March 11, 2015

Dear Governor Cuomo,

We write to urge that you take swift action to issue an executive order directing the Office of the Attorney General to act as a Special Prosecutor for all cases of police killings in New York State – directing the Office of the Attorney General to investigate and, if necessary, prosecute cases involving civilians killed by police officers to ensure independent investigation and prosecution for all cases of police killings.

While we appreciate you making criminal justice reform a priority and putting forward proposals to address such historic challenges, we believe your plan to establish an independent monitor to review grand jury decisions is insufficient and problematic. It fails to address the core issues and is counterproductive to ensuring accountability, and thus trust in our criminal justice system, by allowing the status quo to remain and delaying justice in these types of cases.

As you know, there is a deep history, spanning decades, of policing incidents that have claimed the lives of Black and Latino New Yorkers. The commonality between these incidents, beyond the fact that the victims are overwhelmingly people of color, is that there are almost never consequences from the criminal justice system for these episodes (we have included a partial list of many of these cases and the local criminal justice system outcomes).

The demand for special prosecutors in these tragic and unnecessary killings is one that has long been made by the families of these victims, who have been forced to endure multiple injustices as accountability for police violence repeatedly failed. The concept of prosecution that is external and independent of the local district attorney’s office has also been supported across the nation by those who have recognized that district attorneys face an inherent conflict of interest given their daily collaboration and dependence on police departments for success.

Just last week, President Obama’s Task Force on 21st Century Policing made the recommendation for “external and independent prosecutors” to be used “in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.”

The State of New York is now in a position to be a national leader on this issue by taking strong steps to address these historic injustices and failures. We can set an example in the wake of continuing tragedies across our nation, and in the midst of a vigorous national dialogue on policing, police use of force and accountability.

We wholeheartedly support decisive action to issue an executive order to direct the Office of the Attorney General to assume responsibilities of a special prosecutor for these cases through our state, and urge you to once again make New York a leader in an arduous challenge facing our nation.

1 This should be understood to include cases of death while in custody of police.
We look forward to discussing this further with you and will follow up by phone. Please contact Alana Cantillo, acantillo@council.nyc.gov should you have any questions or concerns.

Sincerely,

*The Progressive Caucus of the New York City Council*

Council Member Antonio Reynoso  
Co-Chair, District 34 – Brooklyn and Queens

Council Member Jumaane D. Williams  
District 45 – Brooklyn

Council Member Corey Johnson  
District 3 – Manhattan

Council Member Ritchie Torres  
District 15 – Bronx

Council Member Carlos Menchaca  
District 38 – Brooklyn

Council Member Ydanis Rodriguez  
District 10 – Manhattan

Council Member Ben Kallos  
District 5 – Manhattan

Council Member Donovan Richards Co-Chair,  
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Council Member Margaret Chin  
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Council Member I. Daneek Miller  
District 27 – Queens

Council Member Jimmy Van Bramer  
District 26 – Queens

Council Member Helen Rosenthal  
District 6 – Manhattan

Council Member Mark Levine  
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