



**STATEMENT OF POLICE COMMISSIONER
WILLIAM J. BRATTON**

**BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE**

JUNE 29, 2015

Good morning. Thank you for the opportunity to discuss the wide variety of issues contained in the bills before you today.

Before we begin, however, I wish to state again, for the record, that the New York City Police Department is deeply grateful to the Council and Mayor de Blasio for the resources allotted to us in Friday's budget. The expanded headcount you authorized will allow us to implement an unprecedented Neighborhood Policing model. The model is described at length in our new, online Plan of Action—*One City: Safe and Fair—Everywhere*—which is available at the Department's Internet site.

By reestablishing, recasting, and revitalizing the relationship between the police and the public they serve, Neighborhood Policing will change many aspects of how cops and community interact—and thereby address many of the concerns that underlie the bills we're considering today.

These bills are grouped into three main categories: police use of force, operational methods and guidelines, and reporting standards and transparency. I will discuss each of the bills in its particulars in a moment, but first allow me to comment on each of these categories.

Concerning the first, I am happy to report that police use of force is rarer than ever. Police work remains dangerous work, as the assassinations of Detectives Liu and Ramos and the murder of Detective Brian Moore demonstrate. Recent assaults on my officers show it, as well, including attacks with hammers, knives, and guns.

Despite this, officers use their firearms less often in New York than in nearly every other large American city. This year we are on track to have fewer officer-involved shootings than ever before.

Officers also use less and less force of any kind. From 2010 to 2014, instances of force—of any kind—used during arrest are down 34%. In 2010, 2.5% of arrests involved the officer using force; in 2014, that figure was 1.8%. In other words, for every 100 arrests, fewer than two involve the officer doing anything other than putting handcuffs on the arrestee.

This is a testament to my officers, but also indicative of a public that understands that resisting arrest is NEVER acceptable under the law. Diminishing law enforcement's

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authority is counterproductive to maintaining and encouraging that understanding, which serves to keep all of us safer.

But despite these low rates, we want to do better. Our new training emphasizes de-escalation and communication techniques designed to avoid conflict. Every cop knows that talking someone into cuffs trumps force every time. But, in the 2% of instances when force is necessary, the training teaches officers to use the least amount possible to bring the situation under control.

We're seeing the positive effects of this, too. Through the end of May this year, complaints to the Civilian Complaint Review Board are down 25.5% compared to the same period in 2014. This continues a five-year trend that saw complaints drop 27.4% from 2010 to 2014.

Furthermore, with the resource allocations authorized by the Mayor and the Council, and using our newly promulgated Plan of Action and the Neighborhood Policing model that is at its core, we believe that positive interactions and relationships with the public will only accelerate in the coming months and years.

Concerning the second category of bill, operational methods and guidelines, I wish to say—respectfully but firmly—that these are the purview of the Police Commissioner and the Police Department, and not of legislative control. Furthermore, the concerns that underlay these bills—particularly Intro. 541, the “Consent to Search” bill—have been almost entirely addressed over the past 18 months of Mayor de Blasio’s administration, and were, in fact, being addressed even during the last period of the previous administration.

In other words, these bills represent a solution in search of a problem. Practices have been changed and oversight has been established. There is a federal monitor, an inspector general, five district attorneys, the Civilian Complaint Review Board, two US attorneys, and the Department of Justice.

More importantly, both reasonable suspicion stops and marijuana arrests have been significantly curtailed. Reasonable-suspicion stops, or “stop, question, and frisk,” have declined 93% from their historic high in 2011. And they have declined an additional 53% year to date, compared to the first half of 2014.

Marijuana arrests have seen similar decreases, and are down by half from 2011 to 2014, and, like reasonable-suspicion stops, are down 53% year to date.

In changing our practices, and in working with the Council on issues such as reporting on crime in the parks and in Housing, we have shown a good track record for collaborating with the Council. We want that to continue. But the NYPD’s operational prerogatives must be maintained for the good order of the Department and the city’s public safety.

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Finally, concerning reporting standards, I believe this Department is a model of transparency. CompStat set the country's standard for distributing crime data, and since then the NYPD has created a range of programs and reports that share information with the public. The release of parks and Housing crime data is one example. Our posting summons data drilled down to the individual offense is another. And our Annual Firearms Discharge Report, which is the single most comprehensive such document in the nation, is a third example. We are also exploring further data transparency initiatives. Such undertakings have to be considered in the context of resource strain and their burden on the agency's administrative functions. We welcome discussions with the Council on our new initiatives, and their input as to the direction in which our data-release policies may expand.

Turning to the bills under consideration by the Committee today, we appreciate that significant discussion has already taken place regarding some of the bills, as well as many of the underlying issues they seek to address. As I pointed out, we have addressed some of these. But, so long as we do not compromise public safety or hamper officers as they carry out their duties, we can find ways to address other issues and reach common ground. Indeed, as I have already described, and as many Council Members have observed personally, our new training provides cops with the tools to engage the community differently.

So in that context, I would like to start by discussing two bills that directly address police use of force.

Intro. 538, the "Proportionate Policing Act," would create a new Administrative Code provision allowing NYPD members to use injurious physical force as is "proportionately necessary to protect themselves or others from the threat of harm or death, which they perceive to be imminent."

Intro. 540-A would make it a misdemeanor to use a chokehold in the course of effecting or attempting to effect an arrest.

Both bills seek to impose new local standards on the use of force and therefore regulate in areas that traditionally have been addressed by State law. Penal Law Article 35, for example, sets forth the parameters for the use of physical force and deadly physical force by police officers. Those parameters historically have been implemented and refined at an operational level by the Police Commissioner. Setting aside the potential legal implications of enacting local legislation on this subject matter, we have very serious concerns about the potential impact these bills would have on our officers.

Intro. 538 would cast potentially deadly doubt in the mind of an officer who is making the split-second decision to use justifiable physical force. Reasonableness is the longstanding key to assessing whether the use of force is justifiable in a particular circumstance, but the bill would impose an additional and unfamiliar standard for taking action in that situation.



We respectfully oppose these bills. We are, however, currently clarifying and strengthening our policies regarding the use of force. With respect to the definition of “chokehold,” we are already changing the Patrol Guide definition in a manner that echoes the language of Intro. 540-A. As we have for more than two decades, we continue to prohibit the use of a chokehold as a policy matter, but we firmly believe that this prohibition should remain a policy matter rather than become, on its face, a crime.

Now we would like to discuss the bills which have collectively become known as the “Right to Know Act.”

Intro. 182-A would require law enforcement officers to identify themselves and provide a reason when initiating law enforcement activity, and, at the end of the interaction with the individual encountered, to provide a business card including their identifying information and the CCRB’s phone number.

Intro. 541 would require law enforcement officers to provide particularized notice of a person’s right not to consent to a search, and obtain proof of consent to search individuals or their property.

Historically, State law, in this case the Criminal Procedure Law, has regulated interactions between police officers and individuals, and the Police Commissioner has overseen the preparation of operational guidance on such interactions. Two weeks ago, at the investiture of Attorney General Loretta Lynch, President Obama noted that “the law is our map, and justice our compass.” That phrase resonated with me.

The law is a map, but how we operationally follow that map and use that compass is the decision of the practitioner. Imposing conditions on daily officer conduct at the operational level, whether on simple law-enforcement interactions or on searches—particularly when those conditions are not otherwise required by State law or by operational imperatives—raises new and serious questions.

As a policy matter, we oppose both bills as unprecedented intrusions into the operational management of the Police Department. They seek to legislatively mandate the manner in which police officers perform their functions. Further, enacting these bills would create great uncertainty regarding whether criminal or civil remedies would be available for alleged violations of the standards in the bills, even where the failure to comply is irrelevant to the issues of the case. In short, local legislation is not the proper vehicle for addressing the detailed standards and operational direction that are now set forth in the Patrol Guide and similar departmental guidelines.

Nevertheless, we understand fully the concerns underlying both bills. And we recognize that similar proposals have been included—as policy recommendations rather than legislation—in the President’s Task Force on 21st Century Policing. This reflects the ongoing national discussion on police-community relations. These are recommendations we are reviewing.

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Regarding Intro. 182-A, although the Patrol Guide directs officers to identify themselves upon request, we actually train our officers to greet the individuals they encounter, introduce themselves, and provide the reason for the stop or encounter, when it is consistent with situational awareness, proper tactics, and officer safety. Our goal is to reinforce every officer's awareness and responsibility to treat the public with respect, which makes everyone safer.

With respect to the "Consent to Search" bill, we believe that the primary motivating factor has been significantly mitigated by positive steps we have taken. The proposal was initiated because of the widespread concern that individuals who were being stopped, questioned, and possibly frisked were being asked to turn out their pockets, thereby exposing marijuana to public view and resulting in an arrest. As seen already, and as displayed by the charts behind me, the Department's reasonable-suspicion stops have dramatically decreased, and the arrest of individuals for mere possession of a small quantity of marijuana in public view has been eliminated.

Regarding the documentation of consent, ironically, many individuals might object to a law that requires the Police Department to collect their identifying information for the purpose of complying with the bill's requirements.

Another bill on the agenda today is Intro. 607, which would create a "Body-Worn Camera Task Force." The ten-member task force would be responsible for issuing a report to the Mayor and Council on the feasibility and implications of equipping NYPD officers with body-worn cameras, including costs, privacy implications, best practices for storage and usage, and evidentiary issues. The Department's use of body-worn cameras is being examined by the federal monitor, and relates to the Department's compliance with the judge's order in the *Floyd* litigation. A separate local task force charged with essentially the same responsibility would be duplicative, and its work would be secondary to the federal court's oversight. In light of the federal monitor's ongoing work, we respectfully suggest that the bill not go forward.

Finally, the Council's agenda includes several reporting bills.

The first two require publishing data about the Police Department's use of force on the Department's website.

Intro. 539, the "Use of Force Transparency Act," would require the Department to publish detailed cumulative reports relating to the use of force, including incident summaries and associated CCRB complaints.

Intro. 606-A would require quarterly reporting on the use of force generally, and specifically when used in connection with a range of offenses described as relating to quality-of-life enforcement.

As you know, the Department has made great strides sharing Police Department data. Our quarterly report to the Council contains a wealth of information, and we

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consistently respond to myriad requests for information from Council staff as well as from individual Council Members.

Rather than enacting a set of reporting bills that impose information-sharing as a mandate, we should sit down together and work out how relevant information may be shared, taking into account the manner in which the information is collected and maintained and our available resources. It is worth noting that the Annual Firearms Discharge Report was voluntarily developed and published by the Department before being codified and required under Administrative Code Section 14-150(b).

Intro. 809, "High Crime Area Social Service Planning and Accountability," would require the Department to compile an annual report of high-crime areas at a geographic level of precinct sector or below. The report would include major felonies, weapons possession, shootings, and controlled-substance possession and sale. Social service agencies would then use the report to develop a plan to target resources in the 35 highest crime areas.

Here we have determined that the Department could provide these crime statistics at the sector level, but, because there is no population data available for individual sectors, the per capita analysis envisioned by the bill would be unavailable. Instead, should the Council wish to pursue this proposal, we would suggest drilling down to the level of census tract, for which the Department may obtain population data in order to produce the per capita comparison. Other aspects of the bill, however, beyond its data reporting provisions, lie outside the purview of the Police Department and will require further discussion with the Administration as a whole.

Another reporting bill, Intro. 824, would require the Department to post an annual report listing the commands to which particular officers are assigned. Specifically, the bill sets forth three categories of allegations against police officers: CCRB complaints, substantiated CCRB complaints, and civil lawsuits alleging police brutality. The bill would require that the commands of the 200 officers with the highest number of CCRB complaints and substantiated CCRB complaints be posted, as well as the 500 officers with the highest civil lawsuits filed against them alleging "police brutality."

Separate and apart from the fact that no City agency collects or reports on a civil lawsuit category denominated as "police brutality," we question the utility of the reporting contemplated by the bill. At best the report would be a snapshot of the subject commands, with Department deployment changing daily, and would for the most part rely on allegations rather than substantiated cases or findings of guilt.

The Department is already devoting extensive resources to analyzing complaints and lawsuits, through its work with the NYPD Inspector General, the New York City Comptroller, the Law Department, and the CCRB. We have also established an NYPD Risk Management Bureau tasked with, among other functions, using this in-depth analysis to address police conduct that may be generating complaints or liability.

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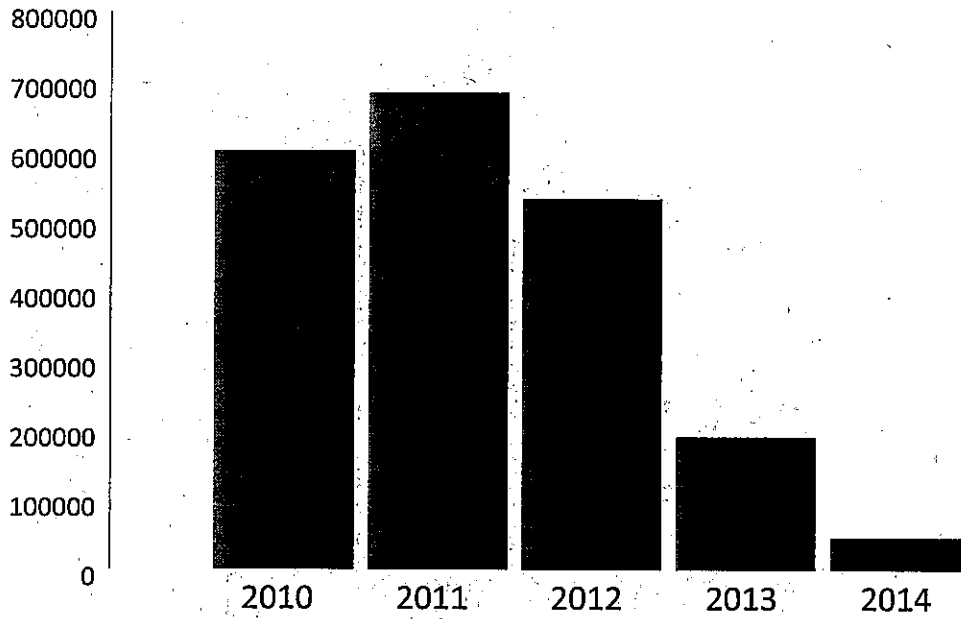
Again, rather than mandated reporting as outlined in the bill, we believe that there may be better ways to approach its underlying concerns, and we would welcome further discussion of how relevant information may be collected and reported, in consultation with the CCRB and the Law Department.

In sum, the position of the Department is that many of the bills currently under consideration today are better achieved through collaboration and dialogue between the Council and the Department, and among various City agencies and community stakeholders, rather than through legislation.

