

August 14, 2019

Mayor Bill de Blasio
City Hall
New York, NY 10007

Commissioner O'Neill
New York City Police Department
1 Police Plaza
New York, NY 10038

Dear Mayor de Blasio & Commissioner O'Neill:

It has been over five years since Eric Garner was killed and yet ZERO officers have been held accountable for his death or related misconduct.

After years-long unnecessary delays and obstruction¹ by your administration, a disciplinary trial for Officer Daniel Pantaleo was finally held in May and June of this year. On Friday August 2nd, your administration announced that NYPD Deputy Commissioner of Trials Maldonado's report – finding Pantaleo guilty of misconduct and recommending termination - had been delivered to Pantaleo, his counsel and the Civilian Complaint Review Board (CCRB). August 14th is the deadline for responses from Pantaleo's counsel and the CCRB. As you know, following the submission of these responses, Commissioner O'Neill must render a final decision regarding Pantaleo's discipline.

The over sixty national and local organizations and seventeen family members of New Yorkers killed by police who have signed this letter represent tens of thousands of New Yorkers and demand full transparency, immediate disciplinary action and full accountability related to all police misconduct surrounding the killing of Eric Garner.

Daniel Pantaleo must be fired from the NYPD without any non-mandatory benefits, including a "good guy letter" or pension.

However, Pantaleo is not the only officer who engaged in misconduct that should face disciplinary consequences, and termination from the NYPD must be an option in all cases of misconduct. While your administration has failed to act, Eric Garner's mother, Gwen Carr, has lost her granddaughter, Erica Garner Snipes and her husband, Ben Carr. Both Erica and Ben fought for justice for Eric and it is a travesty that your delays have meant that they were not able

¹ During Pantaleo's disciplinary hearing, NYPD Deputy Inspector Charles Barton testified that not later than January 2015, the [Internal Affairs Bureau had recommended charges be brought against Pantaleo](#) for use of the prohibited chokehold. In spite of this, the [NYPD chose not to bring charges against Pantaleo](#). Instead, it's arguable that the only reason Pantaleo faced a disciplinary process was because [CCRB substantiated charges in 2017](#) – charges that the [de Blasio administration and NYPD refused to serve for close to a year](#) – finally serving CCRB's charges against Pantaleo after escalating protests around the fourth anniversary of Eric Garner's death in 2018.

to see accountability for any of the officers involved.

Throughout the past five years, **Mrs. Carr has been unwavering in her demand that all officers who engaged in misconduct related to her son's killing – and the subsequent attempts to cover it up – be fired.** In fact [she publicly confronted Mayor de Blasio with this request](#) at a Staten Island town hall in 2018, where the Mayor refused to commit to ensuring accountability for all misconduct.

Gwen Carr has demanded the public release of names of officers involved in various acts of misconduct – including those that illegally leaked sealed records regarding Garner's medical history and law enforcement contacts - and your administration has refused to release those names. The public now has access to the names of some of the officers who engaged in misconduct – only because Mrs. Carr and some supporters were able to listen to their self-indicting and damning testimony during Pantaleo's discipline trial.

Your administration has promised that a final decision related to Pantaleo's discipline will take place this month – and now that the deadline for comments to Maldonado's report has come, **there are no more possible excuses for delay on firing Pantaleo. Meanwhile, you have been silent on the delays and lack of action related to misconduct by other officers.** Justice delayed has indeed been justice denied – and additional delays in accountability only serve to further damage the public's trust in your administration and New York City government.

The undersigned support Eric Garner's mother's call for full accountability and demand that the following - and any other NYPD employees who engaged in misconduct, whose names are still unknown - face **fair, swift and transparent disciplinary action.**

- **Mayor de Blasio and the NYPD should immediately end delays to scheduling Sgt. Kizzy Adonis' disciplinary trial–** [Disciplinary charges were brought against Sgt Adonis in January 2016](#), reportedly for failure to supervise. Adonis was served with charges almost three years before Pantaleo was formally served with charges but has yet to have a disciplinary trial scheduled. There may have been additional related misconduct committed by Adonis (who was not called as a witness during the Pantaleo trial) – and if so, Adonis' discipline should take this into account.
- **NYPD should bring disciplinary charges against Officer Justin D'Amico** and he should be disciplined– During the Pantaleo trial, it was revealed that D'Amico had [filed false felony charges](#) against Eric Garner, after he knew that Garner was already dead. This is both morally reprehensible and dangerous conduct to allow an officer to engage in and get away with. In addition, there are real questions about D'Amico's overall credibility: He testified that Pantaleo [only had his arm around Garner's body, not his neck](#) – and he was the only person who has ever claimed to have “seen” Garner allegedly selling cigarettes. Multiple witnesses have given statements over the past five years and two provided testimony during the Pantaleo trial that Garner had just broken up a fight and was not selling cigarettes when he was approached by D'Amico and Pantaleo. At the trial, CCRB demonstrated that D'Amico's claim that Garner was selling cigarettes lacked credibility given that he was [over a football field's length away from what he claimed to see](#). There may have been additional related misconduct committed by D'Amico that was

not revealed during the Pantaleo trial -- and if so, D'Amico's discipline should take this into account.

