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United Nations Consultation with Civil Society: Violations of international human rights law against Africans and people of African descent by law enforcement agencies.

My name is Iman Abid-Thompson, and I am here representing the American Civil Liberties Union of New York. The NYCLU is a non-profit designated to protect and uphold the civil liberties and civil rights of all individuals. I want to begin by thanking you for the opportunity to speak today on the police-involved death of Daniel Prude in Rochester, NY. While I am not here representing the family, I am here in hopes of speaking to you about the advocacy efforts we pursued in Rochester. I will focus on three specific elements of our work; the first, is the full accountability and transparency regarding the death of Daniel Prude; the second, the treatment of protestors during the demonstrations following the release of the body worn camera footage; and third, the current legislation seeking the removal of law enforcement from mental health and substance abuse calls.

On Monday, March 23<sup>rd</sup>, 2020, Joe Prude called 911 to get his brother help. When the police arrived, they found Daniel Prude, a Black male, walking down the street naked in freezing temperatures. Instead of rendering aid, in the incident that followed, Mr. Prude was handcuffed, his head was covered with a spit hood, and he was held forcibly to the ground. One officer pinned Mr. Prude's hooded head to the pavement, while three other officers held his body down. After two minutes of being held to the ground, Mr. Prude stopped breathing. When paramedics arrived, they administered CPR and proceeded to the hospital. On March 30<sup>th</sup> Daniel Prude was taken off life support and pronounced dead.

Daniel Prude died on March 30<sup>th</sup>; however, it was not until September 2, seven months later, that the body worn camera footage was released to the public by his family members and local activists. During that time, the Rochester Police Department issued no public announcement of Mr. Prude's death, withheld body-camera footage, and obstructed a response to a FOIL request from Mr. Prude's family. Additionally, the Police Chief and the Mayor provided misleading and incomplete information about the circumstances of Mr. Prude's death even after the incident became public.

While we recognize that certain aspects of criminal investigations are sensitive, it is imperative that police departments release information on police-involved deaths as soon as possible. Therefore, the NYCLU has recommended the following:

- The immediate public announcement of any police-involved death
- The prompt release of body-camera footage
- The public release of all investigative reports regarding police-involved deaths
- Annual reports about police-involved deaths

Following the release of the body-camera footage, Rochester community members mobilized in the streets to express their justifiable outrage. Protests were met with extremely aggressive and unacceptable tactics by the Rochester Police Department and the New York State Troopers. Law-enforcement instigated conflict, used excessive force against thousands of peaceful protestors and declared assemblies unlawful with little or inconsistent justification. They deployed military vehicles and dogs, Long Range Acoustic Devices (LRADs), flash bangs, tear gas, and pepper balls against peaceful demonstrators, including elderly individuals and children. Numerous journalists covering the protests reported that they were injured by projectiles, and directly exposed to chemical irritants. RPD engaged in excessive detention of protestors arrested for low level offense. The use of these tactics is gravely concerning both because of the physical injuries and harm caused to individual protestors as well as the unjustified suppression of protestors' First Amendment freedom of speech and freedom of assembly rights.

In a letter sent to Rochester Mayor Warren on October 7, 2020 from the New York Civil Liberties Union, we outlined the need to cease and desist aggressive violent police action towards protestors. The list of demands included the following:

- Ending the use of tear gas on protestors
- Ending the weaponization of Long Range Acoustic Devices (LRADs)
- Ending the practice of aiming projectiles at protestors' heads and upper bodies
- Ending the deployment of dogs against protestors
- Ending the excessive use of military equipment at protests
- Requiring clear identification of law enforcement officers at protests
- Requiring law enforcement officers to wear face masks
- Ending the excessive detention of protestors arrested for low level offenses

Lastly, the NYCLU, in collaboration with Black-led organizations, are seeking the removal of law enforcement from mental health and substance use crisis response. The police-involved death of Mr. Prude tragically demonstrates that the RPD can no longer be tasked with responding to calls of residents experiencing a mental health or substance use crisis. Individuals with untreated mental illness are 16 times more likely to be killed during a police encounter than others approached or stopped by an officer. And when the person in crisis is also Black or Brown, the risk that police will use force increases.

The NYCLU has recommended that the city establish a civilian crisis system to deploy culturally competent health professionals to aid individuals in distress, similar to the CAHOOTs model out of Eugene, Oregon. The NYCLU, together with Black-led organizations, the Prude family, and Black mental health professionals have drafted and successfully introduced a bill into the NYS Legislature titled “Daniel’s Law”. This bill would amend the NYS public health law to establish statewide and regional mental health councils, as well as amend the mental hygiene law to limit powers of police officers handling mental health calls.

Justice for Daniel Prude is about more than one man, we honor his life by reimagining the systems responsible for his death.