

*Testimony of Nahal Zamani,
Advocacy Program Manager of the Center for Constitutional Rights
before the Public Safety Committee of the New York City Council*

Thursday, October 6, 2011

Good afternoon, Councilmembers. My name is Nahal Zamani and I am an Advocacy Program Manager of the Center for Constitutional Rights. The Center for Constitutional Rights (CCR) is a legal, advocacy, and educational organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

As my time is brief and you will be hearing a great deal of testimony today, I would like to take the time to focus on issues of safety for New Yorkers whose stories are not always in the spotlight.

I would like to take just a few moments, however, to address the recent “Occupy Wall Street” demonstrations. The NYPD’s actions at this demonstration continue to be of concern, including the allegations of unwarranted beatings last night. These police actions, however, are reflective of a larger civil liberties crisis that has been intensifying at an alarming rate over the past decade. Peaceful political protest activity across the country have been met with brutal force by law enforcement, all while domestic surveillance activities by the government have increased dramatically. As dissent has come to be equated with terrorism, activists are given overblown and draconian sentences for non-violent advocacy and protested related activities

The NYPD should hold officers who have engaged in misconduct responsible for their actions, including receiving appropriate discipline when necessary.

Further, CCR is deeply troubled over the findings of an AP investigation from late August which finds the NYPD, along with the CIA, has been spying on New Yorkers, that the collaboration was designed particularly to infiltrate New York’s Muslim communities, and that the NYPD was operating outside of New York City. We urge the City Council to look into this matter immediately, as it concerns issues of accountability, transparency and oversight, the illegal and intrusive surveillance of entire communities, religious profiling as well as the threat to protected activities under the U.S. Constitution.

We also want to bring to the Committee’s attention, a landmark ruling issued yesterday by U.S. District Judge Nicholas G. Garaufis of Brooklyn in a federal class-action lawsuit filed by CCR, co-counsel Levy Ratner, P.C., and Scott & Scott, LLP, on behalf of the Vulcan Society, the

fraternal organization of Black firefighters. Judge Garaufis ruled that the FDNY's hiring practices to be broadly discriminatory on the basis of race in violation of both Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the U.S. Constitution.

Under the ruling, the FDNY will be required (1) to hire independent consultants to identify best practices for recruiting and hiring a racially diverse workforce and ensuring a non-discriminatory work environment; (2) to train all FDNY candidate investigators regarding city, state, and federal EEO laws and policies; and conduct a top-to-bottom assessment of its entire firefighter hiring process to determine what changes are necessary to make the process fair to all applicants regardless of race. Further, the court will appoint a monitor to oversee the City's implementation of its order. This monitoring will continue for ten years. CCR urges the Public Safety Committee to consider this decision and push the FDNY to take the necessary steps to address its discriminatory hiring practices.

I would like to take the remainder of my time to discuss the policy of stop-and-frisk. Stop-and-frisk, as you know, is the practice by which an NYPD officer initiates a stop of an individual on the street allegedly based on so-called reasonable suspicion of criminal activity. Last month, we marked the 10th anniversary of the terrible events of September 11, 2001. In the same period of time, the use of this practice has increased more than 600%.

CCR has long been active in the movement to address racial profiling, particularly in New York City. CCR filed *Floyd, et al. v. City of New York, et al.*, a federal class action lawsuit against the NYPD and the City of New York that challenges the NYPD's practices of racial profiling and unconstitutional stops-and-frisks. In addition to our litigation, we have engaged in advocacy and organizing efforts and as a result, have a valuable perspective on the safety of New Yorkers, which is once again being evaluated in light of the tenth anniversary of 9/11.

Stop-and-frisks occur at an alarming rate in communities of color, who often feel under siege and harassed by the police. There are three major problems surrounding the stop-and-frisk policy. First, this policy disparately and unjustly affects Black and Latino New Yorkers. Second, the policy deteriorates the relationship between the NYPD and communities they police. Third, the policy has proven itself to be ineffective in its attempt to keep weapons or contraband off the street.

Just one year ago, renowned policing expert Jeffrey Fagan of Columbia University released a report confirming that the NYPD stopped-and-frisked hundreds of thousands of New Yorkers without reasonable suspicion and engaged in a pattern of unconstitutional stops that disproportionately affected Black and Latino New Yorkers. Even after controlling for crime rates and the number of officers on patrol in a given area, the report concluded that the main factor for determining who gets stopped is race. Both the City Council and CCR regularly receive data from the NYPD about its use of stop and frisk, and we are currently analyzing data from the first

two quarters of 2011. What we do know: in 2010, a record 600,601 people were stopped, 87 percent of whom were Black and Latino residents though they together comprise just over 50 percent of New York City's total population. These numbers clearly reflect an over-use of this practice in Black and Latino communities in New York City.

Moreover, stop and frisk contributes to continued mistrust, doubt and fear of police officers in communities of color that are already scarred by systemic racial profiling and major incidents of police brutality. Stop and frisk has a detrimental ramification for community safety as well. Rather than build relationships and partnerships with communities, this policy actively alienates communities based upon their racial composition. CCR is currently studying the human impact of this policy on the communities, and preliminary discussions reveal disappointment, distrust and fear of police.

Policing policies should work to actively develop ties and positive relationships between the NYPD and local communities. Unfortunately, the policy of stop-and-frisk undermines this valuable relationship.

Lastly, stop-and-frisk has proven to be an ineffective program at reducing crime. While supporters continue to allege that this policy is keeping guns off the streets, over ten years of raw data from the NYPD reveal that stops-and-frisks result in a virtually non-existent weapons and/or contraband yield. For example, in 2010 only 1.26% of all stops resulted in the yield of weapons.

As a member of the Campaign for Fair and Justice Policing, CCR asks the Committee on Public Safety to urge the NYPD to end bias-based policing and to implement policies that promote community safety and respect the rights of all New York City residents.

Particularly, in light of the anniversary of 9/11, we must ensure that actions that purport to protect New Yorkers, are not in fact, detrimental to their safety.

Thank you for your time and consideration.