

CHAIRMAN, MAJORITY MEMBER

ELECTIONS

COMMITTEES

CODES

CONSUMER PROTECTION

CRIME VICTIMS, CRIME AND CORRECTION

DOMESTIC ANIMAL WELFARE

HOUSING, CONSTRUCTION AND

COMMUNITY DEVELOPMENT

JUDICIARY

SOCIAL SERVICES

NEW YORK  
STATE  
SENATE



SENATOR ZELNOR Y. MYRIE  
20<sup>TH</sup> SENATE DISTRICT

**ALBANY OFFICE:**

ROOM 903

LEGISLATIVE OFFICE BUILDING

ALBANY, NEW YORK 12247

(518) 455-2410

FAX: (518) 426-6856

**EMAIL ADDRESS:**

MYRIE@NYSENATE.GOV

Dermot F. Shea  
Commissioner, New York Police Department  
One Police Plaza  
New York, NY 10038  
**VIA ELECTRONIC MAIL**

September 15, 2020

Dear Commissioner Shea:

We are writing to request information related to recent reports of a partnership between the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD) in the 73rd Precinct in Brownsville.<sup>1</sup> If the details of this partnership were reported accurately, we have significant concerns.

As you know, New York state laws govern the conditions under which bail may be set for defendants but recent reporting suggests the NYPD has begun coordinating with the FBI in an effort to circumvent New York law. Specifically, the reporting (and statements made by NYPD leaders therein) contained the following assertions:

- “We’ve had operation safe streets, which is a **task force between the NYPD and FBI** where we are bringing up federal charges on a selected few who are committing these shootings,” said [Deputy Inspector Terrell] Anderson
- “They [the FBI] are actually **working hand in hand with us. They are in the precincts every day** and looking at these arrests as they come in. And every gun arrest that is made or every shooting arrest that is made and the background of the person is looked at.”
- **The filing of federal charges keeps defendants out of the state court system, avoiding the new state bail reforms** that police officials blame for allowing many alleged criminals to remain on the streets.
- “**The bail problem, we lock somebody up and they’re out hours after, while we’re not even done with the paperwork.** I think that’s very troubling,” explained [Lieutenant Barbara] Fischer

This coordination between the NYPD and the FBI within the 73rd Precinct, seemingly disclosed through the media, raises multiple questions:

---

<sup>1</sup> *The Uptick in Violence is so Massive Here: Inside Brownsville's Deadly Summer*, reported on NY1, Sept. 14, 2020. [Link here.](#)

- When did this partnership begin? What is its anticipated duration?
- With whom did this partnership originate? What approvals were required to initiate this partnership at both the NYPD and the FBI? Which offices and individuals are charged with overseeing this partnership?
- What are the parameters of this partnership? How were the involved precincts, identified in the reporting at the 73rd and the 75th, selected? Are other precincts involved in similar partnerships? Please provide any process documents, MOUs or other materials outlining the nature of this partnership.
- What data on arrests is shared with the FBI? Are all, or only some, arrests scrutinized by the FBI for possible federal charges? How is that determination made on an arrest-by-arrest basis? What steps are involved with making the decision to refer arrests to the FBI for additional scrutiny, and who is involved with each step in that process?
- Was the public notified in advance of the start of this partnership?
- How does this partnership comply with state law?
- There were no changes made to state law regarding the request of bail for charges that include firearms. Our understanding is that the District Attorney's office almost universally requests bail in these types of cases. Why, then, would the NYPD attribute their collaboration with the FBI to the state's bail laws?

Since the passage of numerous reforms to the state's criminal laws, there have been multiple high-profile instances of NYPD leadership expressing disdain for these and other state laws. Most recently, you posted the following message on Twitter on September 13, 2020:

*“Judges in NYS are not allowed to consider dangerousness when determining whether an individual is detained pre-trial after an arrest.  
We pass laws to keep people safe and to hold people accountable for their actions.  
The status quo does neither.”*  
- @NYPDShea, September 13, 2020

This statement seems to refer to longstanding New York law against a consideration of “dangerousness” in determining whether and when to set bail against a criminal defendant. This has been prohibited by State law since 1971 in order to ensure that those charged with crimes are afforded the presumption of innocence.

Your statement condemning this State law, coupled with revelations about a new partnership the NYPD readily admits is designed to circumvent another State law, is deeply troubling. Your Department is charged with enforcing the laws we and our colleagues enact, not with undermining them or devising strategies to avoid them.


We have been clear that the recent rise in gun violence, particularly in Central Brooklyn, must be dealt with strongly and holistically. However, your Department must not use these circumstances as a pretext for circumventing state laws.

We request answers to our questions above no later than **5:00pm Friday, September 18**. We appreciate your prompt attention to this matter and look forward to hearing from you.

Sincerely,



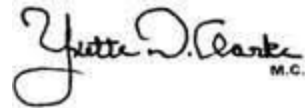
Senator Zellnor Y. Myrie  
20th Senate District



Assembly Member Latrice Walker  
55th Assembly District



Council Member Alicka Ampry-Samuel  
41st District, New York City Council



Representative Yvette D. Clarke  
Member of Congress, CD-9



Representative Hakeem Jeffries  
Member of Congress, CD-8

Cc: Mayor Bill de Blasio