

COMMUNITIES UNITED FOR POLICE REFORM

February 1, 2016

Mr. Philip K. Eure, Inspector General
Office of the Inspector General for the NYPD
New York City Department of Investigation
80 Maiden Lane
New York, NY 10038

Dear Inspector General Eure:

We write to request a formal investigation and review into the NYPD's policing and treatment of homeless New Yorkers. Over the past two years and especially the past several months, a number of documented incidents and reports, together with pronouncements by top government officials, raise serious concerns about whether homeless people in the city are being targeted with abusive and discriminatory treatment by the NYPD – simply due to their housing status.¹

Homeless New Yorkers are entitled to the same rights as any other resident of the city, but some accounts appear to indicate that police have participated in activity violating that notion. In the East Harlem area surrounding 125th Street and Park Avenue, there is evidence that [police have routinely given orders for homeless people to vacate public spaces](#)² and [have participated in the confiscation and destruction of personal belongings](#)³, in addition to threatening such action. Other examples of questionable police treatment of homeless New Yorkers in the area include kicking people awake⁴, reports of temporarily handcuffing absent an arrest, and reports of people being taken into police custody with involuntarily and unjustified submission to psychiatric centers.

In addition to these troubling actions, we remain deeply concerned about the propriety and value of other government orders that have occurred or are being forecasted by top government officials to use police and law enforcement agencies and actions to target homeless people – not because of criminal activity, but because of their homeless status.

The [de Blasio administration's dismantlement of so-called "homeless encampments"](#)⁵ raises significant questions. This type of action has been opposed by the [U.S. Justice Department in a legal filing](#)⁶ and by

¹ Local Law 71 of the Community Safety Act prohibits bias-based profiling, including discriminatory profiling where factors such as actual or perceived housing status is the determinative factor in initiating law enforcement action.

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444267&GUID=BCB20F20-50EF-4E9B-8919-C51E15182DBF>

² <http://www.nytimes.com/2015/09/24/nyregion/homeless-on-east-harlem-street-feel-unwanted-pressure-after-raids.html>

³ <http://www.nyclu.org/news/nyclu-files-claims-behalf-of-homeless-calls-their-humane-treatment>

⁴ http://gothamist.com/2015/12/21/homeless_nyers_lawsuit.php

⁵ <http://observer.com/2015/11/nyc-mayor-rebukes-obama-administration-on-homelessness/>

⁶ <http://www.justice.gov/opa/pr/justice-department-files-brief-address-criminalization-homelessness>

the [United States Interagency Council on Homelessness for policy reasons](#)⁷. Examination is warranted into whether these actions are connected to a potentially broader sanctioning of the use of NYPD and Department of Sanitation personnel to seize and destroy the possessions of homeless people elsewhere in the city. Many of the sites where such action is being taken or alleged are simply places where homeless people congregate, not encampments with unlawfully constructed structures or other features of “encampments” that violate local laws.

Additionally, [in 2014, the NYPD announced plans to clear homeless New Yorkers off of the train cars of a particularly subway line](#).⁸ While the department cancelled its plan after its intention was publicly revealed and garnered outcry, NYPD [Commissioner Bratton renewed the idea that homeless New Yorkers would not be permitted within the subway system](#) in recent public comments.⁹ The commissioner’s proclivity for such an approach to homeless people is documented from his first tenure in New York and his [tenure in Los Angeles, which led to that city’s defeat in a lawsuit over police action](#), and must be taken seriously.¹⁰

It has recently been [reported that warrant raids of homeless shelters by the NYPD continue across the city](#).¹¹ The first reported example of this under the de Blasio administration occurred in 2014, when the [NYPD engaged in the raid of a Manhattan homeless shelter](#) to determine whether occupants had outstanding warrants, resulting in the arrest of 22 shelter residents.¹² The [practice was set to continue until public opposition](#)¹³ from advocates and Upper West Side residents led the NYPD to abandon the campaign. 1.2 million outstanding warrants – many resulting from unanswered low-level summonses for minor, non-violent infractions – exist amongst New Yorkers, with some considering the abundance a “crisis.” It is disturbing that the NYPD would target some of the most vulnerable residents of the city for such harsh action, particularly when district attorneys from various boroughs have sought to help other residents resolve these issues in less harmful ways with “Safe Surrender” and “Clean Slate” initiatives.

