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*Testimony of Marbre Stahly-Butts, Center for Popular Democracy,
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June 29th, 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.

Today we submit testimony to the Public Safety Committee of New York City Council to urge the passage of 182A and 541, also known as the Right to Know Act (RTKA). These bills are important and positive steps towards ensuring that New Yorkers are fully informed of their rights and that NYPD officers act with transparency and respect. We believe that these bills are essential to protect community members from unconstitutional and abusive policing and will improve police/community relations.

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.

Intro 182A, which requires police officers to identify themselves, is a small but important step towards increased transparency and accountability. There is no reason why New Yorkers should not know the identity of police officers they interact with. We have heard time and time again from community members across the city that they are often stopped and harassed without explanation. While NYPD policy already requires that officers provide their name, rank, shield number and command when asked we have found many instances where officers refuse to identify themselves or community members are afraid to ask for the identity of an officer for fear of retaliation. Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. Similar laws requiring that police identify themselves exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department. Additionally, identification requirements were one of the recommendations coming out of the Presidential Taskforce on 21st Century Policing.

Intro 541 is also an important step towards ensuring that communities are not needlessly abused or criminalized. 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. Additionally, this measure was included in the Presidential Taskforce on 21st Century Policing recommendations.

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 Javier Payne or killing of 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.

The RTKA helps ensure accountability of police officers by giving New Yorkers the information they need to file complaints against officers involved in misconduct and by making sure that New Yorkers are fully aware of their constitutional rights.

Thank you for your time and consideration.