- **NYPD should bring disciplinary charges against Lt. Christopher Bannon** and he should be disciplined – Lt. Bannon was the supervisor who texted “Not a big deal” to Sgt. Dhanan Saminath after learning that Eric Garner had no pulse and might be dead on arrival. In response to this news, Mayor de Blasio stated “It’s unacceptable” but he and the NYPD have not indicated that they will take any disciplinary action. There may have been additional related misconduct committed by Bannon that was not revealed during the Pantaleo trial – and if so, Bannon's discipline should take this into account.
- **NYPD should bring disciplinary charges against Officers Mark Ramos & Craig Furlani** and they should be disciplined – Both officers testified during the Pantaleo trial that they heard Eric Garner say “I can't breathe” multiple times but did not provide aid or intervene on Pantaleo's use of the prohibited chokehold. There may have been additional related misconduct committed by Ramos and/or Furlani that was not revealed during the Pantaleo trial -- and if so, their discipline should take this into account.
- **NYPD should bring disciplinary charges against NYPD officials and/or officers who participated in illegally leaking Eric Garner's sealed records** related to his medical history and past contact with law enforcement, **and those who provided false statements or engaged in other misconduct related to the incident** – Their identities should be publicly disclosed and they should be disciplined. The NYPD routinely leaks such information to media, in spite of clear laws against such conduct that seeks to criminalize and blame victims for their own deaths or brutality against them. Allowing these practices to continue without disciplinary consequences and while hiding the identities of those responsible, sends the message that NYPD activities that cover-up misconduct will be protected by the City and NYPD.

The delays and inaction by your administration have already cost NYC taxpayers over \$500,000 to pay Pantaleo's salary for the five years since he used a prohibited chokehold on Eric Garner that resulted in Garner's death. In addition, **at least hundreds of thousands of additional taxpayer monies have been used** for an NYPD security detail for Pantaleo, and the annual pay of numerous other officers who engaged in misconduct related to Eric's killing who have remained on the force without disciplinary consequences.

In addition to costs to taxpayers, your administration's actions to delay and potentially minimize accountability for the killing of Eric Garner continues to cause harm to Eric Garner's family and community – and all New Yorkers are less safe while officers who engage in misconduct towards civilians are allowed to remain on the force without any consequences.

We hope that you will take the concerns and requests outlined in this letter seriously – by immediately moving forward on firing Daniel Pantaleo and moving forward on discipline for all officers who engaged in misconduct, including Sgt. Kizzy Adonis, Officer Justin D'Amico, Lt. Christopher Bannon, Officers Mark Ramos and Craig Furlani and any other NYPD personnel who engaged in misconduct related to Eric Garner's killing.

Five years has been too long, and our City should not tolerate further delays in accountability for officers who engaged in misconduct surrounding Eric Garner's death.

Sincerely,

Communities United for Police Reform (CPR)

Elisha Flagg Garner, sister of Eric Garner (killed by NYPD in 2014)

Iris Baez, mother of Anthony Baez (killed by NYPD in 1994)

Kadiatou Diallo, mother of Amadou Diallo (killed by NYPD in 1999)

Valerie Bell, mother of Sean Bell (killed by NYPD in 2006)

Oniaja Shepard, aunt of Sean Bell (killed by NYPD in 2006)

Kisha Walker, god sister of Sean Bell (killed by NYPD in 2006)

Nancy Pacheco, sister-in-law of Jayson Tirado (killed by NYPD in 2007)

Jennifer Gonzalez, mother Kenny Lazo's son (killed by Suffolk PD in 2008)

Joshua Lopez, nephew of John Collado (killed by NYPD in 2011)

Constance Malcolm, mother of Ramarley Graham (killed by NYPD in 2012)

Angie Hicks, aunt of Shantel Davis (killed by NYPD in 2012)

Natasha Duncan, sister of Shantel Davis (killed by NYPD in 2012)

Hawa Bah, mother of Mohamed Bah (killed by NYPD in 2012)

Carol Gray, mother of Kimani Gray (killed by NYPD in 2013)

Hertencia Petersen, aunt of Akai Gurley (killed by NYPD in 2014)

Victoria Davis, sister of Delrawn Small (killed by NYPD in 2016)

Eric Vassell, father of Saheed Vassell (killed by NYPD in 2018)

Alliance for Quality Education

Arab American Association of New York

Arc of Justice

Audre Lorde Project

Bronx Defenders

Brooklyn Anti-gentrification Network

Brooklyn Movement Center

Brotherhood/Sister Sol

Center for Constitutional Rights

Center for Law and Social Justice at Medgar Evers College, CUNY

Center for Popular Democracy

Citizen Action of New York

Coalition for Educational Justice

ColorOfChange

Columbia County Sanctuary Movement

Community Voices Heard

Defending Rights and Dissent

Democratic Socialists of America - NYC chapter

DRUM: Desis Rising Up & Moving

Equality for Flatbush

Faith in New York

FIERCE

Gathering for Justice/ Justice League NYC

Girls for Gender Equity

Global Action Project

Jews for Racial & Economic Justice
Justice Committee
LatinoJustice PRLDEF
Legal Action Center
Legal Aid Society
Make the Road New York
Malcolm X Grassroots Movement
Micah Institute
Mi Casa No Es Su Casa: Illumination Against Gentrification
Middle Collegiate Church
Mijente
Million Hoodies Movement for Justice
MomsRising
Movement for Black Lives
NAACP New York State Conference
National Domestic Workers Alliance
National Pan Hellenic Council-NYC
New Kings Democrats
New York City Anti-Violence Project
New York Communities for Change
Nodutdol for Korean Community Development
North Star Fund
Picture the Homeless
Public Science Project
Robert F. Kennedy Human Rights
Rockaway Youth Task Force
Take On Hate
TakeRoot Justice
The Black Institute
Transgender Law Center
Trinity Lutheran Church in Sunset Park
VOCAL-NY
We Dream in Black
Westchester Coalition for Police Reform
WITNESS
Working Families Party
Youth Represent

cc: NYC Public Advocate Jumaane Williams
City Council Speaker Corey Johnson
City Councilmember & Public Safety Chair Donovan Richards
CCRB Chair Fred Davie and Executive Director Jonathan Darche
NYPD Inspector General Phil Eure