



NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street
New York, NY 10004
(212) 607 3300
Fax (212) 607 3318
www.nyclu.org

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

BY FACSIMILE AND FIRST CLASS MAIL

October 22, 2007

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

Dear Commissioner Kelly:

On behalf of the New York Civil Liberties Union, we write concerning the Department's shooting practices. We recently obtained a copy of the recently completed Firearms Discharge for 2006, which of course covers the period when Sean Bell was killed in an incident which officers fired 50 shots. The new report, coupled with our review of the 2005 report, prompts us to raise several issues with you.

First, we remain concerned about the number of shots being fired by officers in incidents when only the police are shooting. In 2005 an average of 4.55 shots were fired in such incidents, and the new report indicates that the number rose to 4.68 in 2006. While we recognize that there will be situations in which it will be appropriate that only an officer fires a weapon, the reported figures suggest that excessive numbers of shots may be being fired in such incidents. We urge you to assure that the RAND study commissioned by the Department in the aftermath of the Bell shooting will address this issue.

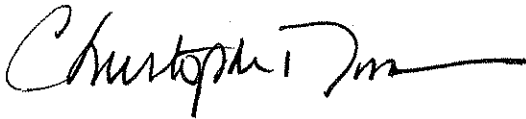
Second, as highlighted by the Bell shooting, the role of race in police shootings remains a serious concern for many. Conspicuously absent from this report is any information about the racial identity of police shooting victims. Pursuant to the New York State Freedom of Information Law, we request that the Department produce documents identifying the race of all persons shot by police officers either in "gunfights" or "other shootings vs. subjects" (as those terms are used in the Firearms Discharge Report) for the last ten years (since January 1, 1997).

Finally, notwithstanding their statistical nature, the Firearms Discharge Reports do provide important information about Department shooting practices that we believe should be made available to public officials outside the NYPD, to advocates, and to the general public. It is our understanding, however, that not only does the Department not release these reports but that

it goes to considerable lengths to keep them secret. We urge you to change this practice. We also ask, again pursuant to the Freedom of Information Law, that you provide us with copies of every annual Firearms Discharge Report created by the Department.

If you have questions, we would be happy to speak with a member of your staff. Otherwise, we ask that the Department produce the documents we have requested by November 25, 2007.

Sincerely,



Christopher Dunn
Associate Legal Director



Donna Lieberman
Executive Director