



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street  
New York, NY 10004  
(212) 344-3005  
Fax (212) 344-3318  
www.nyclu.org

BY FACSIMILE AND FIRST CLASS MAIL

November 30, 2006

Christopher Dunn  
Associate Legal Director  
(212) 607-3300, ext. 326  
cdunn@nyclu.org

Raymond Kelly  
Commissioner  
New York City Police Department  
1 Police Plaza  
New York, N.Y. 10038

*Re: Sean Bell Shooting and Stop-and-Frisk Reports*

Dear Commissioner Kelly:

As Mayor Bloomberg acknowledged in his City Hall press conference on Monday, the Sean Bell shooting has rekindled the debate about race and policing in New York City. In light of this, the Police Department's commitment to reforms designed to eliminate improper race-based police actions is of paramount importance. We recently learned, however, that the Department has failed to comply with an important reform mandated in the aftermath of the racially-charged shooting death of Amadou Diallo in February 1999, and we now write to request that you immediately remedy this situation.

As you may recall, the New York City Council, in response to widespread concern about the role of race in the Diallo shooting, passed the Police Reporting Law in November 2001. As explained in the Public Safety Committee report that accompanied it, the law mandated certain NYPD reporting for the express purpose of addressing concerns about racial-profiling: "Full and fair reporting by the Police Department may address public concerns about policing in New York City and may shed light on such questions as whether the NYPD engages in racial profiling . . . ."

In light of the City Council's concern about racial profiling, the law requires the Department to produce to the Council on a quarterly basis detailed information about the racial aspects of the stopping, questioning, and frisking of New Yorkers by police officers:

A report based on the information provided in the department's Stop, Question and Frisk Report Worksheet and any successor form or worksheet. Such report shall include the number of stop, question and frisks for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown of the number of stop, question and frisks by race and gender for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; the number of suspects arrested or issued a summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown by race and gender of the suspects arrested or

issued a summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a listing, by category, of the factors leading to the stop, question and frisk for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, with a breakdown by race and gender for each listed factor; and a summary of complaints of violent felony crime for each patrol precinct, with a breakdown by race and gender of the suspect as identified by the victim.

New York City Charter and Administrative Code, § 14-150a(5).

We wrote to you on October 11, 2006 to request that the Department produce certain stop-and-frisk information following published reports about a police directive to stop and question all African-American males at a Brooklyn subway stop. When we received no response to our letter, we approached the Public Safety Committee to request that it provide us with stop-and-frisk information mandated under the Police Reporting Law.

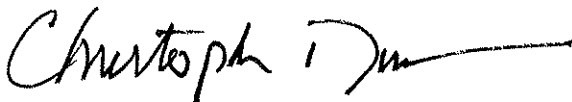
Earlier this week, we were informed that the Department has not provided the Council with the mandated stop-and-frisk reports since 2003.

The Department's failure to comply with this important law for over three years raises serious questions about the Department's commitment to reforms designed to eliminate racial profiling or other forms of race-based police actions. If the Department is unwilling or unable to comply with simple reporting requirements written into law, one has every reason to question whether it can be trusted to implement less formal internal reforms it claims to undertake.

We request that the Department immediately produce to the City Council for public review all the stop-and frisk reports mandated by the Police Reporting Law. We also ask that the Department take all steps necessary to assure that future reports are produced in a timely manner.

In addition, we ask that the Department publicly release all information it has about the racial characteristics of individuals shot by police officers over the last ten years. While it differs from the Diallo shooting, this most recent incident again raises questions about the extent to which police shooting victims disproportionately are people of color, particularly African-American men. It is essential that the Department provide the public with as much accurate information as possible so there can be a full and fair discussion of the role of race in policing.

Sincerely,



Christopher Dunn  
Associate Legal Director



Donna Lieberman  
Executive Director

c: Peter Vallone, Jr., Chair, Public Safety Committee, New York City Council  
Christine Quinn, Speaker, New York City Council