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**Oversight: Examining Community Policing in New York City
March 3rd, 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.

Community Policing has become an increasingly popular term. The importance of a policing regime that is accountable to, in service of and collaborative with communities became the focal point of national conversations after a string of high-profile police involved killings this summer. However, despite its growing ubiquity there is not yet a shared understanding of the underlying philosophy or defining practices of Community Policing. We believe that Community Policing should be premised on the idea that communities most devastated by state and interpersonal violence must be central to decisions about policing—from determining safety priorities to disciplining officers.

The idea that Community Policing should translate into more input from communities and more accountability for police departments is not universal. Here in New York City some use the term to simply repackage, and even escalate, old, broken ways of policing. Our fear that Community Policing will become just a new way of talking about aggressive Broken Windows style policing has been exacerbated by various statements and requests by NYPD Commissioner William Bratton—many in reaction to widespread peaceful protests, which were a manifestation of long standing grievances by communities across the City who for too long have been underserved and over-policed. Despite continuing high profile incidents of abuse the NYPD has refused to address the underlying systemic issues in the Department or hold the officers involved accountable. Instead the Commissioner has intensified law enforcement aggression and has done so in part under the banner of Community Policing. An example is Commissioner Bratton recent proposal to form a “Strategic Response Group,” consisting of 350 NYPD officers armed with machine guns, tasked to police peaceful protests and placed in communities throughout the City. The suggestion by Commissioner Bratton that these roaming, armed military units will improve community police relations is an affront to common sense as well as the outcries of communities of color throughout the City, who continue to call for a de-escalation of militarized policing tactics and philosophies.

The Center for Popular Democracy believes that Community Policing does not mean more militarized police in our communities. Nor does it mean increased surveillance of our communities. CPD believes that the promise of community policing lies in the democratization and demilitarization of policing. It is time to move away from the mentality that police in low-income black and brown communities are engaged in warfare. Community Policing should be based on the assumption that communities and community members are experts in what makes them safe and how they should be policed and therefore must be integrally involved in setting the priorities and monitoring the practices of policing. This requires transparency, accountability and investment in community safety that goes beyond fattening the NYPD’s budget. It is only through increased community power and NYPD accountability that we can build trust and foster respect between police officers and those communities who have for too long bore the brunt of NYPD brutality, occupation and impunity.

We submit the following set of recommendations which we believe will lay the foundations for meaningful community policing practices here in New York City and will increase trust, cooperation and respect between NYPD officers and the communities that they are deputized to serve.

Oversight

In order for communities to engage in collaborative community policing strategies the NYPD’s power and discretion must be subject to democratic oversight. The passage of the Community Safety Act is a step in the right direction but effective and sustainable implementation is necessary. This includes: ensuring that the New York City Human Rights Commission is fully funded with sufficient staff trained under the End Discriminatory Profiling Act to begin investigating and adjudicating claims brought under the Act; instituting and enforcing 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; and ensuring the continued full funding of the newly-created Inspector General’s office.

Accountability

The NYPD works for the people of New York City and they must be accountable to them. There are a number of steps that could be taken today which would increase accountability. This includes passage of The Right to Know Act (RTKA). 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.

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.

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 or killing of Javier Payne or 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.

Community Input and Investment

It is essential that communities have a substantive role in NYPD oversight and priority setting. The Floyd Joint Remedial Process provides an exciting opportunity to start to repair the relationship between communities and the police by giving communities a sense of ownership over substantive policy reforms. Impacted communities must have a

role in the identification of reforms, as well as in the evaluation of compliance and progress. We urge the City Council to advocate for a formalized and sustained role for impacted communities in the implementation, monitoring and evaluation of the Floyd Remedial order.

Additionally, strong communities require a de-escalation of mass criminalization, which has resulted nationwide in the incarceration of nearly one in three black men and a growing number of Latina and black women. Here in New York City Commissioner Bratton's aggressive Broken Windows policing philosophy results in the unnecessary stopping, harassing and sometimes arresting of tens-of-thousands of New Yorkers each year. Broken windows policing aggressively targets low-income communities of color—specifically black and brown people, young people, homeless people, LGBTQ people, people with disabilities, immigrants, and women. Many who have been stopped have reported intense harassment by police. At their most extreme these policies lead to fatal encounters—exemplified by the tragic death of Eric Garner.

These policies make us all less safe, by creating an atmosphere of fear and mistrust of the police. They are also often unnecessary and costly. Some 20% of issued summonses are ultimately found defective or legally insufficient.¹ Moreover, there is absolutely no conclusive evidence that these discriminatory and abusive practices result in less crime. What is proven is that these practices thrust tens of thousands into the criminal justice system unnecessarily and often with dire consequences. Additionally, broken windows strategies force police officers to engage with communities in coercive and exploitative ways, which are counterproductive to collaborative safety strategies.

CPD is excited about the proposed criminal justice reforms mentioned in Speaker Mark-Viverito's State of the City and strongly believe that the City Council should work hard to ensure that Commissioner Bratton and the NYPD permanently end all discriminatory arrests and summonses for low-level offenses. While the thrust of the proposal is exciting the devil is in the details. It is essential that there is full transparency in the issuing of summonses. We strongly advocate for the immediate adoption of a system to document the ethnic and racial breakdown of those issued summonses—a dangerous blind spot in the current system.

Lastly, the NYPD does not and should not have a monopoly on safety. Community Policing requires strong communities not simply strong police departments. For too long working class and low-income black and brown communities have seen excessive state investment in the form of militarized police and paddy wagons to Rikers, while essential services such as education, housing, health and job programs have been cut. It is time to think creatively about safety and invest in long-term community solutions that make our communities stronger, more stable and safer.

Thank you for your time and consideration.

¹ See The Daily News, "Many ways for Bratton to fix broken windows," February 2, 2015 available at: <http://www.nydailynews.com/opinion/rory-lanctman-ways-bratton-fix-broken-windows-article-1.2098495>