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## MEMORANDUM IN SUPPORT

### New York City Council

### The Community Safety Act

### Intro 1079 and Intro 1080

1199SEIU United Healthcare Workers East represents 250,000 health care workers in New York City hospitals, mental health facilities, nursing homes, research institutions, not-for-profit organizations, and home care agencies. We also represent another 150,000 workers across New York State, Florida, Maryland, the District of Columbia, New Jersey and Massachusetts. To ensure effective policing and to protect the civil rights of New Yorkers, we strongly support and urge the swift passage of the Community Safe Act, Intro 1079 and Intro 1080.

Statistics show that Stop, Question and Frisk stops are not based on reasonable suspicion, and point to a possible abuse of authority. Intro 1079 provides for independent oversight of the New York City Police Department (NYPD). Intro 1080 provides enforcement mechanisms to laws that already ban racial profiling. Both Intros are newer versions of earlier bills revised to address concerns raised by many, including eliminating claims of individual officer liability in disparate impact claims. As a result of the revisions, both bills are greatly improved.

Communities are told they must relinquish their rights in the name of public safety. There are some in the City Council that believe this is true. However, the fact is that massive expansion and implementation of the Stop, Question and Frisk program resulted in aggressive, hostile encounters with some officers and has residents in many communities living in fear of both criminals and police officers alike. This is not acceptable. These two bills intend to restore a more positive relationship between the NYPD and those they serve.

Most police officers do a superb job of protecting our City at great personal risk. But Stop, Question and Frisk abuses have created adverse impacts to residents of too many communities. The Department can do better, but their refusal over time to address the adverse impacts of the program makes it incumbent upon the City Council to exercise its legislative powers to protect New Yorkers from discriminatory and abusive policing practices.

Contrary to misinformation from the Administration, the Stop, Question and Frisk program was expanded despite crime rate reductions being touted since the mid-1990s. Moreover, according to NYPD statistics, the expansion had no significant impact on incidences of reported gun violence over the past 10 years. 97,296 stops were effected in 2002 and **1,892** persons were shot. In 2011, **1,821** persons were shot despite a 685,724 stops: a whopping **603%** increase in stops from 2002.

There is a pattern of profiling evidenced by the frequency of the stops of Black and Latino New Yorkers. NYPD statistics show that half of those stopped were youth of 14 to 24 years of age. Close to 90% were not arrested or charged with any crime. In fact, most arrests are effected for minor offenses, such as possession of small amounts of marijuana, prostitution (for carrying condoms), and failure to have a dog license.

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We must consider that people arrested for minor offenses, regardless of race, face untold consequences and repercussions including loss of wages and possibly employment; inability to secure student loans, professional licensure or housing; loss of child custody; and can even face deportation. Further, this misuse of resources adversely impacts Criminal Court calendars which become bottlenecked with large numbers of minor offense cases that must then be prosecuted. In addition to being costly, Stop, Question and Frisk is ineffective and diverts precious resources while reporting a 99% failure rate in gun retrieval. **The intent is to get guns off the streets, yet according to NYPD statistics, fewer than 1% of stops yield guns.**

The practice is pervasive in minority communities, and is viewed as so offensive that the state legislature is moving closer to decriminalizing possession of small amounts of marijuana in public view, and the City faces the potential of having an independent monitor imposed by the Court in a pending federal class-action case. We believe that appointing an Inspector General to oversee the NYPD would be a critical step towards improving transparency, providing a proactive mechanism for oversight, and begin to rebuild community trust in the NYPD.

Perhaps the most compelling argument for enacting the Community Safety Act is the racial breakdown of the individuals stopped, which provides proof positive that racial profiling exists despite existing laws. Statistics show that Black and Latinos are subject to 9 out of every 10 stops, and are much more likely to be stopped than Whites, including within predominantly White communities. NYPD data also indicates that 84% of all persons stopped in 2011 were either Black or Latino although they only make up 52% of the population. These numbers are sufficiently egregious to warrant passage of the Community Safety Act without delay.

Good policing is essential to maintaining safety and reducing violence. In some communities, stops are perceived as harassment in nature, executed in a manner intended to publicly humiliate those stopped, and generally viewed as a gross abuse of authority with complaints of use of unnecessary physical force, expletives, racial slurs, threats and intimidation. The stops have resulted in the erosion of a mutually respectful relationship between communities and police officers who risk their lives every day to protect them, thus making those very communities less safe. That relationship must be restored. "Courtesy, Professionalism, and Respect" must be returned to the Department's image if they are to engage the communities they serve in a productive manner.

We all know that in order to maintain a safe City it is essential that police and communities work together to implement effective crime-fighting strategies. We also know that one of the most effective tools in crime fighting is the community. Therefore, it is imperative that a basic level of trust exist between the NYPD and the community. 1199SEIU United Healthcare Workers East calls on the New York City Council to enact the Community Safety Act as a first step in that direction.