May 22, 2020

Senate Majority Leader Andrea Stewart-Cousins
28 Wells Avenue, Building #3
Yonkers, New York 10701

Assembly Speaker Carl Heastie
1446 East Gun Hill Road
Bronx, New York 10469

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

New York State finds itself in an unprecedented crisis. Communities of color in New York have already been disproportionately impacted by COVID-19\(^1\) – In addition to the toll of illness, deaths, loss of employment and economic devastation, Black, Latinx and other New Yorkers of color are also being subject to abusive and discriminatory policing patterns. The 91 members of families of New Yorkers killed by police and organizations signed onto this letter are urging you and members of the New York State Senate & Assembly to prioritize police accountability and transparency by passing the bill to repeal 50-a (A2513/S3695) and to pass the Police STAT Act (A5472/S1830) as part of any emergency COVID relief package that the legislature considers.

Over the last few weeks, we have seen viral video after viral video of NYPD officers engaging in so-called social distancing enforcement that has resulted in violence and brutality. The limited enforcement data that has been released by the city and the NYPD tracks with what we are witnessing in these videos, that Black and Latinx New Yorkers are disproportionately the targets of enforcement activities.\(^2\) The disturbing trends we’ve seen on video, and in the limited enforcement data that has been made public, are only the tip of the iceberg when it comes to abusive and discriminatory policing during COVID-19. There have been numerous interactions where people have been approached without reason, questioned, harassed, pepper sprayed, beaten, unjustly summoned and/or arrested because they were out in public, or were exercising their 1st Amendment right to observe and/or document police misconduct. In fact, many of these incidents did not result in summons or arrest, and so are not part of police department or DA data that has been released publicly.

These dangerous practices stem from existing norms when it comes to policing in New York State. Prior to the pandemic, racially disparate police enforcement was a serious issue - in 2019, reported stops increased by 22% – and 59% of stops were of Black people and 29% Latinx people in New York City. There was also a serious lack of public information in misconduct cases throughout the state including in New York City, Long Island, Rochester and Albany – due in part to the unfair and dangerous secrecy protections offered to police in NYS CRL 50-a. 50-a is a state statute that allows police

---

\(^1\) as of April 16th, 62% of COVID-19 fatalities in NYC are of Black and Latinx New Yorkers)

\(^2\) In one report by CBS, 92% of social distance related arrests were of Black and Latinx New Yorkers. In data released by Brooklyn District Attorney Gonzalez, 35 of the 40 people arrested in Brooklyn for social distancing enforcement were Black, 4 were Hispanic.
departments to withhold the release of misconduct information, including disciplinary information, from the public and from victims of police violence and their families.

The need for police transparency & accountability is even more evident in the context of COVID-19 enforcement. As reported by Gothamist, the officer involved in the viral video of the beating and arrest of Donni Wright, Officer Francisco Garcia has been named in seven separate civil lawsuits since 2015 – the settlements of which have cost taxpayers nearly $200,000. Because of 50-a, it is unknown whether Officer Garcia ever went through any NYPD or CCRB disciplinary processes related to those lawsuits or other misconduct complaints, and what the outcomes of the processes were, if they occurred. This is just one example of why the NYS legislature must repeal 50-a upon reconvening. Officers like Francisco Garcia should not be shielded by 50-a and emboldened to engage in abusive policing with social distancing enforcement as a pretext.

Another key issue that has become more apparent during this crisis is the lack of comprehensive police enforcement data of ‘social distancing enforcement,’ especially as related to low-level encounters. The Police STAT Act (A5472/S1830) is a bill that would require statewide reporting on low-level enforcement (for violations and misdemeanors) and comprehensive reporting on deaths and killings occurring during law enforcement activity. This bill is a transparency measure that would help ensure that policy makers, advocates and the public have information concerning the impact of street policing.³ It is more important than ever that this information no longer be kept in the dark. Therefore, we are asking the Senate and the Assembly to also prioritize the Police STAT Act (A5472/S1830) for passage once the legislature reconvenes, as part of any COVID relief package being considered.

The Legislature has a real opportunity to lead in addressing the specific harms that have fallen on Black, Latinx and other New Yorkers of color in this time. We urge you to prioritize police transparency and accountability as part of the legislature’s emergency response to COVID-19. The NYS Senate and Assembly must pass a full repeal of 50-a (A2513/S3695) and pass the Police STAT Act (A5472/S1830) once the legislature reconvenes.

