

SAFETY AND CIVIL RIGHTS FOR ALL NEW YORKERS

Fulfilling Pledges on
Policing & Community Safety
for the Mayor's First 100 Days

COMMUNITIES
UNITED FOR
POLICE
REFORM

ChangeTheNYPD.org

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INTRODUCTION

Over the previous two years, decades of work by community-based, legal, policy, and advocacy groups and researchers in New York City have culminated in an unprecedented movement to end discriminatory and abusive policing in New York City. Communities United for Police Reform (CPR), the campaign around which these groups have coalesced, has coordinated a series of community organizing, litigation, communications and legislative efforts that have helped to change the local conversation on public safety and led to the enactment of the End Discriminatory Profiling Act and the NYPD Oversight Act, two of the four bills composing the original Community Safety Act (CSA).

This report outlines the steps that the de Blasio administration (the administration) should take in its first 100 days in order to make good on its pledges to prioritize safety and civil rights, and repair the relationship between communities and the NYPD. These concrete steps will help continue progress towards a New York City and NYPD that promote both safety and respect for the rights and dignity of all New Yorkers by ensuring policing that is non-discriminatory, effective and constitutionally sound >>

RECOMMENDATIONS

1

New Police Commissioner Bill Bratton Must Be Committed to Delivering Both Safety & Respect for All New Yorkers



The demographic shifts that will make the U.S. a majority people of color nation within 30 years are already a reality in New York City. As home to large numbers of Black, Latina/o, Arab, Asian, Native American New Yorkers, immigrants, youth, diverse faith communities, and a thriving LGBTQ community, the City is the ideal setting in which to develop and pioneer an approach to policing that guarantees safety and respect for all New Yorkers, regardless of their socio-economic status.

But doing so will require NYPD leadership that is equipped to seize this opportunity. We urge incoming Mayor de Blasio and Commissioner Bratton to:

- **Reject strategies that rely on discrimination**, like bias-based profiling, abuse of stop-and-frisk, and surveillance of Muslim communities. Instead the NYPD should demonstrate a deep commitment to policies and practices that ensure safety and respect for the rights and dignity of all New Yorkers, regardless of race, ethnicity, religion, age, gender, gender identity and expression, sexual orientation, immigration status, disability, housing status, socio-economic status, occupation, and language;
- **Acknowledge the severe and destabilizing consequences of low-level arrests and summonses**—including eviction, job-loss, school suspension, and even deportation—especially when they target low-income communities of color, and **pledge to reduce costly and wasteful arrests and summonses for quality of life offenses like possession of small amounts of marijuana, trespass and disorderly conduct.**
- **Successfully partner with communities that have been subjected to discriminatory policing**—particularly low-income communities of color, including: immigrant, LGBT, differently abled, homeless people, public housing residents, youth, women, low-wage workers, and faith communities—to ensure that the rights of all are respected equally and build trust between these groups and law enforcement;
- **Foster and ensure a culture of accountability and transparency**, that supports public access to data, policies and activities of the NYPD;

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RECOMMENDATIONS



- **Enforce a zero-tolerance policy for police brutality**, (especially shootings and killing of unarmed New Yorkers), sexual harassment and assault of members of the public; and
- Use the Department's sophisticated analytical tools to **institute new performance management systems** that replace crude stop and arrest quotas with more meaningful measures, including legal sufficiency of enforcement activities, ability to build community relationships and trust, and success in controlling violent crime while minimizing stops and other kinds of police contact that have been shown to undermine perceived legitimacy of law enforcement.

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Discontinue the Legal Challenge to the End Discriminatory Profiling Act (Local Law 71 of 2013)

Council Members representing New Yorkers from across the boroughs demonstrated tremendous leadership by passing the End Discriminatory Profiling Act (profiling ban) and the Independent Oversight Act (Local Law 70 of 2013). Yet, the outgoing Mayor has filed a misguided legal challenge to the profiling ban, arguing that Local Law 71, the End Discriminatory Profiling Act, is preempted by state law. We urge the de Blasio administration to drop this lawsuit and clearly signal that it is committed to effective implementation of and compliance with these two Community Safety Act laws. Moreover, we urge the de Blasio administration to redirect resources set aside for the lawsuit toward the implementation steps subsequently outlined.

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3

Ensure Effective Implementation of the End Discriminatory Profiling and the NYPD Oversight Acts

The End NYPD Discriminatory Profiling Act (Local Law 71 of 2013) and the **NYPD Oversight Act (Local Law 70 of 2013)** create a strong beginning framework for transforming NYPD policy and practice to eliminate discriminatory policing, and uphold the civil and human rights of all New Yorkers. We urge incoming Mayor de Blasio to ensure effective implementation and Police Commissioner-designate Bill Bratton to institute policies and issue guidance that make it clear the Department now rejects bias-based profiling and embraces independent and external oversight.

