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Can the NYPD Comply With Basic Rules?

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The recent report by Philip K. Eure, the inspector general of the New York City Police Department, solidifies the lack of trust minorities have towards the NYPD.

The NYPD seems to persist in not following the most basic rules enacted to protect the constitutional rights of the citizens of New York City. The report found that the NYPD failed to submit the required paperwork to open or extend investigations into the political activity of our citizens, and that in the few instances where the rules were followed, the same boilerplate documents were submitted in every case. The failure of the NYPD to submit the required paperwork, or to submit justifications individual to each investigation undermines the purpose of the Handschu Guidelines enacted to protect New Yorkers from police abuses. While the report refers to the political activities most of the surveillance was on religious activities and on Muslims based on their religion which makes it even more problematic.

The Handschu Guidelines were established as part of the settlement of a federal class action lawsuit brought in the 1970s alleging that over-reaching surveillance by the NYPD violated the constitutional rights of individuals engaged in peaceful political activity. The recent proposed amendments to the Handschu Guidelines are weaker than the original ones. They will not protect the Muslim community or other minorities from abusive NYPD surveillance.

Southern District Judge Charles Haight is currently considering the settlement of a recent lawsuit alleging that the prolific surveillance of the Muslim community since 9/11, including the use of undercover officers to infiltrate Mosques and social organizations, violated the Handschu Guidelines. This invasive surveillance occurred even though there was no evidence that any of these groups were engaged in criminal activity. In fact, during a sworn deposition, NYPD Chief of Intelligence Thomas Galati admitted that no criminal charges resulted from over 10 years of surveillance. Like the original guidelines, the amendments proposed by the settlement will do nothing to protect citizens from police abuses, which history dictates, will continue to occur.

When you combine this history of abuse with the NYPD's consistent failure to provide records required by the Freedom of Information Law; it is clear that the NYPD cannot be trusted to safeguard the constitutional rights of New Yorkers.

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