

Memorandum in Support of A.5617 (Perry)

February 14, 2017

The Center for Constitutional Rights (“CCR”) urges New York state legislators to support proposed legislation (A.5617). This bill is an important step to codify and strengthen the existing executive order, No. 147, which appoints the New York State Attorney General as the special prosecutor in cases where law enforcement officers are involved in the deaths of civilians. This bill provides the Attorney General’s office with jurisdiction in all cases of police killings and deaths in custody, memorializing and strengthening the authority provided by the executive order.

CCR is a non-profit legal and advocacy organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. CCR has long been active in the movement to address racial profiling and injustice. To this aim, CCR engages in litigation, advocacy and organizing efforts to address discrimination, brutality, misconduct and abuse by the police, including challenges to policing practices and policies.¹ As advocates, we have stood with the families of New Yorkers killed by police who fought for the executive order enacted by Governor Cuomo in 2015. We remain invested in ensuring that there is an effective special prosecutor in New York State for all killings of New Yorkers in police-involved incidents and police custody.

If passed, this bill would advance police accountability, transparency and criminal justice.

There has been a historic and systemic failure by the criminal justice system to hold police officers accountable when they unjustly kill – a failure that continues into the present day. Given the challenges in New York and across the nation in prosecuting unjust civilian deaths by law enforcement, and the crisis in public confidence this has brought about, it is imperative to support legislation that aims to ensure fair and thorough investigations, and when warranted, effective prosecutions in these tragic incidents. This legislation is an important step towards remedying such failures, advancing New York toward truly equal justice.

If enacted, this bill will help achieve that goal: it will aid New York families in securing justice for the deaths of their loved ones at the hands of police or in police custody. Police-community relations cannot be truly addressed without advancing transparency and accountability for police departments.

We support A-5617, and we urge the New York State Assembly to pass this legislation.

¹ CCR filed the federal class action lawsuit *Floyd, et al. v. City of New York, et al.* against the City of New York to challenge the New York Police Department’s (NYPD) practices of racial profiling and unconstitutional stop and frisks of New York City residents. In August 2013, a federal judge found that the NYPD had engaged in a widespread practice of unconstitutional and racially discriminatory stops and frisks and ordered a collaborative, joint remedial process (JRP) to develop a set of reforms that will help bring the NYPD’s stop-and-frisk practices into compliance with the Constitution. Learn more: <http://ccrjustice.org/floyd> and <http://ccrjustice.org/floyd-timeline>.