Most recently, Governor Cuomo’s executive order to seemingly authorize the involuntary removal of homeless New Yorkers from the street by law enforcement compounds such concerns of inappropriate policing-led approaches to homeless New Yorkers on our city’s streets.

As the U.S. Interagency Council on Homelessness noted in its 2012 report *Constructive Alternatives to the Criminalization of Homelessness*, “formal and informal law enforcement policies to limit where individuals who experience homelessness can congregate” fail to “solve the underlying causes of the problem.” “Rather than helping people to regain housing, obtain employment, or access needed treatment and services, criminalization creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back.”¹⁴

While the increased number of New Yorkers without homes demands a coordinated city, state and national response and pressure mounts for prompt results, we remain concerned about the appropriateness of policing activity and approaches towards homeless New Yorkers. Based on past occurrences and the

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https://www.usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf | https://www.usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf

⁸ <http://www.dnainfo.com/new-york/20140220/jamaica/homeless-seeking-shelter-from-cold-subways-be-kicked-out-police-say>

⁹ <http://newyork.cbslocal.com/2015/10/19/bratton-homeless-wont-be-allowed-to-sleep-in-subway/>

¹⁰ LA Times: <http://www.latimes.com/local/lanow/la-me-ln-homeless-attorney-fees-20140910-story.html>

¹¹ <http://www.vice.com/read/why-is-the-nypds-warrant-squad-still-raiding-homeless-shelters-1001>

¹² <http://www.dnainfo.com/new-york/20140527/upper-west-side/more-raids-planned-for-uws-homeless-shelter-police-say>

¹³ <http://www.dnainfo.com/new-york/20140619/upper-west-side/nypd-commander-agrees-stop-raids-at-uws-homeless-shelter-amid-protest>

¹⁴ https://www.usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf

public pronouncements of top officials, we seek your expeditious investigation and review to ensure the rights and dignity of homeless people in our city are protected and respected. The success of solutions to the housing crisis and homelessness depends upon the dignity of the less fortunate being upheld, like other New Yorkers, and adequate oversight to ensure policing meets that threshold is necessary.

Additional information about many of the aforementioned incidents and statements can be made available. Please contact Michael Velarde of Communities United for Police Reform (CPR) to confirm whether your office will conduct an investigation and review on this important issue, or if you require additional information. Michael can be reached at mvelarde@changethenypd.org or (646) 214-1076.

Sincerely,

Communities United for Police Reform (CPR)
Picture The Homeless
National Coalition for the Homeless
National Health Care for the Homeless Council
National Law Center on Homelessness & Poverty
Arab American Association of New York
Audre Lorde Project
Black Lives Matter NYC
Black Youth Project 100 (BYP100)
Bronx Defenders
CAAAV Organizing Asian Communities
Center for Constitutional Rights
Center for Popular Democracy
Center on Race, Crime and Justice at John Jay
Community Service Society
Community Voices Heard (CVH)
Damayan Migrant Workers Association
Drug Policy Alliance
DRUM South Asian Organizing Center
Equality for Flatbush
Faith In New York
FIERCE
Global Action Project
Harm Reduction Coalition
Immigrant Defense Project
Interfaith Center of New York
Jews for Racial & Economic Justice
Justice Committee
JustLeadershipUSA
The Kairos Center for Religions, Rights, and Social Justice and Poverty Initiative
LatinoJustice PRLDEF
Legal Aid Society
LGBT Faith Leaders of African Descent
Make the Road New York
Malcolm X Grassroots Movement
Manhattan Young Democrats
Mekong NYC
Metropolitan Community Church of New York
New York City Anti-Violence Project
New York Civil Liberties Union

New York Communities for Change
Nodutdol for Korean Community Development
Public Science Project
Rockaway Youth Task Force
Streetwise and Safe
Teachers Unite
T'ruah: The Rabbinic Call for Human Rights
Ugnayan
Uprose
Urban Youth Collaborative
VOCAL-NY
Western Regional Advocacy Project
Woodhull Freedom Foundation

Cc: Mayor Bill de Blasio
Speaker Melissa Mark-Viverito
Council Member Vanessa L. Gibson, *chair of Public Safety Committee*
Council Member Vincent J. Gentile, *chair of Oversight & Investigations Committee*
Council Member Stephen T. Levin, *chair of General Welfare Committee*
Council Member Antonio Reynoso, *chair of Sanitation & Solid Waste Management Committee*
Commissioner William Bratton