political activities by individuals or groups, unless investigators possess specific, concrete information that a crime is about to be committed; and

Whereas, Attorneys for the police argue that the circumstances in our city have changed dramatically since the decree was signed, especially since the September 11th terror attacks, and that this new dangerous climate of continuous terrorist threat, warrants an immediate modification of the decree; and

Whereas, The NYPD argues that the restrictions, which prevent the police from engaging in such activities as videotaping political demonstrations, unreasonably prohibit them from using surveillance and undercover officers to effectively monitor terrorist cell groups that may never engage in any overt criminal acts until they suddenly unleash a major attack, whereupon any police action would be too late; and

Whereas, In contrast, the NYPD's request has drawn serious opposition from a number of groups, including some civil-libertarians and Arab-Americans who characterize the petition as a possibly unconstitutional effort to infringe upon civil rights; and

Whereas, Opponents of the move contend that the NYPD is attempting to "open the door" to police surveillance of legitimate political activity, without any evidence of illegal conduct; and

Whereas, As Chris Dunn, Associate Legal Director for the NYCLU, has stated, "While the NYPD, of course, should be investigating potential criminal and terrorist activity, it has no legitimate reason to spy on lawful political activity"; and

Whereas, The people of the City of New York should be assured that all efforts are being made to optimize their safety and

security, while protecting and preserving their civil liberties; and

Whereas, Conducting an oversight hearing would allow both sides of the issue to demonstrate how to successfully balance the ability of the police to effectively gather intelligence and take proactive measures to protect our city, while also ensuring that law enforcement does not obtain an unchecked ability to intrude into the lives of individuals engaging in legitimate political activities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the appropriate Committee of the Council to conduct an oversight hearing on the NYPD's request to alter the Handschu agreement.