



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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November 3, 2011

Raymond W. Kelly
Commissioner
New York Police Department
1 Police Plaza
New York, NY 10038

Dear Commissioner Kelly,

We write to express our concern about the Police Department's ("the Department") unreasonable delay in complying with Local Law 2011/006, the Student Safety Act (the "Act").¹ Mayor Bloomberg signed the Act into law on January 6, 2011, requiring the Department to make quarterly reports to the City Council on various key measures of student safety beginning in April 2011. As of November 1, 2011, the Department has been out of compliance with this law for two consecutive quarters.

The relevant portions of the law are as follows:

b. ... The department shall submit to the council on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department;
2. in those cases where arrests were made or summonses were issued:
 - (i) the charges (including penal law section or other section of law), and
 - (ii) whether the charge was a felony, misdemeanor or violation;and
3. the number and type of non-criminal incidents that occurred.

c. The data...shall...be disaggregated by race/ethnicity, year of birth, gender, whether the individual is receiving special education services, and whether the individual is an English Language Learner.
New York City Administrative Code, § 14-152

¹ New York City Administrative Code § 14-152.

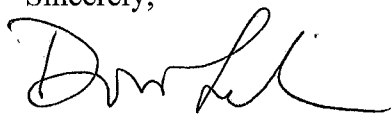
The Department failed to submit any reports corresponding to the first (partial) reporting period after the law took effect (April-June 2011).² Section (f) of the law states that the reports shall be due thirty days after the end of the reporting period. The reports corresponding to the second quarter (July-September 2011) were to be submitted to the City Council by November 1, 2011. To the best of our knowledge, no reports have been submitted by the Department.

We recognize that the Department faced challenges in updating its record-keeping systems to ensure that it could comply with the law; however, given the sophistication of the Department, it seems unlikely that the mandated reporting is still not possible. The law states that the Department may base the reports on preliminary data where necessary to report in a timely manner so even if the relevant systems are not updated, the Department can and must report preliminary data. The New York City Department of Education is in compliance with this law, having delivered its first set of reports on October 31, despite also needing to upgrade data systems to comply.

These reports are intended to be submitted along with the regular reporting the Department completes pursuant to Section 14-150 of the New York City Administrative Code, which includes reports on stop and frisk activity, personnel information, and selected crime statistics. Our understanding is that the Department is generally in compliance with Section 14-150.³

We expect that the Department will fully comply with New York City law by providing its overdue reports to the Council at this time.

Sincerely,



Donna Lieberman
Executive Director



Udi Ofer
Advocacy Director

On behalf of:

The Dignity in Schools Campaign New York and the following members of the Student Safety Coalition: Advocates for Children; Children's Defense Fund New York; Desis Rising Up and Moving; Legal Services NYC-Bronx; NAACP Legal Defense and Educational Fund, Inc.; National Economic and Social Rights Initiative; Urban Youth Collaborative

² The law took effect 90 days after enactment.

³ According to records provided by the City Council, the Department has not fully complied with Section 14-150 (a)(3)'s requirement that the Department provide quarterly reports on the number of school safety agents in each school in New York City, citing safety concerns.