

**Statement of Marc Krupanski of the Center for Constitutional Rights presented to the  
Public Safety Committee of the New York City Council on January 29, 2009.**

Good day Councilmembers. My name is Marc Krupanski from the Center for Constitutional Rights. The Center for Constitutional Rights – or CCR – is a non-profit legal and educational organization, based in New York City that is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

We have been active throughout the years in the efforts and movement to combat police misconduct in New York City. This has included many things, such as hosting a police misconduct hotline, conducting know your rights workshops, and of course litigation.

We have heard and will hear a good deal of testimony concerning police misconduct and the lack of accountability for officers who engage in such conduct. I would like to focus specifically on the NYPD's stop-and-frisk practices. CCR is currently involved in class-action litigation against the NYPD challenging this practice – chiefly the overwhelming occurrence of unlawful stops that particularly target Black and Latino New Yorkers. As a result of this on-going litigation, we have received 10 years of the raw stop-and-frisk data from the NYPD – more than what has been provided to the City Council, I believe. Along with statistical experts, we are in the process of analyzing this data and will do so with future data we receive as well. In the meantime, we've issued a preliminary report looking at the data from 2005 through the first half of 2008 which I have brought copies for your review.

I know my time is brief so I want to raise 3 main points. The first concerns NYPD's stop-and-frisk practice; the second concerns the Department Advocate's Office failure to discipline stop-and-frisk related cases substantiated by the CCRB; and third our recommendations for an Independent Special Prosecutor and Independent Police Auditor.

Stop-and-frisk is of particular to concern to us, as well as most New Yorkers, due to its alarming rate of occurrence. In the first half of 2008, the NYPD conducted over 270,000 stops which put them on pace for 540,000 for the year – the highest total ever. Of these stops, 81% were of Blacks and Latinos and just 11% of Whites. This disparity increases in regards to frisks. If I may bring it home for two of you: Councilmember Dilan – the precinct nearest your office - #75, recorded the most stops in the City for the 1<sup>st</sup> half of 2008, with 13,868 – when the average stop city wide by precinct was about 3,000. Also, Committee Chair Valone, your nearest precinct - #114 recorded the most in Queens with 6,148.

Some people may not be bothered by these high numbers claiming stop-and-frisk is a legitimate practice to get criminals, weapons and drugs off the street. However, in the first half of 2008, only 6% of those stopped were arrested and 7% received a summons. Weapon and contraband yield rates were even lower – with just 1% of stops yielding a weapon and 2% yielding contraband. On the other hand, 24% - or 1 out of every 4 - stops result in some use of physical force by the officer. This rate is nearly double the combined rate of arrests and summons.

Based on these and other figures in the report, it is our strong belief that a large number of these stops were unjustified and very likely illegal.

Stop-and-frisks are the main form of contact between civilians and police officers. It is no surprise then, that as stop-and-frisks have increased citywide so have the complaints to the CCRB. In fact, stop-and-frisk related complaints now make up the majority of complaints received by the CCRB. So it is of particular concern to us that the NYPD is not disciplining officers in the incredibly few complaints that the CCRB substantiate. In fact, it has come to our attention that the Department Advocate's Office's current procedure is to not pursue any disciplinary action against officers who are named in substantiated CCRB stop-and-frisk allegations altogether. In such cases, the DAO credits police officers' versions of events in full without any further review.

As I've mentioned, CCR is currently litigating these unlawful practices and we hope that through our litigation combined with grassroots organizing efforts, we can actually institute meaningful systems of transparency and accountability of the NYPD. But I'd like to note – we, CCR and others in the civil and human rights community, should not have to do this. But we are doing this because the structures that are put in place for the NYPD's self-monitoring and self-discipline are broken. They are not just broken but intentionally flipped on their head where misconduct and illegal activity are ignored and thereby, encouraged. Consequently, the DAO fails to meet minimum standards of competence and in the end, condones police misconduct. The NYPD cannot police itself.

For these reasons, we support efforts to move prosecutorial authority out of the hands of the NYPD and the Department Advocate's Office and to the CCRB. However, we want to emphasize that this is just one step and by no means is our ideal end. Instead, we need a truly independent body – independent from the NYPD and the Mayor's office and directly accountable to the people of New York through the City Council. That is why we would like to see both an Independent Special Prosecutor to investigate and prosecute cases of police brutality and an Independent Police Auditor to investigate and monitor departmental-wide policies and initiatives, such as stop-and-frisk. Independence in investigation and prosecutorial authority is key to achieving accountability.

I look forward to working on this with all of you more in the future. Thank you.