

# COMMUNITIES UNITED FOR POLICE REFORM

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<sup>1</sup> – 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.<sup>2</sup> **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 summonsed 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

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<sup>1</sup> as of April 16th, 62% of COVID-19 fatalities in NYC are of Black and Latinx New Yorkers)  
<https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-deaths-race-ethnicity-04162020-1.pdf>

<sup>2</sup> 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.

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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.<sup>3</sup> 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)

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<sup>3</sup> 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).”

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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)  
Oniaja 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 Kawaski Trawick (killed by NYPD in 2019)  
Kisha Walker, godsister 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