

WHEREAS Black Lives Matter,

WHEREAS our government's laws policies, and actions imply the opposite,

WHEREAS police misconduct goes largely unchecked in New York,

**Therefore be it resolved that the Village Independent Democrats:**

1. Urges the State legislature to:

- a) De-militarize police by passing legislation to ban the purchase or use by police departments in New York State of certain military-grade equipment, potentially modeled on the US Stop Militarizing Law Enforcement Act. Furthermore, pass legislation strictly limiting the possession of guns and other lethal or less-than-lethal weapons by police officers.
- b) Enact Breonna's Law, including strengthening requirements on no-knock warrants to be authorized by the police commissioner and to require body-worn cameras for the entire duration of the execution of all search warrants.
- c) Enact Duty to Intervene legislation, requiring officers to intervene in instances of excessive use of force and to report any instances of police misconduct. Failure to comply with the duty should result in dismissal and criminal penalties.
- d) Enact Decertification legislation, like that already enacted in Florida and Missouri, to require all police officers to receive a statewide certification. If a police officer is fired for misconduct, the license should be withdrawn, preventing fired police officers from receiving a job in another department within the state.
- e) Enact a bill to ensure that the CCRB would be a fully independent entity from NYPD, with independent subpoena power, ability to make final prosecutorial decisions, and complete access to all NYPD records (including sealed records).
- f) Enact A.10611/S.8496 to repeal Section 50-a.
- g) Enact A.1531/S.8492 creating civil liability for discriminatory summoning of police officers.
- h) Enact A.1601B/S.2574B, which legislates 2015 Executive Order 147 to give the Attorney General power to prosecute police directly in the case of police killings, and A.10002B/S.3595C, which gives the Attorney General power (including subpoena power) to investigate police misconduct. However, VID encourages the language of the statutes be strengthened by to increase the Attorney General's office's jurisdiction to prosecute all potential crimes by police officers, including excessive force, perjury, and false statements.
- i) Enact A.10609/S.1830C (Police STAT Act), increasing police reporting requirements, including of racial and other demographic information. However, VID encourages the language be strengthened in the following ways:
  - i. NYC Administrative Code 14-160 requires reporting of all force determinations.
  - ii. Section 50-a has been read to block this reporting requirement.
  - iii. The STAT Act requires substantially more limited reporting.
  - iv. The STAT Act should be expanded to cover the reporting requirements of AC 14-160.
  - v. Executive Law 837T requires reports on use of force; however the Division of Criminal Justice Service has not been complying with the law.

- vi. The STAT Act should create penalties and consequences for government failure to comply with EL 837T.
- j) Enact A.1360A/S.3253, permitting non-participants to record NYPD actions. However, VID encourages the language be strengthened in the following ways:
  - i. The NYPD Police Guide says that it is misconduct to inhibit or arrest a filming non-participant.
  - ii. A.1360A/S.3253 does not state that violation is misconduct or create any consequences for its violation.
  - iii. A.1360A/S.3253 should be strengthened to include professional, civil, and potentially criminal consequences for its violation.
- k) Enact S.7527, allowing police disciplinary hearings to be conducted before neutral and impartial arbiters such as OATH. However, VID expects misdirected opposition to this bill on the pretextual argument that it could deny police officers right to counsel and due process. As a result, VID proposes that, instead of repealing the entirety of Chapter 834 of the laws of 1940, S.7527 could simply permit police misconduct hearings to be fairly conducted outside the police department, with presiding hearing officers from independent agencies such as OATH.
- l) Enact A.8266B/S.6601B, requiring provision of medical attention for those under arrest. However, VID encourages the language be strengthened to include punishments and consequences for failure to comply.
- m) Enact A.6144/S.6670A, banning choke holds.
- n) Enact A.3056B/S.4076, requiring police officers to procure necessary medical care for those in custody.
- o) Enact A.4615/S.1137A banning racial profiling. However, VID encourages the language be strengthened in the following ways:
  - i. The NYPD Patrol Guide bans actions where race is a motivating factor, even in part.
  - ii. A.4615/S.1137A only requires that race be a “basis for” the action, and it allows exceptions where the action is “otherwise lawfully justified.”
  - iii. We urge the legislation to mirror the language in the patrol guide.
  - iv. We further urge that the bill explicitly bans racially selective enforcement.
  - v. We finally urge that the use of racial slurs creates a presumption that the statute has been violated.
- p) Enact A.4053/S.2571, banning arrests for lesser offenses. However, VID encourages the language be strengthened in the following ways:
  - i. The 2016 NYC Criminal Justice Reform Act requires an officer giving a criminal summons or DAT to write the reason for doing so, from a list of limited reasons, or else to write a civil summons or fine.
  - ii. A.4053/S.2571 permits officers to issue criminal summonses or DATs without explanation, as opposed to civil summonses or fines.
  - iii. We urge the legislation adopt the 2016 NYC Criminal Justice Reform Act's language requiring justification for, and limiting justifications for, sending citeable offenses to

criminal court.