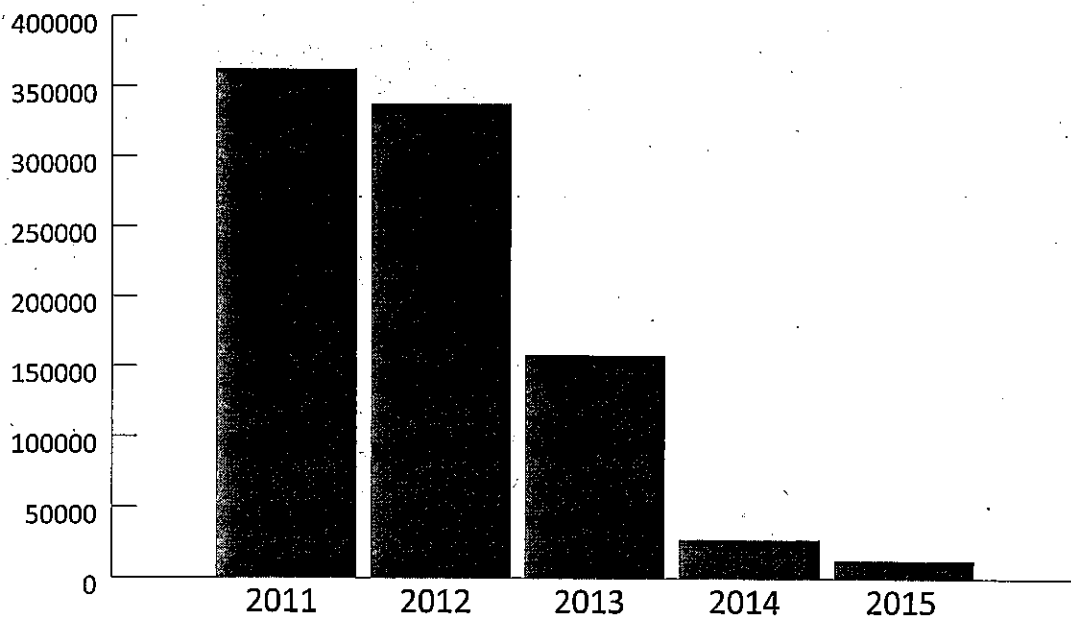
Furthermore, while many of the issues that gave rise to these proposals have been addressed, still others are being rectified by training and will be further ameliorated as Neighborhood Policing and the Plan of Action's proscriptions take root. We suggest that all involved allow for time to see the effects of the plans your new budget has made possible. We truly believe that we can achieve a city that is safer and fairer, everywhere for everyone.

I thank you for your attention, and the opportunity to discuss these matters, and I and my executive staff welcome your questions.

Stop, Question and Frisk Reports Prepared Calendar Year

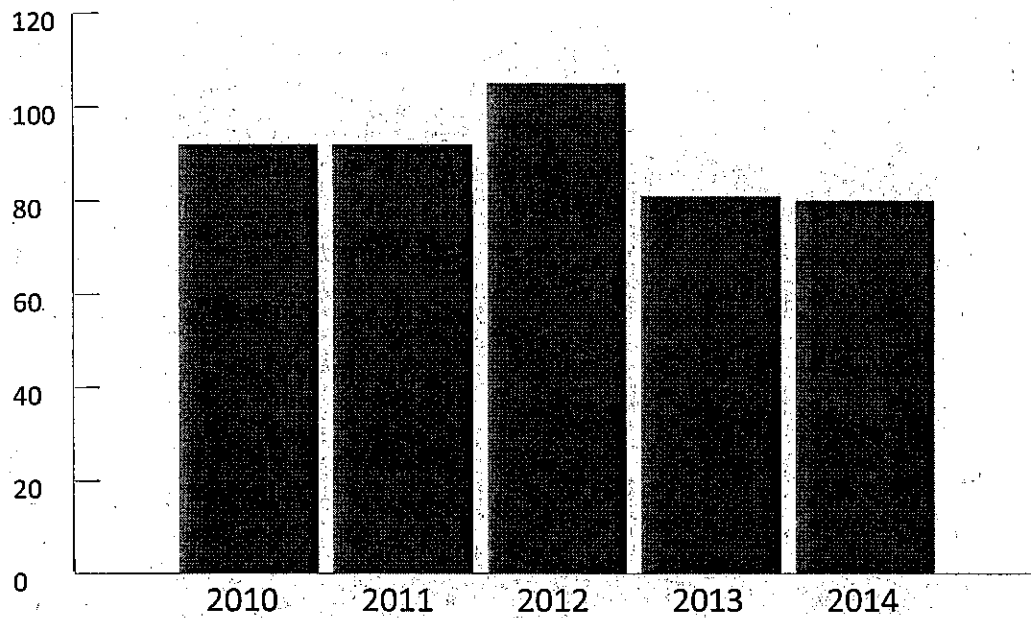


Stop, Question and Frisk Reports Prepared Year to Date (Percentage)*

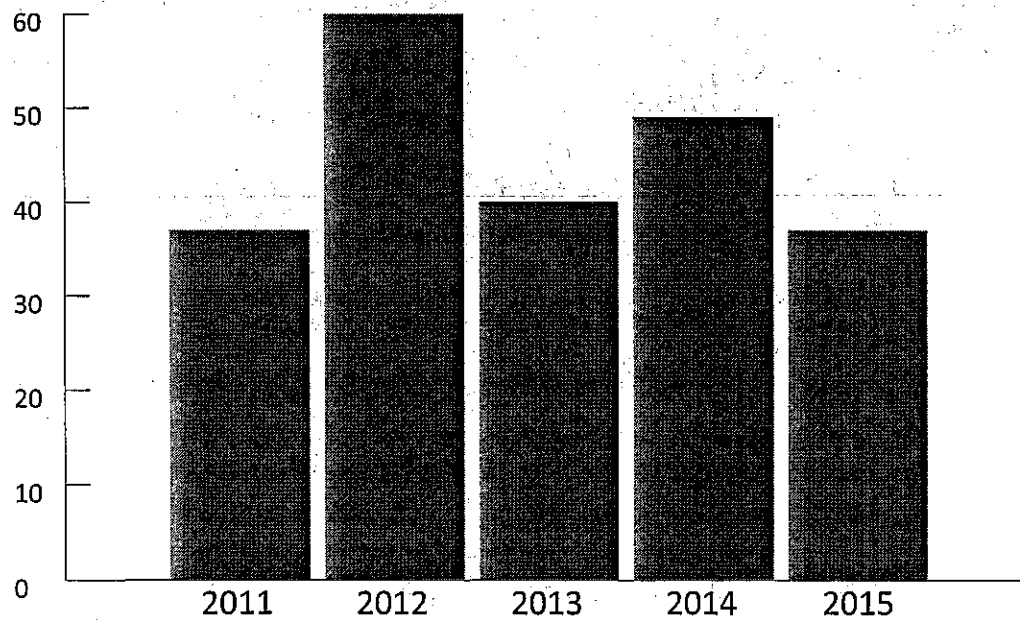


* 2011-2014 through 6/30; 2015 through 6/25

Officer Involved Shootings Calendar Year

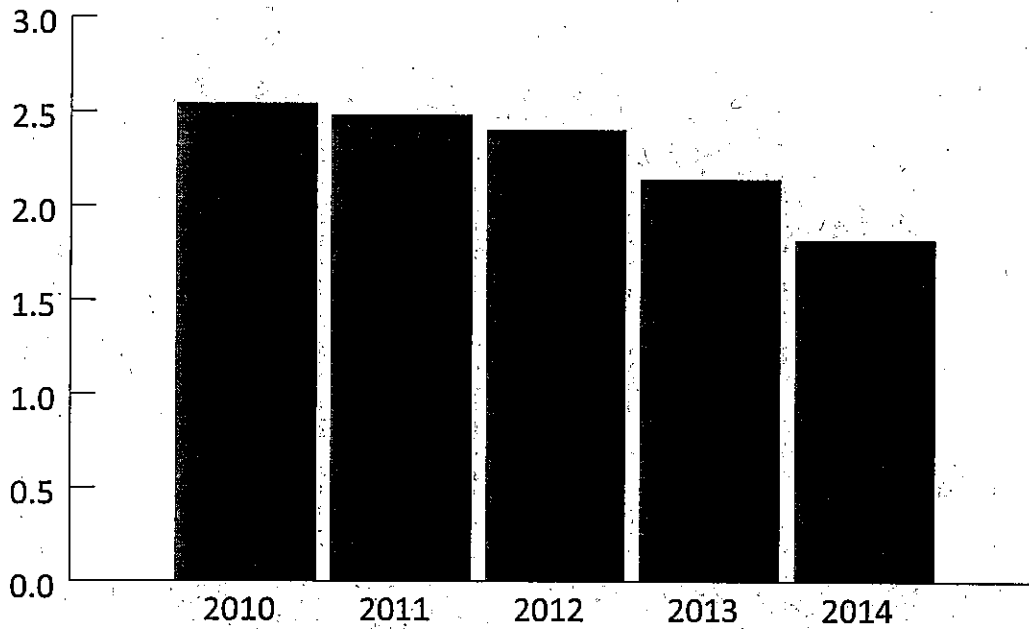


Officer Involved Shootings Year to Date*

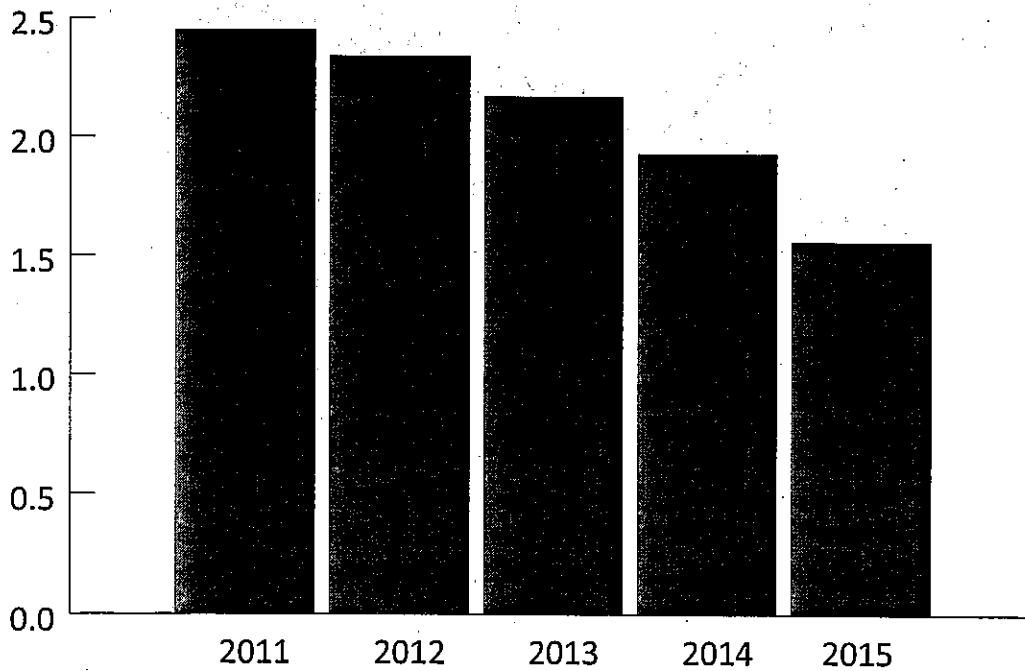


* 2011-2014 through 6/30; 2015 through 6/25

Force Used by Arresting Officer Calendar Year (Percentage)

