

**Testimony by Victoria Davis, sister of Delrawn Small
Delrawn was killed by NYPD Officer Wayne Isaacs on July 4, 2016**

**For the New York City Council Public Safety Committee
Hearing on NYPD Discipline, February 7th, 2019 at City Hall**

Dear Speaker Johnson, Public Safety Committee Chair Councilmember Richards, and members of the Public Safety Committee:

My name is Victoria Davis, and I am the sister of Delrawn Small. I want to take a moment to thank Speaker Johnson for personally inviting me to testify today, Councilmembers Richards for also welcoming me to testify and the rest of the councilmembers present today for taking the time to listen to my testimony and the testimonies of other families whose loved ones have been murdered by the NYPD. **We have first hand knowledge of the failures of the NYPD discipline system.**

My brother, Delrawn Small was murdered in East New York by NYPD Officer Wayne Isaacs on July 4th 2016 as he drove his step-daughter and 4-month-old child home from a family gathering. My brother's killing is just one example of the shocking lack of discipline within the police department for officers who unjustly murder Black and other New Yorkers of color. There are many other examples from families who weren't able to attend today, like the families of John Collado, Kimani Gray, and many others.

While Delrawn was my brother, he was like a father to me and our younger brother Victor, who is also here today. When I was nine years old, my mother died of complications with HIV/AIDS and we were sent to live in foster homes. Despite being a child himself, Delrawn spent so much time and effort in trying to remove Victor and I from the foster system and felt guilty when he wasn't able to do so. He was our protector and our father figure, even though he was a child himself. Delrawn and I were very close – we often spoke on the phone, sharing laughs and hanging out. When I moved out of New York City for a period, he would come visit me upstate and Facetime with my son Carmelo – who adored him. There is nothing that can bring Delrawn back or fill the void in our hearts and lives left from his senseless murder over two years ago.

On the evening of July 3rd, Delrawn had been driving home on Atlantic Avenue when he and others were cut off by Isaacs. Both continued to drive down Atlantic Avenue with Isaacs continuing to drive recklessly – endangering the lives of Delrawn's family who was in the car. At a stop light, Delrawn left his car to tell Isaacs to stop driving recklessly and that he was endangering people. Isaacs was off-duty and in his personal vehicle and there was no way Delrawn would have known he was an officer. Instead of identifying himself as a police officer, or driving off, or simply talking to Delrawn – Isaacs unholstered his service weapon. As Delrawn approached him, Isaacs rolled down his car window and shot Delrawn three times. Delrawn then stumbled and fell to the ground, bleeding out from being shot.

Instead of attempting to provide life saving measures, Isaacs called 911 for himself – falsely claiming to have been attacked – and he never told 911 responders that he had shot someone and that they were bleeding out on the ground. Isaacs did nothing to try and preserve Delrawn's life. For a week after the shooting, Isaacs and the NYPD continued to lie about what happened in an attempt to cover it up. Thankfully, surveillance video surfaced contradicting Isaacs' lies that he had been attacked by Delrawn. Unfortunately, by that point, a harmful public narrative had already been set by the NYPD.

My brother's killing was the first case to be prosecuted by the Attorney General's Special Prosecutor. They thought that Isaacs' misconduct was serious enough to bring criminal charges against him for murder. Like in so many cases of police killings, the Special Prosecutor was unable to secure a conviction in part because Isaacs' defense in trial was predicated on lies and his defense relied on the fact that he was a police officer to sway jurors to view him more leniently than they would anyone else. **In fact, he used the fact that he was a police officer as part of his defense – claiming that the reason he shot Delrawn 3 times instead of once or twice or at all was that he was trained to shoot in spurts of 3.** During the trial, the defense attempted to criminalize Delrawn by focusing on his tattoos and his previous interactions with the criminal legal system – even though there was no way for Isaacs to have known about any of these things when he shot Delrawn. **In a lot of ways, Delrawn was put on trial for his own unjust murder. Simply because Isaacs was not convicted by a jury, doesn't mean he is not guilty of murdering my brother.**

Since the conclusion of the criminal trial in October 2017, our family has been calling on Mayor de Blasio and Police Commissioner O'Neill to fire Wayne Isaacs. Since killing Delrawn, Isaacs has remained on the NYPD, is receiving a higher salary today than when he killed our brother, and the de Blasio administration has taken no action to hold him accountable. **Isaacs has not even been charged by the NYPD for possible misconduct.** Officer Isaacs acted with a deliberate disregard for my brother's life that day. Someone who is so trigger happy that he begins to shoot at people who approach his car is unfit to be a police officer. Simply because he was acquitted by a state court doesn't mean that the NYPD can't fire him for violating protocols, leading to the killing of those he's supposed to serve and protect, and lying about it. **He should be fired – and it is shameful that the NYPD hasn't even brought discipline charges. Any civilian who had done what Wayne Isaacs did would have been arrested on the scene, but Isaacs has been given preferential treatment every step of the way, and has continued to receive a taxpayer-funded salary, even though he's a public safety threat.**

It is dangerous and irresponsible for Mayor de Blasio and Commissioner O'Neill to allow him to police the streets of this city with a gun. If they fail to do anything and Isaacs is involved in a future incident, they will be entirely responsible for failing to fire him after he unjustly killed a civilian and for other New Yorkers to be harmed. There is a precedent for NYPD firing and/or proceeding with discipline of other officers after a criminal court acquittal – including officers in the cases of Ramarley Graham, Amadou Diallo and Sean Bell.

Like in the cases of Saheed Vassell, Eric Garner and countless others, my family has been asking for years that the Police Commissioner and Mayor act – and hold officers accountable for their wrongdoing. **The lack of action in my brother’s case is confirmation about what many communities already know: that the NYPD is unwilling to adequately discipline abusive officers.**

Since Delrawn’s killing, I had a child – named Justice in honor of him – who will never be able to meet his uncle Delrawn. Justice is four months old. Delrawn’s children, including his then four-month-old son and step-daughter who were in the car when he was killed, will continue to grow up without their father. Our family will always feel his absence because my brother was deeply loved by those who knew him – his family, coworkers and community.

The City Council has an opportunity here to help ensure that there is accountability for the murder of Delrawn, Eric Garner, Saheed Vassell and others. We need you to help us because Mayor de Blasio & the NYPD have refused to communicate with us and have refused to take action. I hand-delivered a letter to them last year, my organizing for Delrawn has been covered by the press and we have still not received a response from Mayor de Blasio or Commissioner O’Neill.

For Delrawn, for my 4 month old baby Justice and for the rest of my family, I’m pleading with you to:

- **Demand that the NYPD immediately bring discipline charges against Wayne Isaacs for the multiple violations of NYPD protocol he engaged in, including escalating the situation with a civilian, murdering my brother, lying about it in official reports, and more.**
- **Pass City Council bills that will require the NYPD to publicly report on what discipline steps they have and have not taken related to all cases of police killings, deaths in custody, police sexual violence, police brutality and lying in official capacity.**
- **Pass Councilmember Williams’ resolution to call on Albany to repeal 50-a as soon as possible**
- **Work with me, other families, and the groups that we work with like Justice Committee and Communities United for Police Reform to make sure that we can prevent other families going through what we have gone through.**

No more families should have to go through what we have experienced – both losing our brother, and then watching as the administration and the department take no action in response to these senseless killings by NYPD officers.

Thank you for your time.