Policy at all levels must reflect these commitments. Specifically, we urge:

- The issuance of departmental directives reflecting the newly expanded and strengthened profiling ban set forth in the End NYPD Discriminatory Profiling Act, including necessary adjustments to the Patrol Guide;
- Ensure that the New York City Human Rights Commission is fully funded, with sufficient staff trained under the End Discriminatory Profiling Act/ Local Law 71 to begin investigating and adjudicating claims brought under the Act on Jan 1, 2014.
- Institution of training programs for both new and experienced officers that are designed to help officers recognize and avoid discriminatory profiling and utilize more effective law enforcement strategies. Community groups and external researchers should be included in the design of these training programs, and these trainings must also include opportunities for community groups to educate officers and their supervisors;
- Establish departmental disciplinary policies setting forth meaningful and definitive consequences for officers who engage in bias-based profiling;
- Institute and enforce data collection and reporting policies that will allow for assessment of compliance with End Discriminatory Profiling Act and enable the public to track the Department's progress in key areas. Data collection and reporting policies should be developed in consultation with community groups;
- In addition, it is vital that the mayor appoint a qualified and progressive candidate to the position of Department of Investigation Commissioner —someone who can and will support the Inspector General's work;

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RECOMMENDATIONS

- Fully fund the newly-created Inspector General's office, ensuring that it has sufficient human and financial resources to conduct investigations, collect and analyze data and prepare recommendations; and
- Issue policies making it clear that cooperation with the Inspector General, including compliance with requests for information, is mandatory and establishing meaningful sanctions for non-cooperation.

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Issue Executive Orders and Administrative Policies and Guidance Requiring Objective Consent to Search and Requiring Police Identification

Incoming Mayor de Blasio must exercise the executive powers of the office of the mayor to promote greater accountability. Currently, too many New Yorkers are unaware that they need not consent to a search for which there is no other constitutional basis. Too many officers exploit this lack of knowledge or violate New Yorkers' constitutional rights. To address this problem, we urge incoming Mayor de Blasio to issue an executive order within 100 days of taking office that requires officers to inform New Yorkers of their right to withhold consent and to secure objective proof where such consent is granted. In concurrence, new Police Commissioner Bill Bratton must issue departmental directives on consent searches, as well as any guidance that may be required.

Similarly, we urge incoming Mayor de Blasio to issue an executive order on police identification. For many New Yorkers—particularly those whose communities are most aggressively policed—encounters with police are made all the more fearful and unpleasant by the failure of officers to identify themselves as law enforcement officials. Research suggests that in the absence of anonymity, officers are less likely to engage in brutal, abusive and discourteous behavior. We urge incoming Mayor de Blasio, in his first 100 days in office, to issue an executive order requiring NYPD officers to identify themselves, explain the reasons for the law enforcement action in question and provide information about how to file a complaint or commend officers for professional and courteous behavior. Moreover, it is critical that incoming Police Commissioner Bratton issue departmental directives on officer identification, as well as any guidance that may be required, consistent with the executive order.

RECOMMENDATIONS

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Implement *Floyd* Remedies Order & A Meaningful Role for Impacted Communities

Victories in the courts and City Council this year set the stage for a re-commitment to the safety and civil rights of all New Yorkers, and a major overhaul of discriminatory police practices on New York City sidewalks. But the work is far from over. We urge the new mayor to withdraw the senseless appeals of the rulings in *Floyd v. City of New York* and *Ligon v. City of New York* and implement the Court's remedial order. We urge the administration to actively engage in the development of reforms with the monitor, parties and stakeholders to identify smarter, more respectful and effective policing strategies that can cure the constitutional deficiencies of the current stop and frisk practices. The court appointed monitor can assist the administration to ensure meaningful implementation, identify systemic problems and ensure public legitimacy to reforms of stop and frisk practices.

In particular, as part of the remedy ordered in *Floyd*, there will also be a series of community forums and opportunities for community input on stop-and-frisk reforms. The participation of impacted communities is critical to effective implementation of the *Floyd* remedial order. It is our hope that the new administration will attend and listen to residents' concerns at the forums and act on this feedback when making changes to police policy. Beyond this, however, we urge the Mayor to actively support the creation of a formalized and sustained role for impacted communities in the implementation, monitoring and evaluation of the remedial order.

The use of stops must be limited to those situations where a police officer has individualized and objective reasonable suspicion to believe that a particular individual is about to or has engaged in criminal activity and the use of frisks should be limited to situations where there is individualized, reasonable and articulable suspicion that the specific subject is armed and poses a danger to the safety of the officer or the public.

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Address and Resolve the Public Housing Policing Abuses and Tenant Security Issues presented in the Davis litigation that is scheduled for trial in early 2014.

In addition to reforming trespass enforcement and other policing policies and practices, NYCHA must provide effective security measures for all buildings, including doors, locks, lighting, cameras, and non-police civilian employees who perform the doorman function.

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End Illegal Surveillance of Muslim Communities and Political Activities



The evidence of the NYPD's unconstitutional surveillance of mosques, restaurants, bookstores, and other public spaces in Muslim communities is too overwhelming to ignore. Profiling Muslim New Yorkers does not make New York safer and undermines community trust. The new administration must end the practice of spying on innocent people, places of worship, and community spaces.

