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April 18, 2013

The Honorable Eric Schneiderman  
Attorney General  
State of New York  
The Capitol  
Albany, NY 12224-0341

Dear Attorney General Schneiderman: *Eric*

I write to urge you in your role as chief law enforcement officer of the State of New York to investigate the shooting and death of my constituent, Kimani Gray. I believe the circumstances and context of his shooting may be a violation of his federal civil rights and of his civil rights as guaranteed under New York State's and/or New York City's human rights law. In addition, I ask that you investigate the New York City Police Department's (NYPD) excessive use of Stop-and-Frisk as a possible cause of this tragedy, and as a vehicle for widespread violations of civil rights. Last, I also respectfully request that you support my legislation that establishes an independent inspector general (IG) for the NYPD, as well as a bill I will be introducing in the next few days that empowers your office to act as a special prosecutor where the NYPD is accused of criminal wrongdoing.

Based on a number of press accounts, Kimani Gray's untimely death occurred under suspicious circumstances. The police fired eleven rounds and according to the autopsy report, Kimani was struck by seven bullets, three of which struck his back. In addition, according to these reports witnesses did not see Kimani raise a gun at the police officers. In light of these considerations, I ask you to conduct an investigation of this incident – the shooting death of Kimani Gray -- as an independent and objective third-party.

I believe that this tragedy is linked to the NYPD's racially discriminatory use of Stop-and-Frisk. As you are well aware this practice not only violates the constitutional rights of New Yorkers, but also destroys the trust of large numbers of young African American and Hispanic men might otherwise have toward law enforcement.

Kimani's tragic encounter occurred against the background of the 5 million street stops conducted by the NYPD between 2002 and 2012. Nearly 88 percent of those persons stopped – approximately 4.4 million – were of innocent of any wrongdoing. Shockingly, African Americans and Hispanics comprised 87 percent of the people stopped. Even more disconcerting statistics reveal that in 2011, the NYPD stopped more young African American men than the entire city population of young African American men (168,126 as compared to 158,406). We also know that the NYPD uses physical force more often on African Americans and Hispanics than during stops of Whites.

While Mayor Bloomberg and Commissioner Kelly contend that Stop-and-Frisk has reduced gun violence in New York City, guns were not found in 99.85 percent of stops. Additionally, Stop-and-Frisk has not reduced the number of people who fall victim to shootings. In fact, in 2002 there were 1,892 victims of gunfire and 97,296 stops. By comparison in 2011, there were still 1,821 victims of gun violence but with a record 685,724 stops.

The reality is however, the abuse of Stop-and-Frisk has had a terrible psychological impact upon the targets of this practice – young African American and Hispanic men – and upon the NYPD. Being a young African American or Hispanic male in New York City is not a crime, and those young men should not be treated as criminals. They are entitled to the same civil rights and constitutional protections against unreasonable search as the majority of New York City. Ultimately, the continuation of this discriminatory practice also erodes the objective judgment of the police who carry it out.

Finally, in addition to investigating Kimani's death and use of Stop and Frisk, New York City needs institutional reforms as it relates to law enforcement, I urge you to support the two pieces of legislation I alluded to above. First, I ask that you support S.711, my legislation that establishes an independent inspector general for the New York Police Department. Every other agency in New York City has an IG. The NYPD should be no exception. Furthermore, law enforcement agencies at the federal level also have inspectors general, as do a number of police departments across the country. This proposal is not only important for adding transparency and accountability to the NYPD, it is also accepted best practice for all New York City agencies and for law enforcement entities in the federal government.

My second legislative proposal would establish the New York State Attorney General as a special prosecutor in criminal cases where the NYPD is accused of criminal wrongdoing. In such circumstances, the district attorneys' offices may have conflicts of interests in prosecuting, and rotating prosecutors is insufficient to guarantee the appearance and actuality of objectivity demanded by the public interest, as all district attorneys work directly with the NYPD.

In conclusion, as I noted above, I respectfully request you to investigate the shooting of Kimani Gray and the New York Police Department's abuse of Stop-and-Frisk. I also urge you to support my legislative proposals outlined herein.

Schneiderman/Gray

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Thank you for your attention to this crisis we are facing in New York City. If I may be of assistance, please do not hesitate to contact me at 718-629-6401.

Yours in Partnership,

A handwritten signature in black ink, appearing to read "Kevin Parker". The signature is fluid and cursive, with a long horizontal stroke extending to the right. Below the signature, the name "KEVIN PARKER" is printed in a simple, sans-serif font.

KEVIN PARKER