



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the 2024 City Charter Revision Commission
Public Safety Forum & Hearing – Brooklyn
FDNY Headquarters – June 20, 2024

Dear members of the 2024 Charter Revision Commission. My name is Amaury Dujardin, and I am the Policy Manager at Citizens Union. Thank you for providing us with the opportunity to speak before you today. Citizens Union is a nonpartisan good government group committed to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards, and advocating for political reform and fair and open elections.

Citizens Union has been studying police accountability and performance in New York City for more than a decade, and many of our recommendations have been implemented. We believe the best way to ensure the safe and democratic application of policing is to strengthen and streamline systems of oversight and accountability, both within the NYPD and among the independent entities that monitor police misconduct. Public safety is dependent on New Yorkers having faith in law enforcement.

Charter Revision Commission Should Not Propose Major Changes Under Current Timeline

As we noted in our testimony during the June 17 hearing on government and election reform, we believe the two-month timeframe under which the 2024 Charter Revision Commission is operating is insufficient to thoroughly review the Charter, seek meaningful public input, and draft well-crafted amendments to the Charter. We therefore ask the commissioners either to work past the November 2024 ballot question deadline and put a question on the 2025 ballot or to place a question on the November 2024 that is narrow in scope.

We include Citizens Union’s recommendations on the topic of public safety below but reiterate our position that the Commission should avoid any major changes to the City Charter due to the limited time available to meaningfully engage with issues.

The Role of the City Council – Police Commissioner Advice and Consent

In the area of policing, as in other areas, the role of the City Council is to enact laws, approve a budget, and conduct oversight through committee hearings. The Council does not currently play any role in the appointment of the Police Commissioner, or for that matter, in the appointment of any other commissioner with the exception of the Commissioner of Investigation and the Corporation Counsel.

Because of the importance of the Police Commissioner and the impact of the NYPD on the daily lives of the City’s residents, Citizens Union had previously recommended that the appointment of the Police

Commissioner be made subject to the advice and consent of the Council,¹ and we repeat this recommendation here.

We do so on the assumption that the Council, in evaluating the qualifications of nominees for Police Commissioner, as it has for nominees for other positions, will do so in a responsible manner and without the introduction of extraneous political considerations.

To note, Citizens Union has recently testified before the City Council, asking them not to move forward with the proposed expansion of advice and consent before the body gives more time for committee meetings, public hearings, and further debate to fully consider the implications of that proposal.² We also noted that previous expansions of the Council's advice and consent powers were achieved through charter revision commissions: a mayoral-appointed Charter Revision Commission in 1989 proposed giving the Council the power to approve the Commissioner of Investigations, and a council-appointed Charter Revision Commission in 2019 proposed giving the Council the power to approve the Corporation Counsel.

The Role of the City Council – Maintain Current Legislative Powers on Public Safety

According to media reports, the Commission is considering whether a lengthy public review process should be mandated for changes to local public safety laws, similar to the Uniform Land Use Review Procedure (ULURP) mandated under Charter Section 197-c for various land use changes.³ Citizens Union opposes this proposal.

The ULURP process was introduced by the 1975 Charter Revision Commission to provide communities with the opportunity to comment on certain applications for real estate developments and other land use changes that occur near them. ULURP is a geographically-based process where, in most cases, community boards and community members react to proposals within their districts. It was enacted in response to decades of government centralization in development and infrastructure decision-making.

On the contrary, legislation related to public safety is a citywide policy matter. Like many other general matters of citywide importance, such as education, transportation, or the environment, they are regulated by the legislative branch, which represents the city's various districts, by passing general local laws.

The New York City Council provides an opportunity for the public to comment on every bill during a public hearing held by the relevant Council Committee. The Council can do more to provide greater notice before legislative actions and improve the memos accompanying bills, and Citizens Union has advocated for such changes as part of a Council Rules Reform package. However, we do not see

¹ Citizens Union Agenda for Police Reform – 2021 Issue Brief and Position <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>

² Citizens Union of the City of New York. Testimony before the City Council Committee on Governmental Operations, State & Federal Legislation, Introduction 908-2024. May 29, 2024. <https://citizensunion.org/wp-content/uploads/2024/05/CU-Testimony-Intro-0908-2024-Expanding-Council-Advice-and-Consent-.pdf>

³ Rich Calder, "NYC Council's 'crime-friendly' Agenda Could Spur New Commission to Revise How Public-safety Laws Are Enacted," *New York Post*, June 1, 2024, <https://nypost.com/2024/06/01/us-news/new-commission-to-scrutinize-how-nyc-council-approves-public-safety-laws/>.

sufficient reasons to add further public review opportunities unto a legislative process that already includes public hearings on every bill.

In addition, we believe a proposal to add a requirement for a public review process on public safety laws could spur ongoing litigation on the question of what qualifies as public safety, further complicating the legislative act.

Other Recommendations on Public Safety and Policing

In 2021, Citizens Union issued two reports on public safety and policing in New York City. The first⁴ dealt with issues of governance and accountability, and offered ways to assure appropriate oversight and accountability of the NYPD. The second report was published in December 2021⁵ and included a series of recommendations to the incoming mayor, with new proposals on how to improve the effectiveness of policing in the City's various communities, strengthen police-community relations, and bolster opportunities for community input in public safety planning. That report also identified several existing programs that we believe could be strengthened.

Not all recommendations necessitate amendments to the City Charter. Some can be done by changing the Administrative Code, others require a change in state law, and some may be achieved through mayoral action. However, we present these reports in an appendix to assist the commission's deliberations.

⁴ Citizens Union Agenda for Police Reform – 2021 Issue Brief and Position <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>

⁵ Citizens Union, Public Safety and Policing in New York City: Recommendations to the New Mayor, December 2021 <https://citizensunion.org/wp-content/uploads/2021/12/public-safety-and-policing-in-new-york-city-recommendations-to-the-new-mayor-dec-2021.pdf>