

New York City Mayor de Blasio vows to veto law outlawing police chokeholds

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17 January 2015

New York City Mayor Bill de Blasio said Tuesday that he would veto legislation now pending in the City Council that would make the use of chokeholds by the police illegal. De Blasio's statement is yet another expression of the administration's defense of violence by the New York Police Department (NYPD), despite ongoing mass protests against police brutality sparked by the July 17 death of Staten Island resident Eric Garner, who was choked to death by an NYPD officer.

The use of chokeholds has been banned by the NYPD manual in explicit terms since 1993, but is not a violation of any city ordinance or state law.

The proposal, one of several pieces of police oversight measures before the City Council, would make the use of a chokehold by an officer a misdemeanor offense that could be punished by a year in prison, a \$2,500 fine, or both.

In response to a similar bill proposed last November, de Blasio said, "I don't think it should be made a matter of a legal prohibition; I think it should be handled by department policy." City Hall officials confirmed this week that this remained the mayor's position. Police Commissioner William Bratton, a de Blasio appointee, called the current proposal and other police oversight legislation proposed in the City Council, "totally inappropriate, totally unnecessary, misguided, and uninformed."

De Blasio's veto threat follows the release of a report earlier this week that highlights the failure of the NYPD to discipline officers for the use of chokeholds. The report was issued by the Office of the Inspector General for the NYPD, headed by de Blasio's own appointee, Phillip Eure. The office is a part of the city's Department of Investigation, not of the NYPD.

The report studied ten examples of complaints of chokeholds by residents against NYPD officers

between 2009 and 2012 that were upheld by the city's Civilian Complaint Review Board (CCRB). In nine of the 10 cases, the CCRB recommended that the officers be subject to administrative discipline, which carries with it varying degrees of punishment, including possible dismissal from the force. In all of the cases the NYPD, which determines the final disciplinary action for an officer, gave the officers little or no punishment. The most severe punishment meted out to officers was a loss of vacation days.

"People should be troubled by the disconnect that we determined exists already in the disciplinary process," Eure told the media. De Blasio responded to the report by touting his proposals for "retraining of the police force, to try and make sure that people use the proper tactics."

Last month de Blasio was portrayed by the President of the Policemen's Benevolent Association (PBA), Patrick Lynch, as having "blood on his hands" for the killing of two NYPD officers on December 20 in Brooklyn by a mentally unstable man. This was because, Lynch suggested, de Blasio had "incited violence on the streets under the guise of protest." Lynch was referring to the peaceful protests that erupted in the city after a grand jury refused to indict Pantaleo for the death of Eric Garner.

Police were also enraged that de Blasio stated that he told his biracial son to be careful in his dealings with the NYPD, and also by his use of the word "allegedly" when referring to a reported assault on two police officers by protesters on the Brooklyn Bridge on December 13.

Right-wing politicians, including former Mayor Rudolph Giuliani, have publicly demanded that the mayor apologize to the NYPD. In near-mutinous actions, police officers turned their backs on de Blasio

during public appearances at the funerals of the two slain officers. This amounted to a mass political demonstration by the police against the administration. For three weeks after that, the NYPD held its own protest in the form of a slowdown in which ticketing for parking violations and misdemeanor crimes, such as public alcohol consumption, fell precipitously.

The hostility of the police to de Blasio has little to do with the policies of his administration, which has never questioned the role of the NYPD and the repressive apparatus of the state to control the most socially unequal large city in America.

The real source of the current tensions between City Hall and the police is the fear and hatred, on the part of the police union and its right-wing supporters, of those sections of workers who voted for de Blasio precisely because of their anger at police abuse and social conditions in the city. Voters responded to the candidate's criticism of the unconstitutional "stop-and-frisk" policies, in which hundreds of thousands of youth and workers were searched without probable cause, especially in minority and working class neighborhoods, as well as to his vague calls to reduce inequality.

In fact, De Blasio's criticisms of the police policies under of his predecessor, were entirely tactical in nature, and were largely dropped once in office. One of de Blasio's first actions in 2013 was to appoint William Bratton as Police Commissioner, the man who was the architect of "broken windows" policing, whose hallmark was stop-and-frisk. In subsequent months de Blasio showed himself to be a defender of NYPD spying and repression.

Even after the drop in incidents of stop-and-frisk (which began under previous mayor Michael Bloomberg), Bratton and de Blasio tied its use to a monitoring of crime statistics in the city, indicating that the police could ramp the harassment back up when necessary.

In October, the Center for Constitutional Rights (CCR) noted that the de Blasio administration had "filed a brief ... that vigorously defends the practice of spying on American Muslim communities without suspicion of wrongdoing" in a major lawsuit by individuals and organizations over NYPD spying on Muslims in New Jersey. Baher Azmy, Legal Director of the CCR, called the city's action, a broad-based

defense of the entire mapping and surveillance program, including an assertion that the police can single out an entire class of people on the basis of their religion and treat them differently."

In recent days, de Blasio has praised Daniel Donovan, Jr., the Richmond County District Attorney who is now running for a vacant seat in Congress, following the resignation of Michael Grimm after he admitted to tax evasion. Donovan was the DA who guided the work of the grand jury that refused to indict Daniel Pantaleo in the case of the death of Eric Garner. Although Donovan is a Republican, de Blasio said that his work with the DA had "been respectful and professional for sure."

In recent weeks de Blasio has also called for a moratorium on anti-police violence protests during a mourning period for the two officers who were killed on December 20, and afterwards chided demonstrators for continuing to protest.

At a press conference this week he emphasized his opposition to the protests "The groups involved in those protests scheduled for tomorrow have a long history of, unfortunately, allowing some of their members to say really inappropriate, reprehensible things about our police officers."

De Blasio's ally on the City Council, Speaker Melissa Mark-Viverito, has proposed a \$7 million allocation for 13,000 bulletproof vests for the NYPD. De Blasio's own budget proposal, to be released next month, will also include funds for this equipment.



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