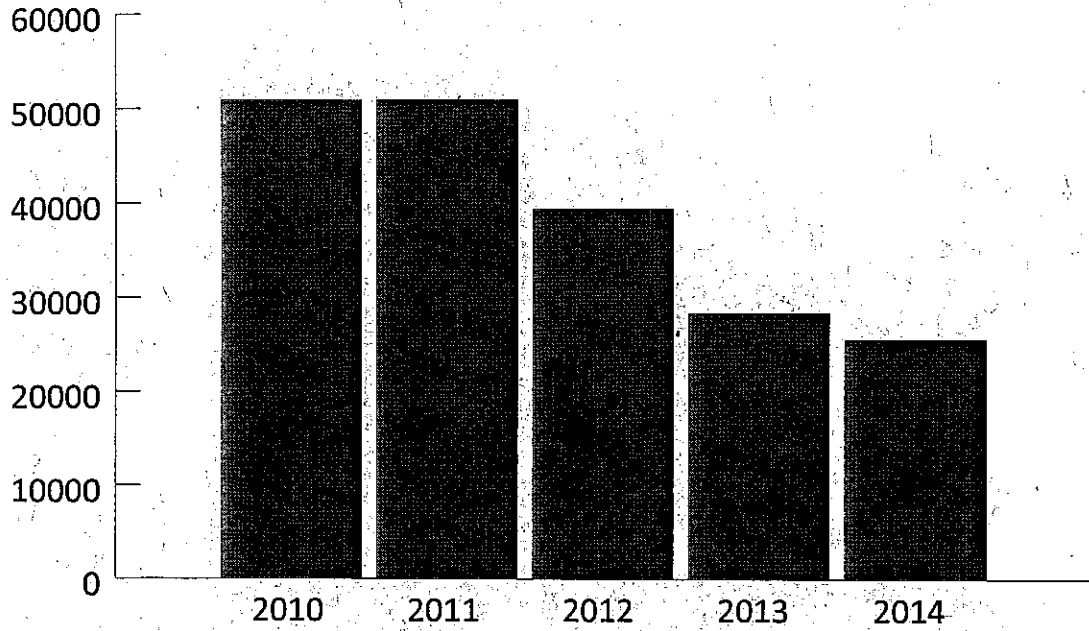


Force Used by Arresting Officer Year to Date (Percentage)*

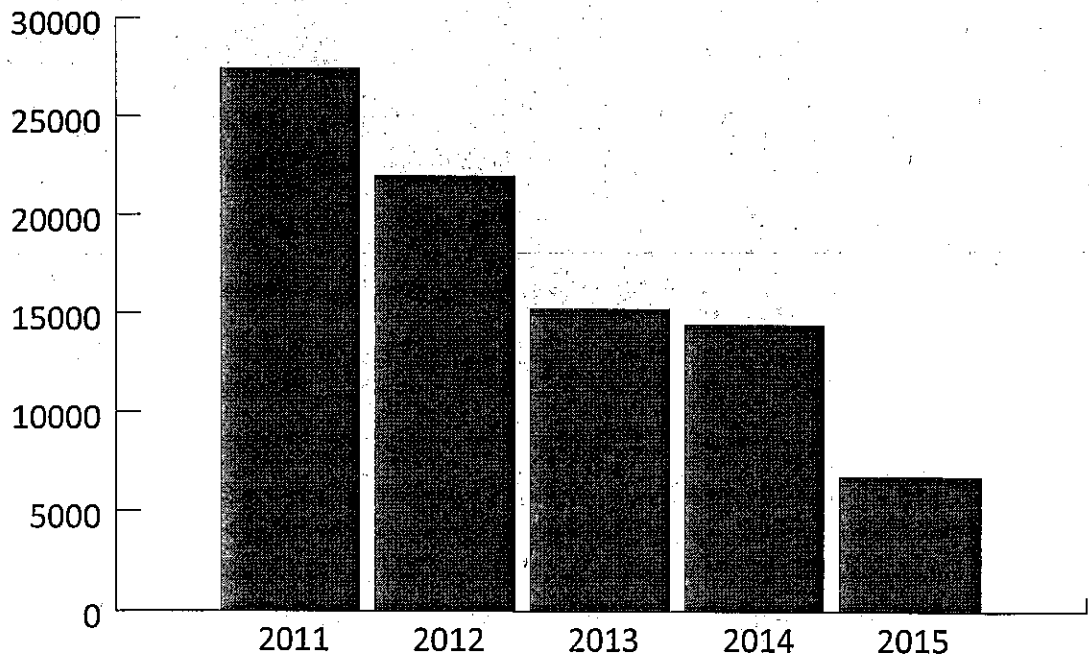


* 2011-2014 through 6/30; 2015 through 6/25

Arrests for Marijuana 5 (PL221.10)
Calendar Year

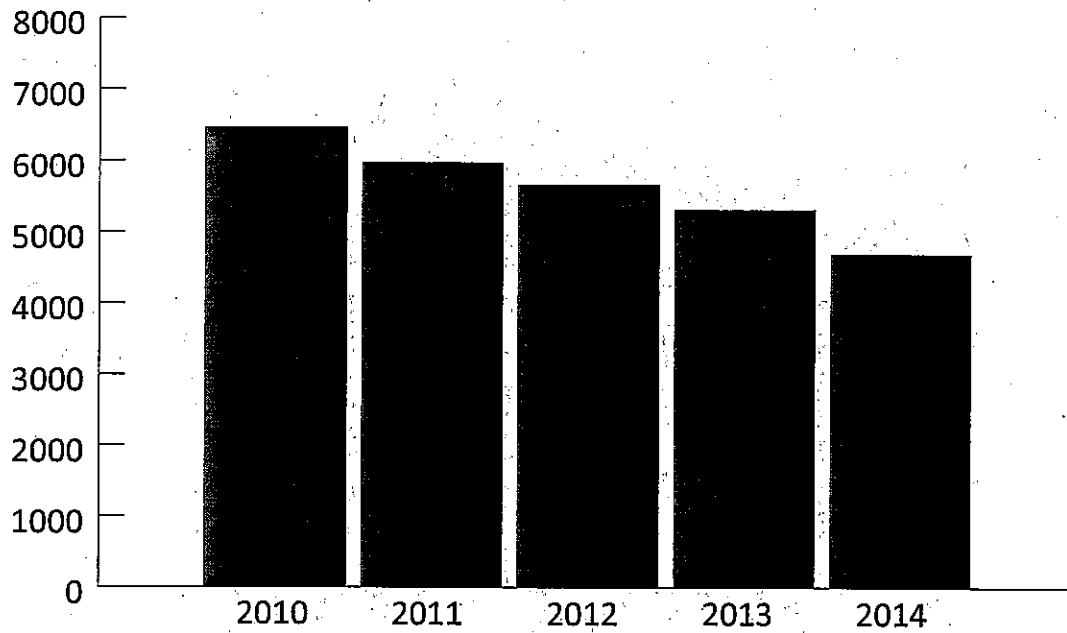


Arrests for Marijuana 5 (PL221.10)
Year to Date*

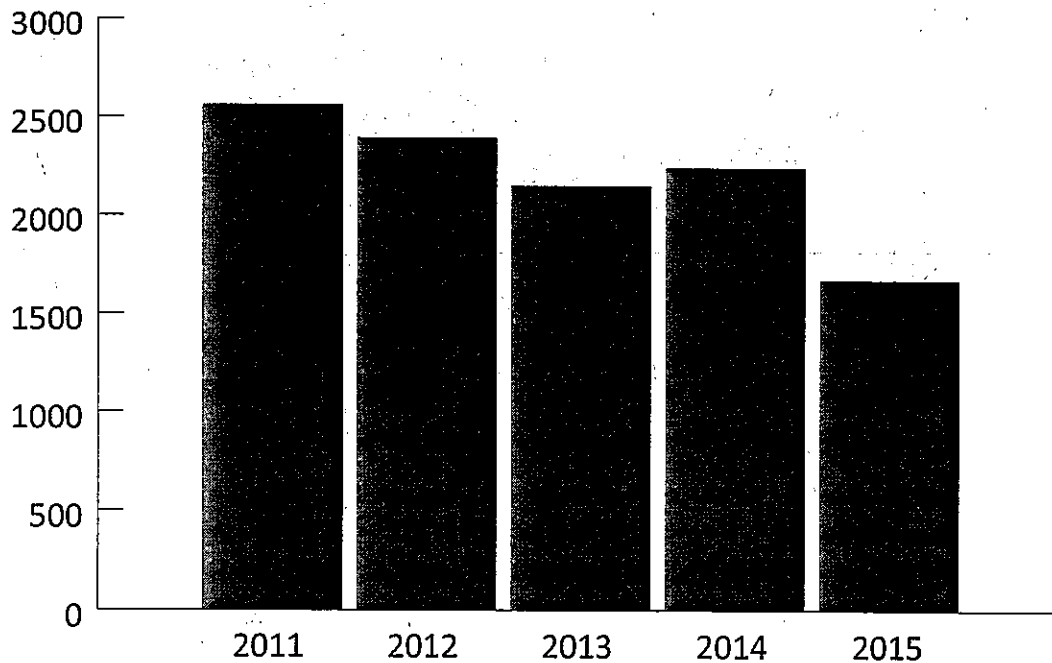


* 2011-2014 through 6/30; 2015 through 6/25

Civilian Complaint Review Board Calendar Year



Civilian Complaint Review Board Year to Date*



* 2011-2014 through 6/30; 2015 through 6/25



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Gale A. Brewer, Borough President

**Gale A. Brewer, Manhattan Borough President
Testimony for the Committee on Public Safety
June 29, 2015**

Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you Chair Gibson, and the Committee on Public Safety for holding this very important hearing and for the opportunity to testify today.

Today's hearing is on nine pieces of proposed legislation, most of which aim to increase transparency and accountability in the New York Police Department. The lack of accountability and transparency are, I believe, at the crux of the challenging relationship between the NYPD and communities across NYC.

I care deeply about repairing this strained relationship. As a member of the City Council in 2013, I joined many of you in this room to help pass the Community Safety Act; a set of bills that expanded the categories of individuals protected from discrimination, and helped establish independent oversight of the NYPD, with the opening of the Office of the Inspector General. The passage of these bills was an important first step in rebuilding trust between communities and the NYPD. However there is much more work to be done.

Over the past year my office has worked tirelessly with constituents, police officers, civic organizations, non-profits and youth groups to continue to address these challenges. As Borough President, I have been proud to sponsor a series of police-community dialogues in Manhattan (and am holding another in a few weeks), each was attended by over 150 residents and police officers. Participants were first asked to describe the current relationship between the community and police, and to envision what the ideal relationship should be. The resounding answer was a relationship based on mutual respect and trust. Participants were then asked to identify the individual and systemic changes that would advance this vision. The vast majority of their recommendations mirror the goals of the proposed legislation before the Committee today, from increased social services in communities of need, to requiring officers to wear body cameras.

As our country grapples with the issue of police-community relations, we have a duty to set a positive and constructive tone for improving accountability, transparency, and community-police trust.

I commend the Committee and Chair Gibson for holding this hearing today and look forward to working with the Council and the NYPD to achieve these goals and strengthen the relationship between communities and the New York Police Department.



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**Testimony of the New York Civil Liberties Union
Before City Council Public Safety Committee
In Support of the *Right to Know Act***

June 29, 2015

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony in support of Intro. 182 and Intro. 541, collectively known as the Right to Know Act. We also include comments on several of the other bills being considered today.

The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and nearly 80,000 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’ rights 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. In 2013, the City Council took an important step toward improving the quality of policing in New York City with the passage of the Community Safety Act. By creating an Office of the Inspector General for the New York Police Department (“NYPD”) and establishing a strong and enforceable ban on profiling by NYPD officers, the City Council brought much-needed oversight, transparency and accountability to our police force.

Despite this historic victory, the Council’s work remains unfinished, as this body failed to act on two related bills that would improve communication, transparency, and accountability in everyday interactions between police officers and civilians. These bills are now before the Council as the Right to Know Act. Intro. 182 will require NYPD officers to identify themselves at the start of a law enforcement encounter and provide an explanation as to why the encounter is taking place. Intro. 541 will require officers to obtain proof of informed consent before searching a person without legal justification.

It is time for the City Council to complete the work that it began in 2013 by passing the Right to Know Act. From New York to Ferguson, Missouri, the issue of police-community relations has taken center stage. In New York City, the tragic deaths of Eric Garner, Ramarley Graham, and Akai Gurley at the hands of law enforcement have re-ignited the call for police accountability and have served as tragic demonstrations of how simple police-civilian encounters

have the potential to escalate into situations involving the use of deadly force. After years of aggressive and selective enforcement practices that drove a wedge between police and communities of color, New Yorkers are demanding a different approach to safety.

New Yorkers are not alone in calling for these reforms. In order to identify solutions to restore trust and heal the rifts between police officers and the communities they serve, President Obama established the *Task Force on 21st Century Policing* to hear from stakeholders across the country and make recommendations for improving policing practices. In its final recommendations, the Task Force endorsed—nearly verbatim—the policy objectives contained in the Right to Know Act. Stressing the importance of clearly articulated and transparent policies, the Task Force recommended that police officers “be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause,” and that officers be required “to identify themselves by their full name, rank, and command,” and “state the reason for the stop and the reason for the search if one is conducted.”¹ This endorsement solidifies what we already know: the Right to Know Act is neither radical nor dangerous, but simply good policing.

By enacting the Right to Know Act’s commonsense reforms, New York City has the opportunity to become a national leader in the movement to change the culture of policing, and to begin to rebuild trust between police and the communities they serve.

I. Intro. 182: Requiring NYPD Officers to Act in a Transparent Manner

Intro. 182 will bring about greater transparency in policing practices by ensuring that residents know with whom they are interacting when they are stopped by the police, as well as the reason why that law enforcement encounter is taking place. Too often, New Yorkers are subjected to police encounters in which they are provided no information about the person stopping them or the basis for the interaction. Even something as simple as asking for an officer’s name can feel too daunting a request to make, given the stark power imbalances inherent in any such encounter. It is impossible to restore trust between the NYPD and communities when communication between the two is so lacking in basic clarity and mutual respect.

This bill would change these encounters to more respectful interactions by requiring law enforcement officials to identify themselves at the outset with their name, rank, and command, as well as the specific reason for the stop. At the end of an encounter that does not result in an arrest or summons, the police officer will provide the civilian with a written record of the encounter and information on how to share a comment or file a complaint. This law puts into practice the NYPD’s motto of “courtesy, professionalism, and respect,” and could lead to an important change in officers’ tenor when relating to the public. Similar legislation has been adopted in Arkansas, Minnesota, and Colorado.² As noted above, the President’s Task Force on 21st Century Policing has endorsed this approach to street encounters, and the Federal Department of Justice, the

¹ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing*, 27 (2015), available http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf.

² See Ark. Code Ann. § 12-12-1403; Minn. Stat. Ann. § 626.8471; Colo. Rev. Stat. § 24-31-309.

nation's top law enforcement agency, has required police departments in New Orleans and Puerto Rico to adopt similar policies.³

Intro. 182 does not impose a substantial burden on officers above and beyond their responsibilities under existing NYPD policy: officers are already required to provide their name, rank, shield number, and command upon request.⁴ What Intro. 182 does, however, is to eliminate a major source of tension and potential for escalation in police-civilian interactions. Too often, New Yorkers are afraid to ask for officers' identifying information out of concern for potential retaliation, fearful that the encounter will become hostile if the officer were to assume the requester intends to use the information to file a complaint. Encounters like this can quickly escalate, transforming routine interactions into physically dangerous situations for both the officer and the civilian. The NYCLU and our partners in Communities United for Police Reform frequently hear of cases in which officers have refused to identify themselves, attempted to obscure their badges, or worse, became aggressive upon being asked for their information. By shifting this burden, requiring officers to identify themselves at the outset rather than making it the responsibility of the person stopped, and by enshrining this requirement in law as opposed to Department policy, the Right to Know Act removes this source of tension.

It is also important to point out what this bill will not do. Intro. 182 will do nothing to prevent officers from making stops and taking enforcement actions. This bill does not restrict or alter in any way the circumstances that permit officers to conduct investigations or enforce existing laws, and a brief introduction by the officer at the outset of these encounters will not impede the performance of the officer's duties. Nor does this law put officers in danger during such interactions; this bill only applies to uniformed and plainclothes officers in the course of their regular duties.

Improving communication between police officers and the public will help to promote understanding and trust between the two and will further the Council's goals of enhancing community policing in our city.

II. Intro. 541: Protecting New Yorkers' Privacy Rights During a Consensual Search

The second component of the Right to Know Act, Intro. 541, will better protect New Yorkers' privacy rights if they are subject to a search without probable cause. By clarifying the existing legal standard, this bill will reduce the number of unlawful searches, something the Civilian Complaint Review Board recently identified as a troubling and persistent pattern.⁵ Specifically, this bill will allow all New Yorkers to be better informed about their rights by making sure that so-called "consensual" searches are truly voluntary and informed—just as the Constitution intends.

³ Consent Decree Regarding the New Orleans Police Dep't, 12cv1924, Rec. Doc. 2-1, ¶ 386 (E.D. La. July 24, 2012); Agreement for the Sustainable Reform of the Puerto Rico Police Dep't, 12cv2039, Rec. Doc. 2-1, ¶ 169 (D. P.R. Dec. 21, 2012).

⁴ NYPD Interim Order 203-09 (2003).

⁵ *Id.* at 73-85.

Under the Constitution, there are only a few exceptions to when a police officer can search an individual without probable cause or a warrant.⁶ One of these exceptions permits an officer to search an individual when the individual has given his permission. The Supreme Court has interpreted the law of consent according to the concept of “voluntariness,” ruling that, when a subject of a search is not in custody, the Constitution requires “that the consent was in fact voluntarily given, and not the result of duress or coercion, express or implied.”⁷ However, while this is the standard under which officers are supposed to be operating, in reality, the concept of voluntariness is actually not understood by most civilians: “instead, a police ‘request’ to search a bag or automobile is understood by most persons as a command.”⁸

As a result, New Yorkers have often misunderstood the extent of their privacy rights during a consensual search, and police officers exploit that misunderstanding. Intro. 541 will put an end to the practice of coercive searches by ensuring that a search based solely on the legal concept of “consent” is truly voluntary. This bill will make sure that New Yorkers are equipped with the same knowledge of their constitutional rights as the officer who is stopping them.

With regard to this narrow category of searches, Intro. 541 will require two things: first, officers will have to explain that the person is being asked to voluntarily consent to a search and that he has the right to grant or refuse that request. Second, in order to shield police officers from false claims of wrongdoing, create greater transparency, and resolve questions as to the admissibility of evidence in later criminal prosecutions, Intro. 541 will require that police officers create a record of the person’s consent. It will be up to the Police Commissioner to determine how best to operationalize the requirement to capture objective proof.

