

**Testimony of Djibril Toure with the Malcolm X Grassroots Movement
Submitted before the New York City Council Public Safety Committee
In Support of the Right to Know Act (Intros 182A & 541)
June 29, 2015**

My name is Djibril Toure and I am here as a resident of Bedford Stuyvesant Brooklyn. I have been involved with the issue of discriminatory policing for many years and was a plaintiff in (Daniels vs. NYPD) the first lawsuit against NYPD for its Stop & Frisk Program. I am here to express support for two bills being considered today - NYPD Identification/Int 182A (attached): Requiring NYPD to identify themselves to the public, and explain the reason for routine interactions (incl street and vehicle stops, etc) and Consent to Search/Int 541 (attached): Protecting NYers against unconstitutional and deceptive searches when there is no probable cause or other legal justification for the search. This applies to searches with no legal justification that occur on the street, in homes, vehicles, etc.. The bill would require that in these cases with no legal justification for the search, that officers inform people that they have the right to decline a search AND secure objective proof of informed & voluntary consent if the person agrees to be searched.

As an activist and community resident, I have many concerns about the way that NYPD officers initiate searches on the street without informing citizens of their rights or identity. For example in my neighborhood, it is not uncommon to see officers in an unmarked vehicle telling an individual to "come here". In many cases this individual may not be officially 'stopped' and has legal protection including their consent as to whether or not they are searched. Often people submit to a search of their person or vehicle without realizing that they have the legal right not to consent. The searches are now considered as "consensual searches" by NYPD and are not included in uf-250 forms or reported to precinct personnel. This process of getting individuals to consent to sometimes unreasonable searches is a commonplace one in many neighborhoods of color and lowers the real number of stops that are reported by NYPD. Our hope is that the city council takes serious consideration of (INT 541 – Consent to search) as it directly relates to the trust and willingness of many communities who have been victimized to interact with NYPD. This protection against unconsensual searches will increase the abilities of individuals to know their rights in a police encounter and make citizens more confident that they are not being violated by a search.

In addition, the identification of officers is often an issue when people are stopped and or searched. I have seen and videotaped (as a member of copwatch) undercover vehicles on duty with their license plate bent in half so that it cannot be read. This should be absolutely unacceptable to a modern police department that want to win the trust of its citizens but it exists. I have also seen and witnessed officers who refuse to identify themselves while on duty, which is a violation of police training. If an individual is stopped or searched, and has no way of being able to identify that officer, how does that help us bring trust to these communities who have been victimized by discriminatory policies in the past?

I think we should be clear that these proposals will not make a police officers job harder, or cause them to not stop someone who is a suspect with reasonable information. What they will do is show the public that there are changes going on to benefit them in a police encounter so the level of fear and mistrust is lessened by policy. This is an important step to building a community where law enforcement is seen as a part of the neighborhood and not as an outside occupying force.

INT 182a and INT 541 are basic steps to rebuilding the trust that all citizens should have with the proper enforcement of the law. Help us build safer communities and pass these bills into law thank you.