



## Legislation Text

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**File #:** Res 0136-2004, **Version:** \*

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### Res. No. 136

Resolution in support of a federal Civil Rights investigation into the fatal shooting of Timothy Stansbury, Jr. and calling upon the New York City Police Department to change its policy of allowing officers to have their firearms already drawn at their sides while patrolling public housing staircases and rooftops.

By Council Members Barron, Clarke, James and Jackson

Whereas, On January 24, 2004, New York City Police Officer Richard Neri fatally shot 19 year old Timothy Stansbury, Jr. on a roof of the Louis Armstrong Houses building in the Bedford Stuyvesant section of Brooklyn; and

Whereas, Officer Neri and his partner, Officer Jason Hallik, were on a routine patrol of the building's roof and about to enter the stairwell, when the door sprung open as Hallik was reaching to pull it open; and

Whereas, Mr. Stansbury, on his way to a party in an adjoining building, was unarmed and was using the roof as a shortcut when he was shot; and

Whereas, Timothy Stansbury startled the officers by appearing at the door and moving toward Officer Neri, who reacted on the darkened roof by firing one shot into Mr. Stansbury's chest; Mr. Stansbury's friends, with him at the time of the shooting, claim the victim made no sudden moves and never got beyond the stairwell landing; and

Whereas, Police Commissioner Ray Kelly called the shooting unjustified and an indictment had been expected, but on Tuesday February 17, 2004 a grand jury declined to indict Officer Neri in the fatal shooting; and

Whereas, Although Officer Neri was acting in accordance with NYPD

procedures which allow officers to have their guns at their guns out at their sides in dangerous situations, this tragic accident might have been prevented had Officer Neri's gun been holstered and not drawn; now, therefore, be it

Resolved, That the Council of the City of New York calls upon federal prosecutors to initiate a civil rights investigation into the shooting death of Timothy Stansbury, Jr. and calls upon the New York City Police Department to change its policy of allowing officers to have their firearms already drawn at their sides while patrolling public housing staircases and rooftops.