Council's Police Reforms Could Alter NYPD Tactics, But Face Hurdles

by Laura Nahmias
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NEW YORK — A set of bills that could dramatically alter the New York City Police Department's tactics, including how officers conduct street stops, will likely undergo significant revisions before it can be brought to the City Council for a vote.

The bills, known collectively as the Community Safety Act, are the subject of a public hearing today before the City Council's public safety committee. The Council has also scheduled public hearings on the bills in Brooklyn and Queens for later this month.

The bills would enable residents who believe they've been unlawfully stopped to sue the NYPD; prohibit officers from considering race, age, sex and other factors when deciding to stop someone; create an office of inspector general to oversee the department; and require officers to obtain proof that subjects consented to being searched after they were stopped.

The bills' critics argue the departmental changes could have a chilling effect on police officers, because they would be less likely to stop people for fear of being sued.

In June, City Council members proposed the bills in response to the drumbeat of criticism from civil rights groups over policing methods, including an increase in the practice of stopping, questioning and frisking civilians and the monitoring of Muslims by the NYPD's intelligence unit.

Police "stop-and-frisk" practices have come under increased scrutiny over the past year, as reports in the New York Times showed a 600 percent increase in stops between 2002 and 2011. Critics argue that data shows the police tactic disproportionately targets blacks and Latinos, who make up 90 percent of the stops.

While the practice is legal because of a 1968 Supreme Court decision that held police can stop citizens if they believe they are armed and about to commit a crime, very few of those stopped under the city's policy are actually armed — roughly one in 1,000 stops yields recoveries of weapons. Critics also question the legality of other policing methods, such as the NYPD's surveillance of Muslims.

Crime rates have been brought down to unprecedented low levels over the past decade under the Bloomberg administration's police department, led by Commissioner Ray Kelly. Both Kelly and the mayor have cited the low crime rate as a reason for continuing the practice of stopping, questioning and frisking civilians, even as they have acknowledged it may need to be reformed.

In recent months, all of the presumed mayoral candidates to replace Michael Bloomberg in 2013, including City Council Speaker Christine Quinn, have called for reforms to the city's stop-and-frisk practices.

But Quinn has not signed on as a sponsor of any of the CSA bills and is reserving her opinion until after today's hearing.

"I'll be going and participating in that hearing and will have more to say about this version [of the bills] and potential other versions in the future," she said yesterday.

And the bills won't budge from the public safety committee without the approval of committee chairman Peter Vallone, Jr., who is skeptical of the proposed laws.

"It will change police work as we know it," Vallone said of the suite of bills.

Over the last few weeks, Vallone has been openly critical of one bill in particular that would allow individual lawsuits against the NYPD. He cited potential costs to the city of more than $1 billion from a projected half-million lawsuits.

Bill sponsors say they will consider an amendment that would remove monetary damages from the remedies courts could award.

"I'm sure the mayor would take this bill to court, because he's an adult and he understands what this bill would do to the city," Vallone said, warning that the costs could bankrupt the city. "The city doesn't have a billion dollars extra to pay," he said.

Vallone said he thought many of the bill's current sponsors had signed on without knowing the potential consequences. Vallone also noted the conspicuous absence of Quinn's imprimatur on the bill. "She's not on the bill and she has not come out in support of this," Vallone said. "That's going to be an important consideration."

But police reform advocates expressed optimism that the speaker would support the bill package, and said the bill could become law even without the mayor's stamp.

"I'm pretty confident that a supermajority of councilmembers support these bills," said Udi Ofer, advocacy director at the New York Civil Liberties Union.

If the mayor vetoes the bills after the Council passes them, 34 members will be required to override his veto. Even the inspector general bill, which has the broadest level of support, has just 30 co-sponsors — less than the minimum necessary to thwart a mayoral veto.

Ofer said advocacy groups would be willing to consider supporting even an amended version of the current bill package, citing Council members' concerns over possible lawsuits. The important thing was to reform the practice, he said.

"The mayor has also recognized that stop and frisk needs to be mended. Those were his words," Ofer said. "And Commissioner [Ray] Kelly has complained that communities are not offering solutions," he said, adding, "Well, here it is. The community safety act is promising solutions."

The bill to create an inspector general for the NYPD has the most council support, with 30 cosponsors, but at a news conference held yesterday before the Columbus Day parade, Mayor Michael Bloomberg cautioned against it.

"I think if you want to bring crime back, let's go politicize control of the police department," Bloomberg said in response to reporters' questions on the bill, which would create an office of inspector general to independently oversee the police department and submit reports on police practices to the mayor, police commissioner, City Council and public.

Currently, the NYPD oversight is handled by the department's Internal Affairs Bureau and the Civilian Complaint Review Board, which investigates complaints made against city police

officers. Some critics claim the department's current oversight has not been independent enough to stem incidences of police abuses.

"If people aren't happy with this Police Department and what Commissioner Kelly has created, and all the 55,000 people that work in the PD, I don't know what would make you happy," Bloomberg said, adding, "I think this Police Department is well-supervised, it's well-led and the last thing we need is to have some politician or judge getting involved with setting policy, because you won't be safe anymore. But today you are."

The Council's public safety committee hearing on the police reform bills is scheduled for 10 a.m. today, at 250 Broadway, 16th floor, in Manhattan. Hearings will be held before the civil rights committee in Brooklyn on Oct. 23 and in Queens on Oct. 24.

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An earlier version misspelled Udi Ofer's name.