Nothing in Intro. 541 will prevent the NYPD from investigating criminal activity. This bill would not apply when an officer has probable cause to believe that a person is involved in criminal activity. It does not limit in any way an officer’s ability to conduct a frisk for weapons. An officer will never have to inform someone of the right to refuse a consensual search if that officer has a legal justification to search. Officers will still be able to approach and ask questions of individuals whenever they have an objective credible reason to do so or a founded suspicion that criminal activity is taking place. Special needs exceptions to the requirement that officers have a warrant may also be invoked when the NYPD needs to operate security checkpoints at large-scale public events, thus obviating the need to advise and obtain objective proof of consent from tens of thousands of New Year’s Eve revelers seeking entry into Times Square. The Right to Know Act does not give criminals an “out” by allowing them to refuse consent to be searched; the law on conducting justifiable searches is entirely unchanged by this bill.

This bill will improve police-community relations by ensuring that officers request consent in such a way that it is not taken unilaterally as a command. Similar laws have been passed and

⁶ See, e.g., *Horton v. California*, 496 U.S. 128 (1990); *U.S. v. Santana*, 527 U.S. 38 (1976); *Terry v. Ohio*, 392 U.S. 1 (1968).

⁷ *Schneekloth v. Bustamonte*, 412 U.S. 218, 248 (1973).

⁸ Tracy Maclin, “The Good and Bad News About Consent Searches in the Supreme Court,” 39 MCGEORGE L. REV. 27 (2008).

implemented in West Virginia for all consensual searches during traffic stops and in Colorado for all consensual searches, regardless of the context.⁹ As already noted, the President’s Task Force on 21st Century Policing—with several police chiefs as members—recommends the adoption of these policies as an effective means of improving community policing. The Department of Justice has also required departments in New Orleans and Puerto Rico to adopt similar measures pursuant to consent decrees.¹⁰

Some states have gone even further than the modest reforms contained in Intro. 541. Recognizing the racial disparities and arbitrary enforcement practices that pervaded law enforcement use of consensual searches, Rhode Island, New Jersey and Minnesota have abolished consent as a valid basis for a search altogether, instead requiring officers to always have an independent legal justification before being able to conduct a search.¹¹ Intro. 541 would not nearly go so far; it will not deprive law enforcement of the ability to use consensual searches, but it will ensure that consensual searches are done right in that they will be truly consensual and not based on coercion or unlawful profiling.

III. City Council’s Authority to Pass the Right to Know Act

Contrary to concerns that were raised by the Bloomberg administration, the City Council clearly has the authority to pass the Right to Know Act. The Act does not create structural changes in city government and does not curtail the Police Commissioner’s authority over police officers. In the few cases where New York courts have found curtailment of the Police Commissioner’s authority, the legislation at issue interfered with the Commissioner’s right to discipline police officers.¹² The bills that comprise the Right to Know Act cause no such interference and, instead, involve what the New York Court of Appeals has described as merely the regulation of the “operations of city government,” which as a general rule, “is not a curtailment of an officer’s power.”¹³ Any limitation on the Police Commissioner’s freedom to act is a permissible “consequence of legislative policymaking.”¹⁴

The Right to Know Act creates generalized standards for officers to identify themselves and their actions to the public and to advise New Yorkers of their constitutional rights, but the bills leave the particulars of how to operationalize these standards to the Commissioner to

⁹ See W. Va. Code Ann. §§ 62-1A-10, 62-1A-11; Colo. Rev. Stat. Ann. § 16-3-310.

¹⁰ Consent Decree Regarding the New Orleans Police Dep’t, 12cv1924, Rec. Doc. 2-1, ¶¶ 128-29 (E.D. La. July 24, 2012); Agreement for the Sustainable Reform of the Puerto Rico Police Dep’t, 12cv2039, Rec. Doc. 2-1, ¶ 77 (D. P.R. Dec. 21, 2012).

¹¹ R.I. Gen. Laws Ann. § 31-21.2-5 (no consent searches in motor vehicles); *Minnesota v. Mustafaa Naji Fort*, 660 N.W.2d 415 (Minn. 2003) (evidence obtained through consent search in the absence of reasonable suspicion inadmissible); *State v. Carty*, 170 N.J. 632, 790 (2002) (requiring reasonable suspicion before seeking consent to search).

¹² See, e.g., *Patrolmen’s Benevolent Ass’n of the City of New York v. New York State Public Employment Relations Bd.*, 13 A.D.3d 879, 881-882 (3d Dep’t 2004).

¹³ *Mayor of City of New York v. Council of City of New York*, 874 N.E.2d 706, 711 (N.Y. 2007).

¹⁴ *Id.*

regulate. This is similar to other provisions of the New York City Administrative Code, which instructs city officials to follow generalized standards but leaves the details regarding implementation to the relevant commissioner.¹⁵ Indeed, it is only when laws have attempted to regulate Individualized determinations of officer discipline and similar baseline decisions that New York courts have found curtailment.¹⁶ The police Commissioner will continue to retain control over the Department, including the authority to create rules and regulations implementing the new standards as he sees fit and to discipline officers as he sees fit.

Bloomberg's claims that the State Criminal Procedure Law (CPL) preempts the Right to Know Act are similarly unfounded. The New York Constitution explicitly allows local government to adopt or amend laws consistent with "[t]he powers, duties, qualification, number, mode of selection and removal, terms of office, compensation, hours of work, protection, [and] welfare and safety of its officers and employees."¹⁷ There is no conflict with State law, as the Right to Know Act does not prohibit conduct that State law explicitly permits. The CPL is entirely silent on the matter of police identification and consensual searches, so there is nothing to present a conflict. As a reiteration of long-established constitutional law, Intro. 541 is entirely compatible with the manner in which State courts have interpreted the "voluntariness" standard of assessing consensual searches.¹⁸

In dismissing a preemption challenge to the Community Safety Act, the New York County Supreme Court ruled that the CPL does not preempt City Council legislation regulating certain police actions, holding that "[i]nvestigative stops do not occur in Criminal Court and are not criminal proceedings or procedures," as defined in the CPL. The court found that laws impacting *police procedures* were distinguishable from those that regulated *criminal procedure*, with any infringement on the latter being incidental at best.

Even if a court were to conclude that the field of police-civilian interactions were preempted by the CPL, the Court of Appeals has frequently upheld local ordinances where a "legitimate concern" of the locality lead to an incidental infringement on an otherwise preempted

¹⁵ See N.Y.C. Code §§ 24-105, 24-108(d) (requiring Department of Environmental Protection employees to provide receipts for samples taken from a premises and entrusting the Commissioner with the authority to implement the requirement through necessary rules, regulations, and procedures).

¹⁶ See, e.g., *Giuliani v. Council of the City of New York*, 688 N.Y.S.2d 413, 417 (Sup. Ct., N.Y. Co. 1999) ("The City Council's role is to create generalized standards while the Mayor's or his appointee's role, *inter alia*, is to enforce those standards in making individualized determinations . . .).

¹⁷ N.Y. Const. art. IX, § 2(c)(i).

¹⁸ It also cannot be said that the CPL preempts any regulation of the field of officer-civilian interactions. The CPL is primarily concerned with regulating procedures that take place within the courtroom and not with regulating police-civilian interactions that take place outside the scope of a court setting. *Patrolmen's Benevolent Ass'n of the City of New York v. City of New York*, No. 653550/13, 21 (Sup. Ct., N.Y. Co. 2014). Indeed, the only treatment that such interactions receive in the CPL is a single section reaffirming the constitutional standards governing when Terry stops and frisks are permissible. *Id.* at 23

field.¹⁹ Given New York City's long and well-documented history of police abuses during pedestrian stops, local legislative action to protect New Yorkers' rights during such encounters would be entirely appropriate.

IV. Qualified Support for Intros 538, 539, 540-A, 606, and 824

According to data from the Civilian Complaint Review Board (CCRB), the majority of police misconduct complaints involve excessive or unnecessary use of force. Yet many substantiated complaints result in inadequate or no disciplinary action against officers. Intros 538, 539, 540-A, 606, and 824 seek to address some aspects of this problem. While we support the concepts behind these efforts, we also have some policy concerns and suggested amendments.

The fault with Intros 824 and 538 is that they lack a mechanism to force change. Intro. 824 requires the collection of data that would allow public officials to monitor the number and concentration of officers who are the subject of repeated CCRB and civil complaints. This is valuable information, but is of limited utility if the Police Commissioner fails or refuses to act on it. Currently, it is our understanding that the NYPD does not collect or monitor this information, making it difficult if not impossible to keep tabs on "bad" cops. We applaud the Council's efforts to ensure the NYPD begins to track and report this information. If this bill is to pass, we hope that the Council will also use its oversight authority to urge action with regard to reports under this bill.

Similarly, while well-intentioned, Intro. 538 is unlikely to have an impact on excessive use of force because it merely codifies what is already the standard for police use of force, without raising the standard or providing an enforceability mechanism. In contrast, Intro 540-A seeks to bolster the NYPD's existing policy prohibiting chokeholds by providing meaningful consequences for violations of this policy. While we support the underlying intent of 540-A, we have constitutional concerns about its impact on separation of powers and due process for the accused.

We support Intros 539 and 606 because they require collection and reporting of information regarding police misconduct, and use of force with regard to quality of life offenses. However, both bills should be strengthened by including demographic data, which is already collected by the CCRB and will be included on new summons forms, and which gives invaluable insight into the disparate impact of police activity in communities of color (and among other marginalized groups).

V. Conclusion

The NYCLU urges the City Council to pass the Right to Know Act and to take this important step toward improving police-community relationships through increased

¹⁹ See, e.g., *DJL Restaurant Corp. v. City of New York*, 96 N.Y.2d 91, 97 (2001) (holding that local laws of general application aimed at a legitimate concern of local government are not preempted if the infringement is only incidental); *Landsdown Entertainment Corp. v. New York City Dep't of Consumer Affairs*, 74 N.Y.2d 761, 763 (1989) (laws principally aimed at legitimate concerns of local government will not be preempted if enforcement incidentally infringes on State Alcoholic Beverage Control Law).

communication and transparency. The City Council can and should lead the way in helping the New York Police Department (NYPD) engage communities, particularly communities of color, in a way that fosters good relationships, enhances transparency and accountability, encourages respect for constitutional rights, and promotes safety without the price of police abuse or misconduct. We hope you will consider our suggestions for the other bills before you today, in particular Intros 539 and 606, which could be greatly improved by the inclusion of demographic information.

Testimony by Keeshan Harley, Make the Road New York
for June 29, 2015 NYC Council hearing, Public Safety Committee
Testimony supporting Right To Know Act bills (Int. 182 & Int. 541)

“If you tremble with indignation at every injustice, then you are a comrade of mine.” – Che Guevara

CPR is a New York-based campaign to end discriminatory and abusive policing practices, consisting of many of those unfairly targeted by police action and aggression.

As a young Black 20-year-old man, first stopped by police at the age of 13 and stopped-and-frisked over 100 times since, I know firsthand the issues our communities face with respect to everyday interactions with police. I have been slammed against the wall, placed in handcuffs, yelled at and questioned by police in my city, while doing nothing wrong – For example one of the most abusive instances I’ve had with a police officer was one my way home for school. As I turned the corner to walk my path home, a plain clothed police officer abruptly drove his car up to the side walk and told me to stop moving. I looked at the officer incredulously and said “What?” to which he responded by slamming me against a wall and berating me with questions like “Do you have any weapons on you?” as he starts to take my belonging - my book bag and hat- off of me. At this point in the interaction I am very afraid that this officer is TRYING to incriminate me, so I tell him “What are you doing ? You can’t search me! I have rights” to which the officer responded “Shut up, niggers don’t have rights.” And after emptying my belongings on the street and finding nothing, the officer lets me go, gets into his vehicle and drives off...with not so much as “I’m sorry.”

So with experiences like this, as I watch closely all that is happening across the country, it is hard to avoid thinking about my own interactions with the NYPD in my neighborhood of Bedford-Stuyvesant, Brooklyn and how they could have been fatal for no justifiable reason. The sheer number of these unnecessary interactions increase the probability.

The killings of Akai Gurley, Eric Garner and Ramarley Graham and so many others at the hands of police in New York, demonstrates the tragic consequences of systemic problems with police accountability and the

disregard for Black and Brown lives.

Black and Brown young people should not have to expect to be stopped by the police simply because of who we are and where we live, and our parents should not have to prepare us for it. For young people like me, the effect of being put on display by the police in our communities and to our neighbors over and over again is demoralizing, humiliating and only serves to fracture our communities. It criminalizes us to our neighbors, who may not have the appropriate context that we have done nothing wrong and assume the opposite, stigmatizing us as criminals or delinquents in our own communities.

The challenges we face within the NYPD are not those of a few individual bad apples, but are more systemic and structural in the way policing approaches, targets and treats certain communities

The need for the Right To Know Act is INCONTRIVERTIBLE ! This legislation should not be seen as shackles on the police, but as a way to begin to build trust between police and community members that is so clearly absent during interactions. The Right To Know Act means police can have to uphold the tenants of Courtesy, Professionalism, and Respect or be held accountable. Trick or forced searches does not bring NYC toward better policing, abusing the rights of people of color, LGBTQ, and mentally ill people does not help build trust and safety in our communities. WE NEED THE RIGHT TO KNOW ACT!

**Testimony by Mark Winston Griffith of the Brooklyn Movement Center and
Communities United for Police Reform
before the New York City Council Committee on Public Safety**

June 29, 2015 – New York City

Good morning members of the New York City Council Committee on Public Safety.

My name is Mark Winston Griffith and I am the Executive Director of the Brooklyn Movement Center. The Brooklyn Movement Center is a voting member of Communities United for Police Reform (CPR) and has a seat on CPR's Policy and Community Empowerment Working Groups.

The Brooklyn Movement Center is a grassroots, membership-based, community organizing group dedicated to building power among the mostly Black and low- to moderate-income people living in the Central Brooklyn areas of Bedford-Stuyvesant and Crown Heights. We mobilize our neighbors to identify issues that are important to them, nurture leadership, and build social change campaigns. These campaigns include organizing Central Brooklyn parents to bring progressive educational reform to the DOE; the organizing of a food co-op and other food sovereignty initiatives; working to end gendered and sexualized street harassment in public spaces; and organizing local residents to defend Central Brooklyn's environmental health.