Similarly, there is no place for illegal surveillance of political activity in New York City's thriving democracy. We urge the Mayor to eradicate this practice and to honor the protections of free speech and assembly that are enshrined in the Handschu consent decree.

There should be an expungement of all records collected by the unconstitutional surveillance of religious and political activities, and a transparent process of engagement with the affected communities on reforming these policies and repairing negative consequences of such surveillance.

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Ensure NYPD Transparency

During the Bloomberg years, obtaining information from executive agencies through the Freedom of Information Law was often difficult and sometimes impossible. In Public Advocate Bill de Blasio's "Transparency Report Card," the NYPD received an "F" rating for failing to obey the Freedom of Information Law and make records public, citing that a third of the FOIL requests to the NYPD it analyzed went unanswered. Advocates, journalists, academics and citizens repeatedly struggled to get any records from the NYPD. The new administration must ensure a culture of transparency at the NYPD that supports public access to data, policies and activities of the NYPD. This includes ensuring through audits or incentives that all agencies comply with FOIL and the Open Meetings Law.

In 2012, the City Council enacted the Open Data Law, legislation that will reduce delays in FOIL requests for computerized information, and will enhance creative applications of city data to improve the lives of New Yorkers. The law requires agencies to proactively post all datasets that would be subject to disclosure under FOIL to a central data clearinghouse where they can be obtained by anyone for free. Yet many city agencies are not in full compliance with the law, insulated by the culture of opaqueness under Mayor Bloomberg. CPR urges the new administration to ensure full compliance with the Open Data Law by March 2014, the anniversary of the law's initial compliance date.

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CONCLUSION

The beginning of the new administration marks a moment of historic opportunity for New York City and the nation. With a growing popular consensus that we need a more just and effective approach to policing and the enactment of the End Discriminatory Profiling and NYPD Oversight Acts, the Mayor is well positioned to demonstrate the viability of such an approach. Through the appointment of new leaders to key posts, the development and implementation of a range of accountability policies and active engagement in court-ordered remedial policies, CPR believes that the de Blasio administration can launch a new era in public safety policy in New York City and beyond.

CPR looks forward to working with the new administration to take concrete steps to end discriminatory policing, improve police oversight, and rebuild relationships between communities and the police in order to help keep all New Yorkers safe.

COMMUNITIES UNITED FOR POLICE REFORM

VOTING MEMBERS

Audre Lorde Project
Bronx Defenders*
Center for Popular Democracy
Center for Constitutional Rights*
Center on Race, Crime & Justice of
John Jay College of Criminal Justice*
Color of Change
CAAAY Organizing Asian Communities
Criminal Justice Clinic at Pace Law School
Drug Policy Alliance
FIERCE
Justice Committee*
LatinoJustice PRLDEF
Legal Aid Society
Make the Road NY*
Malcolm X Grassroots Movement*
Marijuana Arrests Research Project
NAACP-Legal Defense and Education Fund
New York City Anti-Violence Project
New York Civil Liberties Union*
NY Communities for Change
Peoples' Justice for Community Control
and Police Accountability
Picture the Homeless*
Streetwise & Safe*
VOCAL-NY
Youth Ministries for Peace and Justice

**denotes organizations serving on CPR's steering committee*

SUPPORTING MEMBERS

5 Borough Defenders
Arab American Association of New York
Asian American Legal Defense
& Education Fund
Association of Legal Aid Attorneys/
UAW Local 2325
Astraea Lesbian Foundation for Justice
Bill of Rights Defense Committee
Black Women's Blueprint
Brotherhood/Sister Sol
Campaign to Stop the False Arrests
Center for NuLeadership on Urban Solutions
Chhaya CDC
Council on American Islamic Relations
-New York
Child Welfare Organizing Project
Creating Law Enforcement Accountability
& Responsibility
Desis Rising Up & Moving
Families Against Stop & Frisk
Families for Freedom
Gay Men of African Descent
The Game Changers Project
Immigrant Defense Project
Jews Against Islamophobia
Jews for Racial & Economic Justice
Latino Commission on AIDS
Manhattan Young Democrats
New York Harm Reduction Educators (NYHRE)
Northern Manhattan Coalition for
Immigrant Rights
Persist Health Project
PROS Network
Public Science Project
Queers for Economic Justice
Restaurant Opportunities Center of New York
Sistas & Brothas United/Northwest Bronx
Community & Clergy Coalition
Sylvia Rivera Law Project
Tribeca for Change
Trinity Lutheran Church
T'ruah: the Rabbinic Call for Human Rights
Turning Point for Women and Families
Youth Represent

COMMUNITIES UNITED FOR POLICE REFORM

Communities United for Police Reform (CPR) is an unprecedented campaign to end discriminatory policing practices in New York City, and to build a lasting movement that promotes public safety and policing practices based on cooperation and respect—not discriminatory targeting and harassment.

CPR brings together a movement of community members, lawyers, researchers and activists to work for change. The partners in this campaign come from all 5 boroughs, from all walks of life and represent many of those unfairly targeted by the New York Police Department. CPR is fighting for reforms and working to change culture to promote community safety while ensuring that the NYPD protects and serves all New Yorkers.

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