- q) Enact A.8674/S.6686 and A.8943A/S.6793A, requiring increased usage of body cameras. However, VID encourages the legislature to strengthen the language to clarify that all accusatory questioning must be filmed.
  - r) Enact A.10608/S.2575B requiring law enforcement officers to report discharging their firearm.
  - s) Enact legislation S.8516 banning tear gas use by police officers.
  - t) Enact legislation eliminating the qualified immunity defense for police officers.
  - u) Enact statutes creating and codifying use of force restrictions and de-escalation requirements, potential modeled on the NYPD Guide, and creating penalties and consequences for violating the statutes.
    - i. These penalties should include criminalization of false arrests, lying in an official statement or in the furtherance of an arrest, and excessive use of force.
    - ii. The penalties should define and penalize reckless police conduct, such as shooting into a moving vehicle.
    - iii. Additionally, lying in any official statement should create a presumption of termination, without existent exceptions.
    - iv. Specifically, rules in the NYPD limiting use of pepper spray for self-defense in the course of an arrest and never for crowd control should be codified with criminal penalties.
  - v) Enact A.1617/S.1527 legalizing marijuana.
  - w) Enact A.2176/S.425A, the Protect Our Courts Act, to keep immigrants safe in our courts.
  - x) Enact A.254/S.2253, repealing “loitering for the purposes of prostitution,” also known as “walking while trans.”
  - y) Reinstate Tuition Assistance Program funds for prisons.
  - z) Enact A.10194/S.8046 requiring accountability of corrections officers.
  - aa) Enact A.9040/S.2144 increasing parole eligibility of elderly incarcerated people.
  - bb) Enact A.2500/S.1623 restricting the use of solitary confinement.
2. Urges the United States Congress to:
- a) Create federal laws parallel to the above state laws with nationwide effect.
  - b) Amend 34 USC § 12601 to allow the New York Attorney General to sue police departments in federal court for pattern and practice violations.
  - c) Pass the Stop Militarizing Law Enforcement Act.
  - d) Pass the Justice in Policing Act.
3. Urges the New York City Council to:
- a) Take direct control of the NYPD budget and reduce it by \$1.1B such that:
    - i. Savings would be put into programs serving affected communities including schools and education, job training and other job programs, and health services.

- ii. The City ensures that the reduction in NYPD's budget comes out of staff, overtime, and weaponry instead of out of education and community support programs.
- b) Legislate within the Administrative Code standards under which police officers are fired and/or criminally prosecuted for misconduct. This includes:
  - i. Standards for de-escalation and excessive force, including criminal consequences.
  - ii. Covered badges creating a presumption of termination.
  - iii. Criminalizing police lies, including those in furtherance of an arrest and in an official report, and making any such lie, including but not limited to lies under oath, fireable offenses.
  - iv. Review misconduct rules in the NYPD Guide to determine which rules should create a presumption of termination and which should be criminalized.
  - v. Every FID investigation should be public, and findings of wrongdoing should come with presumptive termination.
- c) Create legislation defining all police records as not being “personal records” under 50-a. In the alternative, adjudications in disciplinary hearings such as CCRB hearings, and their results, should be defined as not being “personal records.”
- d) The Inspector-General should be empowered by law, becoming an independent position and given more power to investigate police. Specifically, the IG should be appointed to a 5-year term, with removal only for cause, and their recommendations should be entitled to a presumption of validity, with a Commissioner override only in exceptional cases, which can be reviewed by courts.
- e) Amend Administrative Code 14-151 banning racial profiling.
  - i. The NYPD Patrol Guide bans actions where race is a motivating factor, even in part.
  - ii. 14-151 requires that race be the “determinative factor.”
  - iii. We urge the legislation to mirror the language in the patrol guide.
  - iv. We further urge that the 14-151 be amended explicitly to ban racially selective enforcement.
  - v. We finally urge that the use of racial slurs creates a presumption that the statute has been violated.
- f) Remove all NYPD officers from all school property unless called to respond to a specific crime.
- g) Create alternatives to 911 for mental health and homelessness issues.
- h) Create statutory rules governing racial and gender diversity among top-level NYPD officials.
- i) Legislate community policing standards that take into account whether officers live in the communities they police and how quickly they rotate in and out of communities.

- j) Adopt legislation parallel to that urged on the State Legislature above, where possible, including legislating a duty to intervene and to de-militarize and disarm the police.
- k) Enact the POST Act requiring disclosure of police surveillance tools.
- l) Reassign press pass credentialing away from NYPD.