Most relevantly, BMC has also been working to institutionalize measures that guard against abusive policing and the criminalization of Black and Brown Central Brooklyn

residents since our founding in 2011. Over the last couple of years we've trained and mobilized hundreds of local people around policy accountability and racial justice issues, worked with local city council members on progressive public safety initiatives, and helped secure the passage of the two provisions of the Community Safety Act. We've also authored op-eds and have made several appearances on WNYC, NPR, New York 1 and on the pages of the New York Times, Wall Street Journal, and New York Daily News. Today our members, collectively in the form of a Police Accountability Working Group, coordinate neighborhood strategy sessions and public education on police accountability; conduct know-your-rights trainings, cop watch trainings and legislative advocacy; and are building the capacity to mobilize hundreds of Central Brooklyn in response to local emergencies. Ultimately, our Police Accountability Working Group expands the leadership capacity of local people to convert their interests into meaningful actions that address public safety concerns and re-imagines police-community encounters.

I am here today to urge you support the two components of the Right to Know Act – Int. 541 and Proposed Int. 182A - which the Brooklyn Movement Center and Communities United for Police Reform believe are essential to the reconstruction of community policing culture and police-community relations.

To fully appreciate the dynamic between police and community residents in Central Brooklyn, you have to first appreciate the fact that this is a historically African-American and African-Caribbean, as well as a mostly low-income and working class

enclave that is undergoing rapid and seismically dramatic demographic and cultural shifts. The bottom line is that many of us Black folks who live in Bedford-Stuyvesant, Crown Heights, Ocean-Hill, Brownsville and the surrounding area feel as though we are an endangered species. We have this eerie sense that as economic development, housing improvements, hip coffee shops and bright, shiny amenities are arriving, these quality of life improvements are being prepared for someone else's consumption.

In Central Brooklyn, many middle-class and enfranchised residents rely on the police to address their personal and community safety concerns, by working with commanders and community affairs officers at the precinct and precinct community council level, and as well as through other formal channels. Many of these relationships are positive and fruitful and we applaud them. But we're here to also declare that much of our community's anxiety emanates from not too little police presence, but too much. Increasingly police are regarded by Black people in Central Brooklyn, particularly renters and young people, as the enforcers of displacement and gentrification, as the ones dispatched to our community to prepare the streets, our homes, our schools, and our commercial corridors for our replacement. It feels as though police have been given the assignment of making Central Brooklyn unaccommodating not just for low-income people, but for Black and brown people of all economic backgrounds. And with so many court-involved or incarcerated young and middle-aged black and brown men, prison seems to be the residential alternative that is being offered.

I was born in Crown Heights and have lived there my entire adult life. I've lived through the crack epidemic of the eighties and nineties when vandalism was an every day lived experience and gunshots were literally heard almost every day. I can tell you unequivocally that as a pedestrian, biker, mass transit rider and driver, and as a father, Black person and cisgendered man, I have always been far more concerned for my safety at the hands of men in blue than at the hands of men in hoodies.

And at the heart of this concern is the nature of engagement between police and civilians, which, currently, is unhealthy and unsustainable in its current form. This is not just my professional assessment, but a personal one. About 10 years ago I was sitting in a car at night, in the parking lot of retail establishment, while waiting for some merchandise to be loaded into my car. About 10 yards away, an undistinguished and unmarked car that was also sitting in the parking lot, facing me, began flashing its lights. This continued for about 30 seconds as I sat there confused about what the person behind the wheel was trying to communicate to me. Eventually a man stepped from the vehicle and approached my car, demanded that I roll down the window, and proceeded to reprimanded me for not moving my car as instructed. Admittedly, this was a jurisdiction in New Jersey, not New York, and I was unfamiliar with the local police uniform. It was dark and I couldn't tell if the officer was a police officer, a security guard or someone else. "I didn't know that you were telling me to move my car," I told the man. "I didn't even know that you were a cop. I still don't know who you are. In fact, who are you?" I asked." He refused to tell me his

name. "It doesn't matter who I am" he said. "What matters is that you do what I tell you to do." He proceeded to write me a ticket for an offense that was later dismissed."

In another incident, far closer to home, while jogging in my own Crown Heights neighborhood, I was suddenly surrounded by a group of armed men in plain clothes and unmarked cars. Without identifying themselves they put me up against a car, patted me down and searched me without my consent, and, after finding nothing on me, proceeded to drive off without so much as explanation, much less an apology. It was not only demeaning, but frightening because initially, for a moment, I didn't even know they were police officers. In fact, in that instant, I experienced them as a gang of thug interlopers who had no respect for me or my community.

Other than civil disobedience, I have never committed a crime, yet I have found myself over the years in at least a dozen encounters with the police. My heart quickens every time I walk or drive by a police officer in Central Brooklyn, which is pretty much everyday. Meanwhile, knock on wood, I've never felt bodily threatened, much less assaulted, by a fellow civilian in all my years living in Brooklyn.

Police officers identifying themselves is the basis for active communication between two human beings in a police-civilian encounter. It provides the foundation for mutual respect, helps to pre-emptively defuse a situation, and can help to reduce - but not eliminate - the threat and sense of complete vulnerability that civilians, particularly men of color, feel when confronted by a stranger. Most importantly,

police identification introduces an element of accountability and transparency that can help guard against abusive behavior.

Similarly, Black and Brown civilians in Central Brooklyn and throughout New York have been conditioned to believe that we have no rights in an encounter with the police and that officers have complete authority and dominion over our personal property and bodies. Just as in a Miranda warning, a verbal acknowledgement that the U.S. constitution is mediating the encounter can be the only thing that places the civilian and police officer in a real world guided by laws and protocol, rather than a separate bubble universe dominated by a person with a gun and an attitude.

At the heart of the change within community policing that is needed is the power dynamic between police officers and civilians. Accountability and transparency are key in encounters because without them, this power is unchecked and abuse becomes inevitable.

Right now, in too many quarters of my community there actually is no functional community-police "relationship." That term would suggest some form of functional two-way communication and interaction. For many of us, it is a one-way encounter imposed on us arbitrarily, it is a barking of orders, a refusal to listen, and often unnecessary aggression.

The basis of public safety and the idea of a re-booted “relationship” between police and civilians is the premise that there are consequences to all of our actions – both police and civilians - and that we must answer to one another for our actions.

We need to create a culture and practice of law enforcement and criminal justice at all levels that can stand up to scrutiny, can command the public’s trust, and will ultimately put power - not physical power, but the power of mutual respect and of human dignity – into the hands of individual citizens and their communities. Passage of the two components of the Right to Know Act can help accomplish what is right now a lofty and seemingly unreachable goal

Thank you.

Testimony before the New York City Council in Support of the Right to Know Act
Consent to Search/Int 541 and NYPD Identification/Int 182A

Monday, June 29th 2015

Good Morning,

My name is Elliott Fukui, and I am the coordinator of TransJustice at the Audre Lorde Project. TransJustice is a political organizing group led by and for Trans and Gender Non Conforming People of Color. We work to educate, organize and mobilize our community and allies on the pressing political issues we face, one of which has been discriminatory policing and broken windows policies since our inception 11 years ago.

The Audre Lorde Project is a Lesbian, Gay, Bisexual, Two Spirit, Trans and Gender Non Conforming People of Color center for community organizing, focusing on the New York City area. Through mobilization, education and capacity-building, we work for community wellness and progressive social and economic justice. Committed to struggling across differences, we seek to responsibly reflect, represent and serve our various communities.

I am here today not to speak for my community, but to lift up our experiences and express our firm support for the Right to Know Act as members of the Communities United for Police Reform Coalition.

Trans and Gender Non Conforming New Yorkers, particularly those of us who are also People of Color, Disabled, Low Income, or Homeless, are often targeted and profiled by police officers here in New York City. We have been subject to unlawful and unconstitutional searches, we have been publicly humiliated and shamed by police officers, and we know that this cannot continue.

According to the New York Anti-Violence Project's 2014 Hate Violence Report, Trans people of color are 6.2 times more likely to experience police violence when compared to other survivors of hate violence. This is clearly an unacceptable number, and something that needs to be addressed by the NYPD and city council.

We have found that when people do not understand their rights, it is far easier for the NYPD to abuse their power and use fear tactics to compel our community members into unlawful searches and seizures. When officers do not identify themselves, it makes it that much harder for us to have recourse when we are experiencing discrimination and violence.

When the police can violate our rights, dehumanize and cause harm to Trans and Gender Non Conforming people without recourse, why would any other New Yorker believe that they would be held accountable for transphobic violence and discrimination?

We are not asking for extraordinary measures. We are asking for something quite simple and necessary for any community to function; Accountability.

We have seen the impact of broken windows policing, and rather than creating trust and building up our communities, it has effectively destroyed the ability for Trans and Gender Non Conforming people of color to access safety in our spaces. These abuses of power have created a fear and distrust of the NYPD.

Many of us do not go to the police when we experience violence because we have found that the police are not actually here to protect and serve us, they are not here to support us. We have learned they are here to intimidate, control, and violate our rights. They are here to humiliate us, out us publicly, and dehumanize us.

If the NYPD is actually here to serve and protect the people, then there should be no questions around the importance and necessity of ensuring that our people know their rights, know the name and badge number of the officer who is questioning them, and know that there are clear channels for recourse in the event that their constitutional rights are being violated by a police officer.

I strongly encourage the city council to pass the Right to Know Act to create pathways to accountable policing. In order for New York to be a safe city for Trans and Gender Non Conforming People of Color, we need to know that there are accountability measures in place that protect our rights, and that there is implementation of those measures.



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FOR THE RECORD

*Testimony of Marbre Stahly-Butts, Center for Popular Democracy,
Policy Advocate before the Public Safety Committee of the New York City Council*

June 29th, 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.

Today we submit testimony to the Public Safety Committee of New York City Council to urge the passage of 182A and 541, also known as the Right to Know Act (RTKA). These bills are important and positive steps towards ensuring that New Yorkers are fully informed of their rights and that NYPD officers act with transparency and respect. We believe that these bills are essential to protect community members from unconstitutional and abusive policing and will improve police/community relations.

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.

Intro 182A, which requires police officers to identify themselves, is a small but important step towards increased transparency and accountability. There is no reason why New Yorkers should not know the identity of police officers they interact with. We have heard time and time again from community members across the city that they are often stopped and harassed without explanation. While NYPD policy already requires that officers provide their name, rank, shield number and command when asked we have found many instances where officers refuse to identify themselves or community members are afraid to ask for the identity of an officer for fear of retaliation. Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. Similar laws requiring that police identify themselves exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department. Additionally, identification requirements were one of the recommendations coming out of the Presidential Taskforce on 21st Century Policing.

Intro 541 is also an important step towards ensuring that communities are not needlessly abused or criminalized. 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. Additionally, this measure was included in the Presidential Taskforce on 21st Century Policing recommendations.

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.

The RTKA helps ensure accountability of police officers by giving New Yorkers the information they need to file complaints against officers involved in misconduct and by making sure that New Yorkers are fully aware of their constitutional rights.

Thank you for your time and consideration.



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TESTIMONY OF VERÓNICA BAYETTI FLORES ON THE CREATION OF A TASK FORCE ON BODY WORN CAMERAS

My name is Verónica Bayetti Flores, and I am Policy Coordinator at Streetwise And Safe (SAS). Streetwise And Safe is a multi-strategy initiative working to reduce the harms of LGBTQ youth of color's interactions with the police through youth leadership development and policy advocacy.

The use of body-worn cameras as a technology is new not only to the New York City Police Department, but to police departments across the nation. As with any new technology to be incorporated into the daily activities of police officers, but perhaps especially when we're talking about video recording technology, it is imperative to review its implications. We believe that the creation of an objective body to review the implications of the addition of this new technology is necessary. The task force implemented by Intro 607 has the potential to be such a body.

As it currently stands, Intro 607 calls for the creation of a task force made of up three Mayoral appointees (two of whom would be NYPD employees), three people appointed by the Speaker, and four jointly appointed members. The legislation does not explicitly create a process for public input on these issues.

Following the federal court's finding in Floyd that the NYPD's stop-and-frisk program was unconstitutional, the court ordered a pilot body cam program as one remedy. That program is supposed to have the input of the Floyd plaintiffs before being implemented. The City and NYPD should not move forward on expanding a body-worn camera program without the input of directly affected communities and without a formal mechanism for affected communities to be able to monitor and evaluate the effectiveness of any NYPD body-worn camera program expansion. There must be explicit processes in place for public input on the issues raised by body-worn cameras.

Moreover, any task force charged with developing an analysis of the implications of body-worn cameras should look at the full scope of issues raised by such a program, and must start from an objective place. Intro 607 requires an analysis on the feasibility and implications of equipping NYPD officers with body-worn cameras regarding the costs of such a program, its privacy implications, best practices for engaging in recording and storage of acquired footage, and any evidentiary issues associated with using video footage recorded by a police officer in criminal proceedings.



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If such a task force were to be constituted, it is imperative that this body also consider the effectiveness of body cameras in reducing instances of police misconduct and abuse, the issue of notification and consent to recording, access to footage by individuals recorded, the use of cameras by officers interacting with arrestees at precincts and central booking, optimal placement of cameras, procedures to be followed and presumptions to be made following failure to record an interaction, discipline in the event of failure to follow policies governing the use of body-worn cameras, officers' ability to view footage before testifying in civil or criminal proceedings.

Perhaps most importantly, we urge that any task force charged with developing recommendations on the use of body-worn cameras begin with an objective view of the effectiveness of body-worn cameras in decreasing the incidence of police brutality and the violations of the rights of New Yorkers. An effective task force would be one that considers all possible outcomes for the use of body-worn cameras by police officers, including the possibility that the significant costs outweigh the benefits.

As an organization who works with LGBT youth of color who are criminalized, we are particularly concerned about the use of video recording technology at the hands of the NYPD. We have seen the lives and experiences of the young people who make up our constituency sensationalized and misconstrued, and we have real concerns regarding the implementation of body-worn camera programs. Any task force charged with developing recommendations for a body-worn camera program should include procedures for public input into the development of these recommendations, address the costs and concerns associated with outfitting NYPD patrol officers with body-worn cameras, and address the lack of evidence of establishing that body-worn cameras reduce instances of police brutality.



TESTIMONY OF CANDIS TOLLIVER

On Behalf Of

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 32BJ

Before

THE NEW YORK CITY COUNCIL

PUBLIC SAFETY COMMITTEE

On

THE RIGHT TO KNOW ACT

(Intro 182A & 541)

JUNE 29, 2015

With more than 145,000 members, Service Employees International Union (SEIU) Local 32BJ is the largest union of property service workers in the United States. In New York City, we represent over 70,000 workers. We work primarily as cleaners, property maintenance workers, doormen, security officers, window cleaners, building engineers, and school and food service workers. We are a diverse group in every way representing various nationalities, ethnicities and races. Our workers come from all over the city, representing every borough.

We focus our work on making sure our workers, and all low wage workers, receive fair pay and good benefits that bring a good quality of life. Quality of life, however, is not just about the job you have, it's also about living in safe, vibrant communities and being treated with dignity and respect. The Right to Know Act is about raising the quality of life for all New Yorkers. SEIU 32BJ supports this legislation because it helps promote public safety while ensuring that our members, their families and neighbors are treated fairly and respectfully by the New York Police Department (NYPD). This common sense bill -- comprised of the NYPD Identification bill and the Search Consent bill -- increases the accountability of the NYPD and standardizes everyday encounters between police and the community.