Sincerely,

Communities United for Police Reform

Families of New Yorkers killed by police
Iris Baez, mother of Anthony Baez (killed by NYPD in 1994)
Hawa Bah, mother of Mohamed Bah (killed by NYPD in 2012)
Valerie Bell, mother of Sean Bell (killed by NYPD in 2006)
Gwen Carr, mother of Eric Garner (killed by NYPD in 2014)
Victoria Davis, sister of Delrawn Small (killed by NYPD in 2016)
Kadiatou Diallo, mother of Amadou Diallo (killed by NYPD in 1999)
Natasha Duncan, sister of Shantel Davis (killed by NYPD in 2012)
Jennifer Gonzalez, mother of Kenny Lazo’s son (killed by Suffolk County Police in 2008)
Carol Gray, mother of Kimani Gray (killed by NYPD in 2013)

³ One of the recommendations of the Obama Administration’s Task Force on 21st Century Policing was for law enforcement agencies “to collect and maintain demographic data on all police actions (stops, frisks, searches, summonses, arrests, officer-involved shootings and in-custody deaths).”
COMMUNITIES UNITED FOR POLICE REFORM

Angie Hicks, aunt of Shantel Davis (killed by NYPD in 2012)
Constance Malcom, mother of Ramarley Graham (killed by NYPD in 2012)
Hertencia Petersen, aunt of Akai Gurley (killed by NYPD in 2014)
Onaja Shephard, aunt of Sean Bell (killed by NYPD in 2006)
Nancy Tirado, sister-in-law of Jayson Tirado (killed by NYPD in 2007)
Gloria Torres, mother of Kadeem Torres (killed by NYPD in 2017)
Ellen Trawick, mother of Kawasaki Trawick (killed by NYPD in 2019)
Kisha Walker, godsisiter of Sean Bell (killed by NYPD in 2006)
Shawn and Gladys Williams, father and step-mother of Antonio Williams (killed by NYPD in 2019)

Other organizations
1199 SEIU-UHWE
32BJ SEIU
Ali Forney Center
Alliance for Education Justice
Amnesty International USA
The Arab American Association of New York
Association of Legal Aid Attorneys (UAW Local 2325)
Audre Lorde Project
BetaNYC
The Black Institute
Bronx Defenders
Brooklyn Defender Services
Brooklyn Movement Center
Brooklyn NAACP
Brotherhood/Sister Sol
Center for Community Alternatives
Center for Constitutional Rights
Center for Popular Democracy
Citizen Action of New York
Common Cause/New York
Correctional Association of New York
Defending Rights & Dissent
Drug Policy Alliance
DRUM - Desis Rising Up & Moving
End the New Jim Crow Action Network Poughkeepsie
Faith In New York
Families for Freedom
FIERCE
The Gathering for Justice/Justice League NYC
Girls for Gender Equity
Global Action Project
Harm Reduction Coalition
Housing Works
Immigrant Defense Project
Innocence Project
Jews for Racial & Economic Justice
Jim Owles Liberal Democratic Club
COMMUNITIES
UNITED FOR
POLICE REFORM

Justice Committee
JustLeadershipUSA
Katal Center for Health, Equity & Justice
LatinoJustice PRLDEF
Law Enforcement Action Partnership
Legal Action Center
Legal Aid Society
Malcolm X Grassroots Movement
MomsRising
MPower Change
NAACP Legal Defense and Educational Fund
NAACP NEW YORK STATE CONFERENCE
New Kings Democrats
New York Civil Liberties Union
New York Communities for Change
New York County Defender Services
North Star Fund
Policing and Social Justice Project
Public Science Project
Red Hook Initiative
Release Aging People in Prison (RAPP) Campaign
Rise Up Kingston
Rockaway Youth Task Force
Showing Up for Racial Justice - NYC
St. James Presbyterian Church
Street Vendor Project at the Urban Justice Center
Take On Hate
TakeRoot Justice
Trinity Lutheran Church, Sunset Park
UPROSE
VOCAL-NY
WITNESS
Woodhull Freedom Foundation
Youth Represent

cc: Assemblywoman Wright, Chair, Black Puerto Rican Hispanic Asian (BPHA) Caucus
    Assemblyman Zebrowski, Chair, Assembly Governmental Operations Committee
    Senator Bailey
    Assemblyman O’Donnell
    Senator Hoylman
    Assemblyman Lentol