

COMMUNITIES
UNITED FOR
POLICE
REFORM

June 11, 2019

Dear Charter Revision Commission:

The 2019 Charter Revision process represents a significant opportunity for New Yorkers to vote on changes to the City Charter that can advance governmental transparency and safety for all New Yorkers, including increased police accountability and transparency.

Together, the forty-one organizations signed onto this letter represent tens of thousands of city residents committed to enhancing public safety for all communities, but especially the most vulnerable. Our proposed revisions to the Charter – which have been previously submitted as testimony to the Commission by various organizations over the past year -- will help protect and improve the lives of New Yorkers of color who most often experience abusive and discriminatory policing, including young people, immigrants, people who are homeless, NYCHA residents, LGBTQ, gender nonconforming, women, and others.

As we discuss below, the **charter revisions we support would advance two key goals**: 1) increase police accountability when officers harm New Yorkers, and 2) create real fiscal transparency of the City's policing and public oversight of the city's purchasing, procurement and use of surveillance technologies used to police New Yorkers.

1) Increase police accountability for killings, brutality, sexual violence, gender-based violence and other police misconduct – and the systemic culture of related misconduct that obstructs investigations and promotes cover-ups – when officers harm members of the public.

A. **Expand Civilian Complaint Board (CCRB) authority to prosecute on “other related misconduct” in police misconduct cases** that CCRB has jurisdiction to investigate – particularly misconduct that can impede or obstruct investigations and/or contribute to cover-ups.

It is unacceptable that when CCRB substantiates and prosecutes a complaint against an officer alleged to have used a chokehold, like Daniel Pantaleo who killed Eric Garner, CCRB is not authorized to also investigate other related misconduct that officers like Daniel Pantaleo may have engaged in related to the same incident (e.g. failure to provide aid, lying in official reports, etc.). Instead, other possible misconduct that fall outside of CCRB current jurisdiction must be referred to the NYPD's Internal Affairs Bureau (IAB) – which is rarely acted on. Examples of other related misconduct that CCRB should be authorized to investigate and prosecute when they are part of a FADO¹ investigation that is being conducted include: lying in official reports; false statements; failure to provide aid/intervene;

¹ “FADO” refers to the areas that CCRB is currently empowered to investigate and prosecute, limited to: force, abuse of authority, discourtesy, and offensive language.

failure to follow body-worn camera/other protocols; failure to document stops and consent searches; leaking sealed information; intimidation of witnesses and complainants, and more. Maintaining the narrow parameters for misconduct that CCRB can investigate in FADO cases contributes to a cover-up culture at the NYPD that facilitates continued police misconduct without accountability or discipline of officers.

B. Provide CCRB with explicit authority to investigate, and if warranted, prosecute complaints against school safety agents, and other “peace officers”. School safety agent complaints are currently sent to the NYPD’s Internal Affairs Bureau, providing no transparency or faith in disciplinary action when school safety agents harm children and young people in NYC schools.

C. Require public disclosure and transparency when the Commissioner deviates on CCRB findings and discipline recommendations. The reason for deviation should be made public (as was intended when CCRB’s Administrative Prosecution Unit was created in 2012).

D. Enable CCRB to determine discipline in cases that they prosecute (via their Administrative Prosecution Unit).

2) Create fiscal transparency of the City’s policing -- and ensure opportunities for public oversight of surveillance-related technologies purchased by the NYPD and other City agencies.

A. Amend the Charter procurement process so that it requires public transparency, equity impact statements, public input, and opportunity for the City Council to veto and prevent purchase or renewals of surveillance technologies. There is currently no systemic transparency or public oversight of City purchases of surveillance technologies. We have shared proposed language to amend Chapter 13 of the Charter – much of it modeled after legislation that has been passed in other municipalities, including Seattle, San Francisco, and Oakland. If procurement in the Charter is not changed this year to enable oversight of surveillance technologies, we will be enabling a dangerous context of unaccountable policing and increasing surveillance to grow that will be incredibly hard to roll back in the future. In recent years, it's been discovered that the NYPD (and possibly other City agencies) have been investing secretly and unaccountably in various surveillance technologies. It is critical that New Yorkers be provided the opportunity to vote this November to allow the public to decide what types of surveillance technologies City agencies should be permitted or prevented from acquiring and using on New Yorkers.

B. Require NYPD reporting of private sources of income and expenses paid by those sources and other sources of income not currently subject to Council oversight. The NYPD’s budget is supplemented every year by funding from private sources that is not subject to public oversight – and the NYPD has refused in the past to disclose details of that income and items paid. For example, the first body worn camera pilot program was paid for by the Police Foundation – and the NYPD refused to make public the evaluation findings. This type

of governmental secrecy undermines public trust and should not be permitted by City agencies.

C. Require detailed units of appropriation in NYPD budget so that New Yorkers understand what the NYPD's budget of over \$5 Billion is spent on.

To advance democracy, transparency and safety for all communities, we urge you to adopt the charter revisions we outline above in this letter.

Thank you for your time and consideration.

Sincerely,

Communities United for Police Reform
Alliance for Education Justice
Arab American Association of NY
Arc of Justice
Audre Lorde Project
The Black Institute
Bronx Defenders
Brooklyn Anti-Gentrification Network (BAN)
Brooklyn Movement Center
Brooklyn NAACP
The Brotherhood/Sister Sol
CAAAV Organizing Asian Communities
Center for Constitutional Rights
Center for Law and Social Justice at Medgar
Evers College
Center for Popular Democracy
Citizen Action of New York
Color of Change
Crystal House
Drug Policy Alliance
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
Immigrant Defense Project
Jews for Racial & Economic Justice
Justice Committee
Katal Center for Health, Equity & Justice
Legal Aid Society
Make the Road New York
Malcolm X Grassroots Movement
Mi Casa No Es Su Casa: Illumination against
Gentrification
MomsRising
National Panhellenic Council of NYC
New York City Anti-Violence Project
New York Civil Liberties Union
North Star Fund
Picture The Homeless
Policing and Social Justice Project at Brooklyn
College
Public Science Project
Rockaway Youth Task Force
Youth Represent