Intro 182A or the NYPD Identification bill simply requires officers to identify themselves to the public, and explain the reason for the encounter. Currently, New Yorkers have the right to ask an officer for identifying information but often these requests lead to escalation that is unsafe for citizens and police. This law would change that. By requiring officers to provide this information when they are engaging the public in law enforcement activity, the NYPD would be building better relationships with the communities they serve and honoring their motto of 'Courtesy, Professionalism and Respect'.

Intro 541, the Search Consent bill, will provide New Yorkers with information about their rights regarding searches by law enforcement. We all have a right to privacy and far too often that right is violated by officers when they perform searches without informing people of the right not to be searched. Under current law, New Yorkers can refuse a search when there is no legal justification for the search – but again, that places the entire burden on the citizen to deny an officer that permission. Further, many people have no idea that they even have the right to refuse a search. The search consent bill would shift the burden back to the officer, making sure he/she provides the citizen with information regarding the search and allow the person to make an informed decision regarding that interaction. This law will also help to build trust between police and communities who feel that officers often abuse their authority.

We thank Councilmembers Torres and Reynoso for recognizing the need to address the issue of police encounters and how they affect our communities. Far too often New Yorkers – mostly people of color – have negative, uncomfortable interactions with police. These bills will ensure that all New Yorkers, regardless of race, ethnicity or socio-economic status are treated fairly. These bills represent the NY that we all deserve.

Thank you.

BRENNAN
CENTER
FOR JUSTICE

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June 29, 2015

Testimony of the Brennan Center for Justice on Int. 607

Thank you, Chairwoman Gibson, for holding this important hearing, and for inviting public input on Int. 607, relating to the creation of a “Police Officer Body-Worn Camera Task Force.”

My name is Michael Price, and I am counsel for the Liberty and National Security Program at the Brennan Center for Justice. The Brennan Center is a nonpartisan law and policy institute at NYU School of Law that seeks to improve our systems of democracy and justice. The Liberty and National Security Program focuses on helping to safeguard our constitutional ideals in the fight against terrorism. As a part of that work, we advocated for the creation of an Inspector General for the NYPD in 2013, and we continue to urge reform of discriminatory surveillance practices. At the same time, our work also includes scholarship and advocacy intended to ensure that our privacy is protected in an age of new technologies, such as body cameras.

The Brennan Center commends the Public Safety Committee on its thoughtful approach to equipping police with body-worn cameras. While body cameras have the potential to improve police accountability, their deployment also requires careful attention to the rules on what information is collected, how long it is kept, and who has access to it – whether it is available to other government agencies or to the public under freedom of information laws. We therefore support creation of the Task Force and note that its mandate would include analyzing the critical privacy implications associated with this technology. However, the bill does not provide for consultation with stakeholders, which is necessary in light of the complex issues presented by body cameras. We therefore recommend that such a requirement be explicitly included.

As the Task Force conducts its work, it will no doubt be looking at the NYPD’s current policy governing its body camera pilot program. I would like therefore to highlight a few key issues in that policy that require attention.

Beginning late last year, the NYPD launched a “Body-Worn Camera” pilot program in five precincts, as required by *Floyd v. City of New York*, the landmark stop-and-frisk case. There are currently 60 such cameras in use, although the NYPD is hoping to add another 5,000 devices,

according to recent reports.¹ The NYPD issued Operations Order 48 in 2014,² which unilaterally set the rules for officers participating in the program and did not involve the collaborative process envisioned by the *Floyd* settlement. It is therefore unsurprising that the Order raises a number of privacy issues that deserve close examination by a qualified Task Force.

First, the Order establishes a detailed list of circumstances in which officers may not record, such as attendance at political or religious events covered under the “Handschu Guidelines,” as well as “places where a reasonable expectation of privacy exists,” like “emergency rooms, locker rooms, and restrooms.” At the same time, the Order requires officers to activate their cameras during a range of interactions, including all *Terry* stops and radio runs. There is significant tension between these directives. What happens, for example, when officers respond to a domestic disturbance? Calling the police for help is not the same as wishing to have the interior of your home or apartment committed to film. A victim or witness must affirmatively request not to be recorded and officers are instructed to keep filming if the situation is deemed “confrontational” (which is frequently true for domestic disturbance calls). The proposed Task Force should consider the potential chilling effect on reporting domestic violence as it attempts to strike the appropriate balance between privacy and accountability.

Second, the current policy establishes specific rules for retention and access to body camera recordings that the Task Force should scrutinize. In particular, the Order requires the NYPD to maintain all recordings for one year unless “archived” for various reasons. A Task Force could and should carefully consider whether such a blanket rule is the best practice. On the one hand, a year is a long time to store all recordings, particularly those that are unlikely to contain information relevant to complaints. On the other hand, there is a three-year statute of limitations for filing a federal civil rights claim. The Task Force may wish to recommend a more graduated approach based on the type of information recorded. Moreover, the rules are unclear about whether the data can be shared or disseminated to other officers or law enforcement agencies. The Task Force could consider, for example, whether there should be reasonable suspicion that another incident under investigation is reflected in the video before such sharing occurs. Given the volume of data that is likely to be created as a result of these cameras and the potential for abuse or misuse,³ it is important to have a Task Force that will recommend limitations on sharing to safeguard individual privacy.

Third, the current NYPD policy is silent on public access to body camera footage. Members of the public may request recordings through New York’s Freedom of Information Law, yet the current policy does not appear to account for this eventuality. In order to balance the need for privacy and transparency, it is critical to explore solutions that permit public access while preserving individual privacy. The Task Force would be able to evaluate and propose potential solutions, such as the use

¹ Shawn Cohen and Daniel Prendergast, *NYPD Looks to Add Thousands of New Body Cameras*, N.Y. DAILY NEWS, Jun. 22, 2015, <http://nypost.com/2015/06/22/nypd-looks-to-add-thousands-of-new-body-cameras/>.

² N.Y. POLICE DEP’T, OPERATIONS ORDER 48: PILOT PROGRAM – USE OF BODY-WORN CAMERAS (2014).

³ See, e.g., Robinson Meyer, *Seen It All Before: 10 Predictions About Police Body Cameras*, THE ATLANTIC, Dec. 5, 2014, available at <http://www.theatlantic.com/technology/archive/2014/12/seen-it-all-before-10-predictions-about-police-body-cameras/383456/>.

of technology that would blur or pixilate faces in video released to the public – a technique that has already met with cautious praise in Seattle.⁴

Finally, the existing NYPD policy highlights the evidentiary value of body camera footage for use in criminal prosecutions. But this emphasis does not align with the purpose of the pilot program mandated in *Floyd* – increased police accountability and improved community trust. If the cameras become yet another police surveillance tool, they may well have the opposite effect. The NYPD has ample other tools to gather evidence for criminal prosecutions, and the Task Force should consider the appropriate scope, purpose, and use of body cameras with these points in mind.

In short, the use of body cameras raises difficult questions that have not yet received the intensive consideration, expert advice, and public input they deserve – even though the NYPD already has deployed body cameras and developed rules for their use. Those rules are a start, but they require careful scrutiny and improvement with the input of stakeholders, a requirement that is unfortunately missing from Int. 607. We therefore encourage the Council to require the Task Force to consult broadly as it moves forward with its mandate to ensure that all relevant issues are raised and addressed.

Thank you again for the opportunity to testify today about these important issues. I am happy to answer any questions.

⁴ Jessica Glenza, *Seattle Police Post Blurry Body-Camera Videos to YouTube in Transparency Bid*, THE GUARDIAN, Mar. 9, 2015, <http://www.theguardian.com/us-news/2015/mar/09/seattle-police-posting-body-camera-footage-youtube-transparency>.



TESTIMONY PREPARED FOR:

NEW YORK CITY COUNCIL

PUBLIC SAFETY COMMITTEE

SUBJECT: Police Reform

New York City
June 29, 2015
9:30 A.M.
City Hall Council Chambers
City Hall
New York, New York

Presented By:
Cynthia H. Conti-Cook, Staff Attorney
Criminal Practice Special Litigation Unit
Legal Aid Society
199 Water Street, 6th floor
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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 the Society represents people accused of crimes from their initial arrest through the post-conviction process.

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 experience illegal and disrespectful behavior by the New York Police Department.

TESTIMONY

THE LEGAL AID SOCIETY SUPPORTS THE RIGHT TO KNOW ACT

SUPPORT Proposed Int. 182A - in relation to requiring law enforcement officers to identify themselves to the public.

SUPPORT Int. 541 – in relation to requiring law enforcement officers to provide notice and obtain proof of consent to search individuals.

We support the Right to Know Act and encourage the Council to pass this legislation which would take an important step in securing our communities' ability to invoke their right to refuse a search and establish a right to know the name of the officer the people of our City encounter. We support this legislation because we see the kind of improper policing that occurs when law enforcement officers are allowed to remain anonymous.

As an example, The Legal Aid Society, with Shearman & Sterling, LLP, recently filed a case in which two plainclothes officers have been able to escape accountability for an unlawful stop and search because they were never been identified. On July 9, 2013, between approximately 12:00 p.m. and 1:00 p.m., a young Black man in his twenties brought his Associates Degree to show his mentor and elder, a retired professional Black man in his sixties. They were directly in front of the elder man's home at the corner of West 142nd Street and Riverside Drive. During that conversation, the young man reached into his backpack and presented a copy of his diploma to his elder. He then put the diploma back into his bag.

Shortly after police officers John Doe #1 and #2 approached the men in a vehicle and confronted them aggressively. John Doe #1 approached the elder man and separated him from the young man. During the incident, John Doe #1 shouted at the elder man, ordering him, among other things, to produce identification and to position himself against the wall. During the

incident John Doe #1 also ordered the elder man to show him what he was carrying. He complied with this demand and showed John Doe #1 a grocery bag containing a number of sodas. John Doe #1 also referred to the elder man as a “n-word” during the course of the encounter.

At the same time that John Doe #1 was interacting with the elder man, John Doe #2 confronted the younger man. During his encounter with John Doe #2, the younger man attempted to explain to the officer that he was merely sharing his recent diploma. During the encounter, John Doe #2 was in extremely close physical proximity to the young man and made a number of threatening statements, often with his hand on his firearm. Among other things, John Doe #2 threatened to “escalate” the encounter and John Doe #2 also repeatedly asked the younger man if he was “disrespecting” him and threatened to “disrespect” him.

John Doe #2 also expressly stated that the two men appeared “suspicious” referring to Plaintiffs as “two black guys.” John Doe #2 made statements to the effect that it was “suspicious” for the younger man to have shown the elder man an item produced from his backpack. During their encounter, and without the younger man’s consent, John Doe #2 seized and opened the backpack and searched its contents. After John Doe #2 confirmed that he was carrying only a diploma in his backpack, John Does #1 and #2 left the scene.

Neither officer identified themselves. At 1:00 p.m. the following day, July 10, 2013, both men went to the 30th precinct together to file complaints. They specifically described the officers’ physical appearance and the car they drove, including a partial license plate number. In cases where officers are unidentified, the Patrol Guide requires an “Investigating Supervisor” to follow up on a complaint to ascertain the identity of the officers involved. If the “Investigating

Supervisor” is unable to ascertain the identities, the Patrol Guide requires the commanding officer or duty captain to be notified. This apparently never happened here and neither officer was ever identified through the course of the investigation. Neither officer has ever been held accountable for the unlawful stop and search of these two gentlemen.

Both of the men who were stopped had a legal knowledge of their rights; yet neither man could have safely asserted their rights in this situation. The two bills before you, however, could have helped to protect these two men – a young college graduate and his mentor, a retired professional – from being accosted with such aggressive impunity by these plainclothes officers. Passing these bills will not handcuff police officers from performing searches the law allows – it only codifies what the constitution already guarantees: the right to refuse a search and walk away when the law doesn’t allow a search, a right that John Doe #1 violated when he made the older gentleman show him his grocery bag and that John Doe #2 violated when he made the young man open his book bag.

We ask that you protect our communities from these violations by choosing to enforce the right to refuse a search – which requires that police inform people of that right rather than hope they are either ignorant of it or too intimidated to invoke it.

We also ask that you further protect our communities by shifting the burden to the police officers to identify themselves rather than dare the people they’re aggressively confronting to ask them anything. Voting for the Right to Know Act is not a vote against effective policing; it is a vote against systemic violations of people’s constitutional rights and officer impunity.

***THE LEGAL AID SOCIETY SUPPORTS CLARIFICATION AND ENFORCEMENT
OF CONSTITUTIONAL EXCESSIVE FORCE STANDARDS.***

SUPPORT Int. 538 – in relation to use of injurious physical force by law enforcement officers.

SUPPORT Proposed Int. 540A – in relation to chokeholds.

SUPPORT Int. 539 - in relation to requiring the police department to publish annual reports relating to use of force.

SUPPORT Proposed Int. 606A – in relation to requiring the New York Police Department to issue quarterly reports on the use of force and its relationship to quality of life offenses.

We support the Council’s efforts to track, codify and clarify the constitutional excessive force standard that these bills propose. Countless New Yorkers have been subjected to force far beyond what is required to prevent harm to themselves or others, including chokeholds and head/face trauma. Legislating the ban on chokeholds and providing the Council and the public with information about the use of force can only benefit our City. As a further suggestion, we believe that the reporting bills would have greater impact if the demographic information about the person subjected to force was also included.

***THE LEGAL AID SOCIETY SUPPORTS TRACKING OF CIVIL RIGHTS VIOLATIONS
THROUGH BOTH CIVILIAN COMPLAINTS AND CIVIL RIGHTS LAWSUITS***

SUPPORT Int. 824 – in relation to requiring the police department to report in relation to deployment.

Tracking civilian complaints and civil rights lawsuits that describe misconduct will help the City to identify the precise sources of poor training, supervision, discipline and oversight that lead to systemic civil rights violations that impede the effectiveness of the Police Department and cost the city millions of dollars each year. We emphasize that civilian complaints alone do

not reflect the entire record of excessive force complaints to which the City should have access. The requirement of reporting on civil rights lawsuits is the only way that the Council will have a full picture of New Yorkers' complaints about the NYPD. The Council could further enhance its picture of civil rights violations by also requiring reporting on criminal court suppression and incredibility findings and declined prosecutions. This in-depth reporting would give the Council a well-informed multi-sourced landscape of how police are actually acting during street encounters.

SUPPORT Int. 607 - in relation to the creation of a police officer body-worn camera task force.

We support this initiative because we are already seeing evidentiary and privacy issues develop in criminal court regarding body cameras. These important issues deserve thoughtful review and reflection by a dedicated body. We would support including the institutional defender community as a permanent member of such a task force.

SUPPORT Int. 809 - in relation to the coordination and targeted delivery of social services in high crime areas.

We support the study of social services delivery in high crime areas. Often high crime areas could benefit more from additional social services rather than more police. To the extent we believe the Council will learn this through this reporting bill, we believe it will be worthy of the Council's time.

