

August 23, 2016

Speaker Melissa Mark-Viverito
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

We write to express our strong opposition and disappointment with your attempt to block passage of the Right to Know Act by using a backroom deal that removes its most important reforms. The attempts to portray your deal with Bratton as similar to the Right to Know Act legislation are disingenuous, because your deal has removed the essential protections and accountability. Your actions to delay police reforms, leaving the NYPD to police itself and implement a practically insignificant (and in some cases regressive) set of changes, gives the false appearance of change with no meaningful result on the ground in communities. It is a slap in the face to our efforts, New Yorkers, and people across the country demanding true police accountability.

As the family members of those killed by NYPD officers over the last several decades, our collective historical perspective provides clarity that your deal allowing the NYPD to avoid the accountability and enforcement of the Right to Know Act is a dangerous mistake. It will allow the police abuses that the Right to Know Act legislation would help address to continue, perpetuating harm against New Yorkers. In so many of the killings of our family members, NYPD's internal rules – as laid out in its Patrol Guide and training – were violated as part of those fatal encounters. That officers failed to maintain compliance with the NYPD Patrol Guide in connection with these unjust killings and were not held accountable is testament to the reality that accountability within the NYPD is systemically broken. Any assertion or insinuation to the contrary is simply not based in reality, and enables its continuation.

Mayor de Blasio has continued the failures of his predecessors to ensure the NYPD and its officers are held accountable when they violate their fundamental oath to serve and protect. Over four years has passed since Ramarley Graham was killed, and the de Blasio administration's NYPD has taken no action against the 12+ officers who engaged in misconduct surrounding the incident. For months, the administration falsely used a Justice Department investigation as excuse for its inaction, but five months have passed without any transparency or accountability against the officers involved – the de Blasio administration refuses to release the names of the officers and has failed to take meaningful, punctual action against them. More than two years have passed since Eric Garner was killed, yet the many officers involved in the killing and related misconduct have not been held accountable either – not the officer who violated the NYPD rule against chokeholds, nor the officers who filed false paperwork omitting the force that was used. The most assertive action it has taken is to fight to keep the brutality and misconduct record of Officer Daniel Pantaleo, who placed Garner in the prohibited chokehold, away from transparency. Despite a judge's ruling that the City must release this record, the de Blasio administration is using taxpayer dollars to keep fighting to keep his brutality history a secret from the public. In the 2012 NYPD killing of Mohamed Bah, the officer who escalated the situation in violation of the Patrol Guide received a mere "slap on the wrist" under the de Blasio/Bratton administration, given a "letter of instruction" which is known as "one of the lightest forms of discipline within the NYPD."¹ Similar failures to hold officers accountable and/or make crucial information transparent when officers have violated Patrol Guide and training protocols has been true in the cases of all of our families. Whether under the de Blasio, Bloomberg or Giuliani administrations, this demonstrates continuing systemic problems with accountability when the NYPD is relied on to police itself.

The idea that the City Council would relinquish its authority and responsibility to hold the NYPD accountable is a disservice to the public interest. For too long, mayors in New York City (and beyond) have failed to ensure accountability for their police departments. This failure is at the core of what perpetuates police abuses. It is disappointing that this mayor has continued that historic and systemic failure. The passage of the

¹ New York Daily News, 2016. NYPD Cop Gets Light Penalty for Taking Action against Mentally Ill Man. Retrieved from <http://www.nydailynews.com/new-york/nypd-light-penalty-2012-attack-mentally-ill-man-article-1.2700445>.

Community Safety Act in 2013 represented an important departure from inadequate city oversight of the NYPD, demonstrating principled, strong legislative oversight and leadership. Your actions now as leader of the City Council represent a step backwards from that prior display of leadership, of which you were a major participant.

The rights and safety of New Yorkers are too important for the Council to delay passing the Right to Know Act. Reforms that advance police accountability, of which the Right to Know Act is a key component, must be enacted. We urge you to cease your efforts aimed at impeding these police accountability reforms, and to demonstrate committed leadership by supporting passage of this legislation. Implicit and explicit backroom deals to avoid police accountability have been made for far too long. This must stop, and we call on you to be part of ensuring real solutions advance rather than those that simply provide window-dressing and political expediency.

Sincerely,

Iris Baez, mother of Anthony Baez (killed by NYPD in the Bronx in 1994)

Hawa Bah, mother of Mohamed Bah (killed by NYPD in Manhattan in 2012)

Valerie Bell & William Bell, parents of Sean Bell (killed by NYPD in Queens in 2006)

Gwen Carr, mother of Eric Garner (killed by NYPD in Staten Island in 2014)

Kadiatou Diallo, mother of Amadou Diallo (killed by NYPD in the Bronx in 1999)

Natasha Duncan, sister of Shantel Davis (killed by NYPD in Brooklyn in 2012)

Carol Gray, mother of Kimani Gray (killed by NYPD in Brooklyn in 2012)

Nicholas Heyward, Sr., father of Nicholas Heyward Jr. (killed by NYPD in Brooklyn in 1994)

Cynthia Howell, niece of Alberta Spruill (killed by NYPD in Manhattan in 2003)

Joyce Huang, sister of Yong Xin Huang (killed by NYPD in Brooklyn in 1995)

Joshua Lopez, nephew of John Collado (killed by NYPD in Manhattan in 2011)

Constance Malcolm, mother of Ramarley Graham (killed by NYPD in the Bronx in 2012)

Carmen Iris Morales, mother of Hilton Vega (killed by NYPD in the Bronx in 1995)

Olga Negrón, mother of Iman Morales (killed by NYPD in Brooklyn in 2008)

Tsukasa Oyamada, father of Ryo Oyamada (killed by NYPD in Queens in 2013)

Nancy Pacheco, sister-in-law of Jayson Tirado (killed by NYPD in Manhattan in 2007)

Hertencia Peterson, aunt of Akai Gurley (killed by NYPD in Brooklyn in 2014)

Margarita Rosario, mother of Anthony Rosario (killed by NYPD in the Bronx in 1995)