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Subject: NYPD to Update Guidelines Governing Investigations; Will Resolve Litigation Brought By Civil Rights Groups

**NYPD to Update Guidelines Governing Investigations;
Will Resolve Litigation Brought By Civil Rights Groups**

*Amendments to Guidelines Show City's Continued Commitment to Keeping the City Safe While
Respecting Every New Yorker's Constitutional Rights*

New York, New York—Today the City announced plans to provide additional guidance to police officers as part of a settlement of lawsuits accusing the NYPD of improperly investigating Muslim groups. While the City did not admit to engaging in any improper practices, the changes represent an effort to provide more detailed guidance to NYPD personnel within the existing Handschu Guidelines. These include explicitly incorporating police policies against religious profiling, adding a provision for considering the impact investigations have on people who are not targets of investigations, establishing reasonable time limits for certain investigations, and adding a civilian member to an internal NYPD Handschu Committee. As part of the settlement, the NYPD has also agreed to remove from its website the 2007 report “Radicalization in the West,” which the NYPD does not and never has relied upon to open or extend investigations.

“We are committed to strengthening the relationship between our administration and communities of faith so that residents of every background feel respected and protected,” said Mayor Bill de Blasio. “New York City’s Muslim residents are strong partners in the fight against terrorism, and this settlement represents another important step toward building our relationship with the Muslim community. Our city’s counterterrorism forces are the best in the world, and the NYPD will continue working tirelessly to keep our city safe in the fight against terror while respecting our residents’ constitutional rights.”

“This is the latest step in the continuing efforts to build and maintain trust within the City’s Muslim community and with all New Yorkers,” said Police Commissioner William J. Bratton. “The Handschu Consent Decree has long represented a clear set of rules for conducting investigations into certain unlawful activity. Incorporating existing NYPD practices into the Handschu Guidelines makes it easier to maintain best practices in intelligence gathering and investigations. The modifications also bring the guidelines closer in line with FBI practices, which is helpful in working collaboratively with our federal partners. The addition of a civilian member to the Handschu Committee is also a key part of the settlement, as it will increase trust in the Handschu process.”

“The proposed settlement does not weaken the NYPD’s ability to fulfill its steadfast commitment to investigate and prevent terrorist activity in New York City,” said Deputy Commissioner of Intelligence and Counterterrorism John J. Miller. “The terms of the proposed settlement, which are the result of extensive and thoughtful conversations between representatives of both parties and NYPD leadership, include the incorporation of long standing best and sound NYPD practices into the Handschu Guidelines, which were last modified in 2003.”

“Under this settlement, the NYPD agrees to institutionalize the investigative practices it has developed over the years to enhance its capacity to effectively identify terroristic threats to this City’s safety and security without stereotyping an entire community based on religion,” said Corporation Counsel Zachary W. Carter. “The NYPD’s Intelligence Bureau has led the effort to bring resolution to this matter, and New Yorkers can be confident that this agreement does nothing to compromise the safety and security of this City.”

Updates will be made to the Handschu Guidelines, a set of rules governing investigations of terrorism and other potentially unlawful political activity. The guidelines were implemented after a class action suit in 1971. The guidelines were modified after 9/11 and will be changed as part of the resolution of two cases brought against the City in 2013: *Raza vs. City of New York*, a lawsuit alleging “suspicion-less surveillance” of Muslims, and *Handschu vs. City of New York*, a motion alleging Handschu Guidelines violations brought by class counsel in the Handschu litigation.

Several longstanding NYPD practices and policies will be added to the Handschu guidelines—namely, that the NYPD does not pursue investigations where “race, religion, or ethnicity is the substantial or motivating factor.” Also to be made explicit in the guidelines will be the basis for opening preliminary investigations and timelines for those investigations. This will reinforce the current practice of conducting investigations only when a legitimate law enforcement purpose exists. Another NYPD practice now being codified in these guidelines is having the NYPD consider the potential impact on individuals who may not be targets of investigations, when it chooses investigative techniques (e.g. undercovers, informants).

Deputy Commissioner Miller will retain sole authority over all intelligence investigations and decisions. The NYPD, however, will formalize an existing NYPD advisory committee with which the Deputy Commissioner has been consulting when he opens, extends, and closes investigations. The committee will be expanded to include an independent civilian representative appointed by the Mayor, in consultation with the Police Commissioner. This additional voice will increase transparency while maintaining the confidentiality of investigations. The civilian representative must be an independent attorney, pass City and federal government background checks, and be legally bound by a confidentiality order. The position will last for a minimum of five years.

The City anticipates that the Court will hold a fairness hearing on these guideline changes in the coming months.
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