We thank the Council, as always, for the opportunity to testify.

Written Comments of Katherine Beltran
The Bronx Defenders – Organizing Project Leader
New York City Council
Meeting of the Committee on Public Safety
June 29, 2015

Good afternoon. My name is Katherine Beltran, and I am on the Leadership Committee of The Bronx Defenders Organizing Project. The Organizing Project is a group of clients, former clients, and community members that organize to reform the criminal justice system. In my role, I lead campaigns and recruit members to build the power of the community in the South Bronx and beyond. I am also a single mom of four. Thank you for the opportunity to testify.

I hope that my testimony will show you the need and urgency to pass Intro 182 and 541, known as “The Right to Know Act.” This simple legislation can help prevent the unnecessary escalation of tensions during civilian-police encounters like the one I had. My son Lejend was walking home from school one day and stopped by a convenient store. While in the store Lejend noticed a group of young boys running out and he felt something was wrong. He tried to leave but was grabbed and dragged back into the store by a store clerk.

Fortunately a public safety officer from Lejend’s former school recognized Lejend and called me to let me know what was going on. When I arrived, the officer questioned my parenting skills. I asked the officer for his identity and he

replied *“that wasn’t important,”* covered his badge and said I should physically discipline my son and publicly humiliate him, so he wouldn’t do it again. The officer told me that my son *“was a bad seed”* and I felt insulted. This officer had served as the judge and jury of my son even though there was no proof that a crime had been committed. This is an inappropriate way for a police officer to communicate with the people they’re supposed to be serving and protecting. The officer’s behavior led to a breakdown of communication where I felt I could not speak or be heard by the officer. Requiring NYPD officers to identify themselves helps protect New Yorkers’ basic rights during civilian-police encounters.

My son Lejend informed me that the officer had his ID and that made me feel uncomfortable and vulnerable. The officer would not identify himself, but now he knew where my son lived and could target him at home or near his school.

Now is the time for the City Council to pass the “Right to Know Act” and help improve communication and increase transparency between police-community interactions. Having access to the identify of a police officer is a basic civil right. Thank you.



Testimony for the New York City Council Public Safety Committee In Support of the Right to Know Act (Intros 182A & 541) | June 29, 2015

Submitted by: Dwane Porter, VOCAL-NY.

Hello, my name is Dwane Porter, and I am a member of VOCAL-NY. Thank you for the opportunity to provide testimony today and support the Right to Know Act (Intros 182A and 541).

I came to discuss a personal encounter with the police. After I was apprehended by the NYPD, in handcuffs and complying with the arrest— I was a victim of police brutality. I was already handcuffed, but the cops became even more aggressive and used pepper spray on me while I was pinned to the ground. This was all because I was exercising my freedom of speech. I have the right to remain silent, but I also have a right to exercise my rights.

I was sentenced to 3 days of community service and a fine for my offense and was never able to report the abuse I experienced to anyone. I did not have the officer's information and there was no one who would willingly provide me this information. The police brutally attacked me and at a minimum I have a right to know who those officers were.

Many police officers in New York City bring their biases and their personal anguish to the streets and abuse their authority— I want these officers to be identified and properly dealt with. The Right to Know Act will ensure that police officers properly identify themselves so when we are abused we have the opportunity to hold them accountable. Whether I am maced while in handcuffs or if I am being used as a test dummy for illegal stops and searches – I have the right to know who these officers are and the right to know I don't have to consent to an illegal search.

We are living a police state where we are punished for exercising our rights and often the situation gets worse when authority recognizes that we are educated and we do know our rights. My mind is strong— there are a lot of young men and women who cannot control their emotions at my age and I often get frustrated too, but when our voices are not heard, the energy that builds up can be dangerous.

Passing the Right to Know Act is a step towards real public safety.

My name is Djibril Toure and I am here as a resident of Bedford Stuyvesant Brooklyn. I have been involved with the issue of discriminatory policing for many years and was a plaintiff in (Daniels vs. NYPD) the first lawsuit against NYPD for its Stop & Frisk Program. I am here to express support for two bills being considered today - **NYPD Identification/Int 182A (attached)**: Requiring NYPD to identify themselves to the public, and explain the reason for routine interactions (incl street and vehicle stops, etc) and **Consent to Search/Int 541 (attached)**: Protecting NYers against unconstitutional and deceptive searches when there is no probable cause or other legal justification for the search. This applies to searches with no legal justification that occur on the street, in homes, vehicles, etc.. The bill would require that in these cases with no legal justification for the search, that officers inform people that they have the right to decline a search AND secure objective proof of informed & voluntary consent if the person agrees to be searched.

As an activist and community resident, I have many concerns about the way that NYPD officers initiate searches on the street without informing citizens of their rights or identity. For example in my neighborhood, it is not uncommon to see officers in an unmarked vehicle telling an individual to "come here". In many cases this individual may not be officially 'stopped' and has legal protection including their consent as to whether or not they are searched. Often people submit to a search of their person or vehicle without realizing that they have the legal right not to consent. The searches are now considered as "consensual searches" by NYPD and are not included in uf-250 forms or reported to precinct personnel. This process of getting individuals to consent to sometimes unreasonable searches is a commonplace one in many neighborhoods of color and lowers the real number of stops that are reported by NYPD. Our hope is that the city council takes serious consideration of (INT 541 – Consent to search) as it directly relates to the trust and willingness of many communities who have been victimized to interact with NYPD. This protection against unconsensual searches will increase the abilities of individuals to know their rights in a police encounter and make citizens more confident that they are not being violated by a search. In addition, the identification of officers is often an issue when people are stopped and or searched. I have seen and videotaped (as a member of copwatch) undercover vehicles on duty with their license plate bent in half so that it cannot be read. This should be absolutely unacceptable to a modern police department that want to win the trust of its citizens but it exists. I have also seen and witnessed officers who refuse to identify themselves while on duty, which is a violation of police training. If an individual is stopped or searched, and has no way of being able to identify that officer, how does that help us bring trust to these communities who have been victimized by discriminatory policies in the past?

I think we should be clear that these proposals will not make a police officers job harder, or cause them to not stop someone who is a suspect with reasonable information. What these will do is show the public that there are changes going on to benefit them in a police encounter so the level of fear and mistrust is lessened by policy. This is an important step to building a community where law enforcement is seen as a part of the neighborhood and not as an outside occupying force. INT 182a and INT 541 are basic steps to rebuilding the trust that all citizens should have with the proper enforcement of the law. Help us build safer communities and pass these bills into law thank you.

June 29th, 2015

Testimony of Aber Kawas, Lead Organizer at the Arab American Association of New York in favor of the Right To Know Act

Good afternoon. My name is Aber Kawas and I am a lead organizer at the Arab American Association of New York, a social service and advocacy organization serving the Arab American and American Muslim communities in New York City. We are here to join our allies at Communities United for Police Reform and New Yorkers across the city in support of the Right to Know Act. We believe wholeheartedly that the Right to Know Act are common sense pieces of legislation. All New Yorkers deserve the right to know who is stopping them and why. We have seen instances both here in New York City and across the country where because of lack of information during stops, things can go very wrong in an interaction, some even leading to death. Intro 182A is a stepping-stone to bettering community police relations. When New Yorkers understand why they are being stopped and receive the name of the police officer that is stopping them in case they need to follow up or put in a complaint, we believe this will ensure smoother interactions. People will not need to argue or potentially escalate a situation to understand why they are being stopped or fight to get name and badge number of the officers which happens so often. Police can still do their job effectively meanwhile creating a more transparent work ethic within the communities they serve. Intro 541 is a very important piece of legislation and ensures that police officers do their job with in the confines of the law. Illegal searches are unnecessary and create animosity during police interactions. This bill would require that in these cases with no legal justification for the search, that officers inform people that they have the right to decline a search AND secure objective proof of informed & voluntary consent if the person agrees to be searched, similar to Miranda warnings.

We call on the New York City Council to pass these legislations. We are at a crossroads when it comes to policing in our country – New York City can lead the nation in passing common sense police reform legislations that create transparency and accountability. We did it before with the Community Safety Act, and we can do it again. The Arab American Association of New York stands behind the Right to Know Act.

Esteemed Council members:

I'm a veteran front line police officer and former instructor at, and with a Ph. D. in education from, the University of California at Berkeley. I worked extremely high crime areas on patrol and elite special units and positions, such as liaison(intelligence). **My purpose** in addressing the Council is to **offer concrete, truly realistic guidelines for implementing any laws you might pass today.**

I am nearly finished with a book on physiological, psychological, sociological, bio-mechanical and anthropological aspects of police work illustrated via riveting true life examples and fascinating hypotheticals for the purpose of separating valid from unfounded criticism of police tactics and behavior, and with concrete, realistic tenets for improving police efficiency and police-community relations.

Police practice and change must be rooted in experience based, realistic firm, but fair, ideals and strong philosophy. Via careful thought and sophisticated planning, police practice can strike a balance between humanism, benevolence and effective crime fighting, but it requires input by perspicacious, veteran police officers. Police work is deceptively esoteric and complex and, with all due respect, certain aspects cannot be fully grasped except by firsthand frontline experience. E.g. civilians cannot fully comprehend the relationship between a police officer and her/his equipment. I've listened to the apropos discussions from many sides of the issue and believe certain pivotal elements are missing from the dialogue.

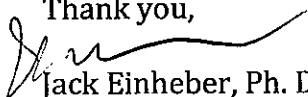
Police understanding of the biological bases of mental illness is crucial and often lacking, as is official, governmental and public understanding of the different manifestations of PTSD among police officers and its potential, sometimes tragic ramifications.

To illustrate some of my points I'll bet most people cannot define what a police officer is and that includes most police officers. [And although this is part of it, it is not just someone who is supposed to protect and serve – firefighters and the military do that too.] Nor do most civilians comprehend how the spirit and letter of the law are to be intertwined. I can elucidate and apply these fundamental concepts.

I'll also bet most civilians and police officers don't understand the full meaning and importance of psychological refractory period in police situations, although many cops instinctively utilize some of its principles. Nor do most understand the vector forces on a bullet in the unfortunate event that a bullet is fired. I have seen no one, including top pathologists, fully consider all relevant physiological, biomechanical and anatomical aspects in order to place the Freddie Gray matter into perspective. (I have been an expert witness in biomechanics) The liability and advantage of the firearm and car are also key.

I have proposals for specific solutions - e.g. relevant education to improve police community relations – i.e. simplified versions of what is taught in scientific graduate school programs – i.e. differentiating between causation and association to prevent, manage and resolve conflict, also weaponless defense including carotid restraint (not chokehold), escalation of force, apportionment of police resources and person power to maximize criminal apprehensions. Teaching select police officers to be interventionists utilizing the Carkhuff Human Resources Development methods such as attentiveness, accurate empathy, & non-judgment. I have had crime suppression proposals considered by Congress –many more proposals.

Thank you,



Jack Einheber, Ph. D. (510) 290-1299, dr.jack006@yahoo.com Please see my You Tube presentation:

https://www.youtube.com/results?search_query=Comperhensive+solutions+Jack+Einheber Also see

my sample research: "Muscle force velocity adaptations to variations in long term physical training."



New York City Anti-Violence Project
240 West 35th Street, Suite 200
New York, New York 10001
212.714.1184 voice | 212.714.2627 fax
212.714.1141 24-hour hotline

**Testimony of Shelby Chestnut, Co-Director of Community Organizing and Public
Advocacy,
New York City Gay and Lesbian Anti-Violence Project
to the
Public Safety Committee
New York City Council
Hearing on Intro 182 and 541
June 29, 2014**

Good afternoon. My name is Shelby Chestnut I am the Co-Director of Community Organizing and Public Advocacy at the New York City Gay and Lesbian Anti-Violence Project (AVP). I am here to testify about Intro 182 and 541 Introduced by the New York Council Member which is pending before the New York City Council, which would require law enforcement officers to identify themselves to the public and provide notice and obtain proof of consent to search individuals.

AVP empowers lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy. We envision a world in which all LGBTQ and HIV-affected people are safe, respected, and live free from violence.

I thank the New York City Council for the opportunity to speak with you today and offer this testimony. As an LGBTQ organization working to end all types violence against LGBTQ and HIV-affected people and a voting member of Communities United for Police Reform coalition **AVP supports the passage of Intro 182 and 541** which is pending before the New York City Council, which would require law enforcement officers to identify themselves to the public and provide notice and obtain proof of consent to search individuals.

POLICE VIOLENCE AGAINST LGBTQ and HIV-AFFECTED PEOPLE

The 2014 National Report on Hate Violence Against LGBTQ and HIV-affected people NCAVP documents a number of troubling findings related to the interaction of LGBTQ survivors of violence with police.

- Transgender survivors were 6.1 times more likely to experience physical violence from police when compared with other survivors
- Transgender people of color were 6.2 times more likely to experience police violence when compared with other survivors
- Transgender women survivors were 6.1 times more likely to experience physical violence from police when compared with other survivors
- LGBTQ and HIV-affected people of color survivors were 2.4 times more likely to experience police violence when compared with other survivors
- LGBTQ and HIV-affected Black survivors were 1.8 times more likely to experience police violence when compared with other survivors

- LGBTQ and HIV-affected Latin@ survivors were 1.7 times more likely to experience police violence when compared with other survivors
- LGBTQ and HIV-affected young adults (ages 19-29) were 2.2 times more likely to experience police violence when compared with other survivors.

These numbers also point to the fact that the very people who should be protecting LGBTQ and HIV-affected survivors are often times the very people responsible for further increasing survivors experiences of violence. Locally in New York City while data is limited as we are one of the only agency who formally collects LGBTQ specific police violence data what we routinely hear from the LGBTQ community is that people are profiled regularly on the basis of the actual or perceived gender identity and sexual orientation and subject to harassment and violence. Routinely we hear of stories where transgender women of color are subject to this very profiling and searches simply for their actual or perceived gender identity as well as LGBTQ and HIV-affected people of color being stopped by the police for their actual or perceived gender identity, sexual orientation and racial identity.

INTRO 182 & 541 WOULD HELP LGBTQ & HIV-AFFECTED SURVIVORS

In 2013 the New York City Council made history by passing landmark legislation with a veto proof majority known as the Community Safety Act and now there is chance to once again make history and pass Intro 182 and 541 known as the Right to Know Act. As noted above police violence and misconduct is deeply impacting LGBTQ and HIV-affected survivors of violence nationally and right here in New York City and the passage of this critical legislation would greatly help LGBTQ and HIV-affected New Yorkers in having safe and trusting relationships with the NYPD. AVP has heard many concerns that Intro 182 and 541 would hinder officer's ability to properly do their jobs and this is just not the case. The greatest impact Intro 182 and 541 would have would be in creating greater trust between law enforcement and LGBTQ and HIV-affected New Yorkers as officers would have to identify themselves and state the reasons for stopping people which will deter unnecessary stops and searches from happening to all New Yorkers, but especially LGBTQ and HIV-affected New Yorkers who are often times profiled and subject to violence at the hands of law enforcement for their actual or perceived gender identity, sexual orientation and as our data shows their racial identity.

Once again AVP strongly encourages the New York City Council to pass Intro 182 and 541 and make New Yorkers safer. Both pieces of legislation were included as recommendation to President Obama in the report by the President's Task Force on Policing in the 21st Century which was released a few weeks ago. New York City has the chance to set the stage nationally and be leaders in Police Reform efforts by acting today and passing Intro 182 and 541 known as the Right to Know Act.

Thank you for your time and for your consideration of this important matter.

Very truly yours,

Shelby Chestnut
Co-Director of Community Organizing and Public Advocacy
New York City Anti-Violence Project
212-714-1184
schestnut@avp.org

MILLIONHOODIES

MOVEMENT FOR JUSTICE

NYC City Council Hearing – June 29

Right to Know Act

Remarks by Dante Barry, Executive Director

My name is Dante Barry and I am the Executive Director of the Million Hoodies Movement for Justice, a national racial justice network founded in the wake of the murder of Trayvon Martin to protect and empower young people of color from mass criminalization and gun violence. We seek to build a safer and more just America by transforming the public narrative on the criminalization of young people of color while providing our members and allies with the tools necessary to protect themselves. In 2012, Million Hoodies created a new tool to help track and document incidents of police misconduct and institutional discrimination, collecting over 2,000 incidents of police misconduct in New York City alone.

Over the past year, in response to a series of high-profile police killings and police violence, communities across the country have erupted in massive protests, sustained acts of civil disobedience demanding an end to police brutality and a recognition that Black lives matter. Black people have always had a complicated and violent relationship with citizenship in this country. There has been a monopoly on who has the right to feel and be safe – a monopoly that is often regulated and enforced by cops. If safety is to be the point, we must not tweak but rather transform every inch of policing from recruitment to discipline. That's why it is time for the City Council to make New York a national leader by passing the Right to Know Act. The number of increased officers in our communities only further demonstrates

MILLIONHOODIES MOVEMENT FOR JUSTICE

the need for these basic, common sense protections of New Yorkers.

In order to change the fundamental nature of how communities are interacting with and being treated by police, we must start with everyday interactions and address the communication, transparency, and accountability in them. About a month ago, I was at a protest here in New York City in Union Square where NYPD came out in full force against a community peacefully demonstrating their right to protest. I stood next to my friend's seven-year old son whose face and emotions I'll never forget. As NYPD violently clashed with protestors, I watch a seven year old kid scream for his life: shouting: "I don't want to die, I don't want to die. I don't want them to kill me." Although this isn't a normal every day interaction with NYPD officers, it is a demonstration of the kind of intimidation, fear, and trauma our young New Yorkers are experiencing and suffering through every day.

I think about the next set of interactions that seven year old will have with a NYPD officer. In order for our communities to start feeling safer, the very nature of how communities are interacting with NYPD officers must change and that is why passing the Right to Know Act is the right thing to do and prevent further negative interactions from every corner and every aspect of life in New York. Too often New Yorkers have no idea why they're being questioned or stopped by an officer and it can be intimidating. Let's take the step in leading the country in police accountability and pass the Right to Know Act!

MILLIONHOODIES

MOVEMENT FOR JUSTICE

Thank you.



June 29, 2015

Why New York City needs the passage of the "Right To Know Act" legislation.

When officers do not identify themselves in unsubstantiated stops feel free to violate the constitutional rights of citizens of New York. It is also my personal opinion that requiring documentation of a "consent to search" which is void under duress or coercion will reduce the element of official "perjured testimony" resulting in the admission into evidence of inadmissible contraband in order to secure an "illegally" obtained conviction.

It has been my personal experience that when members of our New York City Police Dept. accost a citizen on the streets of New York City without having to identify themselves the potential for illegal unconstitutional behavior is increased. This is due to the fact that all agents of the law enforcement community are fully aware of the fact that without the ability to identify an offending officer any allegation rendered to our civilian complaint review board is rendered an "unsubstantiated complaint and summarily dismissed.

It is my contention that the two proposals for legislation now before the city council are vital to maintaining our rule of law and to ensure a positive level of integrity within our current New York City Criminal justice system.

Respectfully

Jean Rice



June 29th, 2015

Good Day Ladies & Gentleman of the City Council,

My name is Michael Austin a proud member of Picture the Homeless I'd like to thank you for the opportunity to address you today.

I'm requesting and **BEGGING YOU** at the same time to pass The Right To Know Act

Intro 182A & 541

In 2014, I had a very bad encounter with the NYPD, I was stopped frisked, charged falsely and given a summons that was illegible. Had this encounter been legal and within the guidelines of to protect and serve I would not be here before you today but here I am.

After being stopped by a Patrol car, asked for my I.D. in which I complied and never being told the reason for the unconstitutional stop I then had to deal w/ the anger of my I.D. being returned with a summons for public intoxication & disorderly conduct for which neither was true.

My name, address & d.o.b. along w/ other vital information that was incorrect. I still don't know why I received the summons or the officers involved in violating my rights as a citizen of New York other than to fulfil a quota and to give me a record unjustly.

To them, this was and is business as usual and to me I'm considered drunk in public and a trouble maker of which I'm neither. **THIS IS WHY IT IS VITAL THAT INTRO(s) 182A & 541 BE PASSED BY YOU.**

Thank You for your attention to this matter.

Mike Austin



June 29th, 2015

Good day members of the City Council,

My name is Doug Williams, and I am a member of Picture the Homeless. I am also here to give testimony as to why it is vital that you pass the Right To Know Act legislation before you today.

I was sitting on the corner of Hancock and Malcolm X. I was throwing away a container into the garbage and three guys pulled up in a black car and took the container from the trash. They never told me who they were I was pushed to the ground and taken to jail in handcuffs but never told what I was being charged with nor ever identifying themselves. They took me to the 81st Precinct I told them constantly that I wanted to go to the hospital to take care of my injuries I got from this assault and to find out the names of the officers who assaulted me.

I was told that if I do go to the hospital, I would be in the system longer. They told me to be quiet. They gave me two tickets, one for disorderly conduct, and one for an open container. I was never seen by the judge and sent out the back door of the precinct.

The 81st precinct has as history of physical abuse. After three to four months, I am just now able to use my hand after being diagnosed with temporary nerve damage. Picture the Homeless is assisting me with legal representation. I have documentation from the doctor and the tickets of this encounter.

- The summonses are illegible which is prolonging my legal remedies.
- I still don't know the names of the officers who did this to me.
- And with the approval of the Right To Know Act and Bill 182A, this type of behavior would stop the N.Y.P.D from the use of this type of daily abusive behavior towards New Yorkers.

Douglas Williams

SUPPORT THE RIGHT TO KNOW ACT

*PREVENT DISCRIMINATORY & ABUSIVE POLICING
AND IMPROVE COMMUNICATION & ACCOUNTABILITY BETWEEN NYPD AND NEW YORKERS*
(Updated as of 11/17/14)

The excessive and abusive use of stop-and-frisk in New York City for more than a decade uncovered serious violations of New Yorkers' fundamental rights. The close scrutiny of stop-and-frisk abuses also revealed other daily police practices that lack transparency and undermine trust in the NYPD, including unconstitutional searches of New Yorkers and the common failure of officers to identify themselves to members of the public during routine activities. The **Right To Know Act** is a legislative package that aims to protect the civil and human rights of New Yorkers while promoting communication, transparency and accountability in everyday interactions between the NYPD and the public. New Yorkers want to live in a safe city where the police treat all residents with dignity and respect, and where police are not considered to be above the law. The **Right To Know Act** includes the following legislation:

Intro 182 – Requiring NYPD officers to identify themselves

New Yorkers should have the right to know the identity of police officers that interact with them, and the reason for law enforcement activity that prompts those interactions. Intro 182 would:

- Require officers to identify themselves and provide the officer's name, rank, command and a phone number for the Civilian Complaint Review Board at the end of police encounters that do not result in an arrest or summons.
- Require officers to provide the specific reason for their law enforcement activity (e.g. vehicle search, stop-and-frisk)

All too often, New Yorkers have no idea why they're being questioned, stopped or searched by a police officer. NYPD policy already requires that officers provide their name, rank, shield number and command when asked. However, in many instances, officers do not identify themselves to members of the public and many individuals report fear of asking for the identity of an officer for fear of retaliation. Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. New Yorkers should have the right to know the identity of police officers that interact with them.

Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department.

Intro 541 - Protecting New Yorkers against unconstitutional searches

New Yorkers should have the right to know that under the US constitution, searches without any legal basis (such as probable cause or a warrant) do not have to be agreed to, and they should have the assurance that this right will be respected and upheld by police. Intro 541 would:

- End the practice of the NYPD deceiving New Yorkers into consenting to unnecessary and unjustified searches
- Require officers to explain that a person has the right to refuse a search when there is no legal justification for a search
- Require officers to obtain objective proof that an individual gave informed and voluntary consent to a search, when there is no legal justification for the search

NYPD officers routinely conduct searches without legal justification other than an individual's assumed "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. Most New Yorkers are unaware that they have the right to refuse such "consent" searches when the officer has no warrant, probable cause to believe they committed a crime, or other legal justification. The rights of New Yorkers to provide informed and voluntary consent to searches, and to decline such consent when there is no legal justification, should be protected.

Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department. Some states have banned consent searches altogether due to their racially discriminatory impact.

**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: 6/29/15

(PLEASE PRINT)

Name: NYPD Police Commissioner Bill Bratton

Address: _____

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: June 29 2015

(PLEASE PRINT)

Name: Cynthia Conti-Cook (CPR)

Address: 199 Water St NY NY 10038

I represent: Legal Aid Society

Address: 199 Water St NY NY

**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: 6/29/15

(PLEASE PRINT)

Name: NYPD Chief of Department James O'Neill

Address: _____

I represent: NYPD

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: 6/29/15

(PLEASE PRINT)

Name: Lawrence Byrnes, Deputy Commissioner, Legal Matters

Address: _____

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 182 Res. No. 4

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: STEPHAN EDEL

Address: 3 Metrotech Center North

I represent: The Center for Working Families

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: 6/29/15

(PLEASE PRINT)

Name: Benjamin Tucker, First Deputy Commissioner

Address: _____

I represent: NYPD

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: 6/29/15

Name: Nikita Price (PLEASE PRINT)

Address: 104 E. 126TH ST.

I represent: PICTURE THE HOMELESS/CPR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 182A-541 Res. No. _____

in favor in opposition

Date: 06/29/15

Name: MARBRE STAHLY-BUTTS (PLEASE PRINT)

Address: 449 Turtman St. BK

I represent: CENTER FOR POPULAR DEMOCRACY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. JR2A 511 Res. No. _____

in favor in opposition

Date: 6/29/15

Name: CHRIS BILAL (PLEASE PRINT)

Address: 147 W 24TH ST 4TH FL

I represent: STREETWISE AND SAFE

Address: 147 W 24TH ST 4TH FL

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: Gwen Carr

Address: _____

I represent: (mother of Eric Garner)

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 County S. Ram

Date: 6/29

(PLEASE PRINT)

Name: Dean K Barkley

Address: 3 Decatur St. Brooklyn NY 11221

I represent: Million Homes Mount

Address: _____

RETIRED
POLICE
OFFICER
WITH
SUGGESTIONS

**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: DR. JACK EINKBER, Ph. D.

Address: P.O. Box 25004 NYC 10025

I represent: MYSELF

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: Carl Stubbs

Address: 43-23 Colden St

I represent: Vocal N.Y.

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: 6-29-15

(PLEASE PRINT)
Name: KIRSTEN JOHN FOG

Address: 106 WEST 145th ST

I represent: NATIONAL ACTION NETWORK

Address: _____

*Right to
know
testifying*

**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: Juan R. Aguirre

Address: 55-30 99th St Corona N.Y. 11368

I represent: Communities United for Police Reform/Justice Committee

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. 182A Res. No. 182A
 in favor in opposition

Date: 06/29/2015

(PLEASE PRINT)

Name: Aber Kawas

Address: 8801 Bay Parkway

I represent: The Arab American Association

Address: 7111 5th Ave Brooklyn NY 11214

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541, 182A Res. No. _____
 in favor in opposition

Date: 6/29/15

(PLEASE PRINT)

Name: Elliott Fukui

Address: 1133 St. Johns Pl, Apt. 5

I represent: The AUDRE LORDE PROJECT

Address: 147 West 24th Street, NY, NY 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brett Stoudt

Address: 10 St Paul's Place 5N

I represent: City University of New York

Address: 365 5th Avenue NY, NY 10016

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. Right to know Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mark Winston Griffith

Address: 375 Juyesant Aven

I represent: Brooklyn Movement Center/CPR

Address: Schnee

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 607 Res. No. _____
 in favor in opposition

Date: 06/29/2015

(PLEASE PRINT)

Name: VERONICA BAYETTI FLORES

Address: 147 W 24TH ST 937 ST MARKS AVE BROOKLYN

I represent: STREETWISE AND SAFE

Address: 147 W 24TH ST, 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: KATHERINE BELTRAN

Address: 370 E 153RD STREET *10C BX

I represent: BROOK DEFENDERS ORGANIZING PROJECT

Address: 360 E 161st Street Bx, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. Many Res. No. Many
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: 1 Manhattan Borough President GOLE Brewer

Address: 1 Centre St.

I represent: Ayisha Irfan Leppins

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 102-54 Res. No. _____
 in favor in opposition

Name: JEFIN RILE Date: 06-29-15

(PLEASE PRINT)

Name: IN FAVOR

Address: _____

I represent: "PICTURE THE HOMELESS"

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: Candis Tulliver

Address: 25 W 18th Street

I represent: SEIU 32BJ

Address: 25 W 18th Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541-821A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DWANE PORTER

Address: _____

I represent: VOCAL-NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541-821A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANISSA AMILERA

Address: 992 PARK PL #3 BROOKLYN

I represent: VOCAL-NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541+182A Res. No. _____

in favor in opposition

Date: 6/29/15

(PLEASE PRINT)

Name: Djibril Toure

Address: 193 Bainbridge street

I represent: _____

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. 182/541 Res. No. _____

in favor in opposition

Date: June 29' 15

(PLEASE PRINT)

Name: Donna Weckman

Address: _____

I represent: NYCLU

Address: 125 Broad Street

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. 182/541 Res. No. _____

in favor in opposition

Date: 6/29/15

(PLEASE PRINT)

Name: Shelby Chestnut

Address: 240 W 35th Street Suite 200

I represent: Anti-violence Project (AVP)

Address: 240 W-35th St Suite 200

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. 182/541 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Keeshawn Harley & Adilia Williams *will be reading*

Address: 212 W 11th St

I represent: Makes the Road New York Communities

Address: 100 W 11th St United for Police Reform

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. 607 Res. No. _____
 in favor in opposition

Date: 6/29/2015

(PLEASE PRINT)
Name: Michael Price

Address: _____

I represent: The Brennan Center for Justice

Address: 161 Avenue of the Americas 12th floor

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