



EXECUTIVE ORDER NO. 2020-001

ANNOUNCING MAJOR POLICE REFORM

PURPOSE

Eliminate the potential for physical interactions between police and citizens for minor, non-violent offenses and create new police detail to protect the First Amendment Rights of Citizens.

ORDER FROM MAYOR BYRON W. BROWN:

NEW POLICE ORDERS

Like most of America, I was shocked by the callous use of deadly force against George Floyd in Minneapolis. The absence of any threat to officer safety and the level of force used to arrest someone for a relatively minor, non-violent offense was shocking. The conditions that give rise to this type of tragedy must be addressed by the highest levels of law enforcement, so that death does not become the penalty for offenses that properly warrant an appearance ticket at most.

The death of George Floyd led to protests all around the country, where the protestors were often met with the same level of force they were rightfully protesting. We even saw this here in Buffalo when two members of the Emergency Response Team pushed Martin Gugino, a 75 year old peaceful protestor, causing him to fall to the ground. My goal as Mayor is to ensure that our residents and the visitors to this great City are treated justly, and that their constitutional rights, the rights paramount to a free and open society, are steadfastly protected. Last week, we did not live up to these ideals.

Therefore, today, I am ordering all Buffalo Police Officers to implement a policy providing for the issuance of appearance tickets for all non-violent crimes that do not involve property damage, weapons related offenses, large drug sales, or arrests mandated by State Law. Routine traffic stops and minor offenses should not be grounds for physical confrontation between citizens and police officers. Common sense and reason must inform our use of force procedures, so that there is never a case like George Floyd's in our community. We will continue to analyze, study, and reform police practices in this community to ensure that respect, dignity, and de-escalation are the tools utilized by officers to keep our community safe.

I am also reiterating my order of February 2019 ending the enforcement of low-level marijuana offenses, specifically possession offenses under two ounces. I further ask the Police Commissioner to ensure that the smell or possession of marijuana, on its own, no longer be just cause for the search of a person's residence or vehicle.

Last week, I took the necessary step of banning chokeholds from being utilized by Buffalo Police officers. I was pleased to see that the New York State Assembly passed the Eric Garner Anti-Chokehold Bill earlier this week. This bill will criminalize the harmful use of a chokehold by a police officer, and is named after Eric Garner, a man who was killed by a police officer using this deadly form of restraint, despite the fact that chokeholds had been outlawed by the NYPD. These are important steps to ensuring safe interactions between the police and citizens.

I am also ordering the Police Commissioner to increase training for Police Officers on the Constitutional rights and protections of all citizens, and their role in the protection of those rights. It should be an extraordinary event in anyone's life to be stopped by a police officer, and we have seen that for many residents of our community – often in communities of color – it happens far too often.

In order to ensure that the City is doing everything it can to protect the rights of its residents and visitors, I direct the Police Commissioner to require officers to explain to citizens why they are being stopped or pulled over, and document that reason with "stop tickets" each time they have an interaction with the community that is initiated by an officer. This should end unconstitutional stops and increase officer accountability. Our individual rights are paramount to a free society, and the City of Buffalo is committed to protecting those rights for all people.

Finally, I direct the Police Commissioner to ensure that all officers are ordered to exercise extreme discretion, and mandatory de-escalation techniques when weighing the appropriate way to police non-violent, non-weapons related offenses that are too often the catalyst for physical injury. The Buffalo Police Department will not create or foster the conditions that lead to senseless and avoidable injuries and death in our community.

Elimination of the ERT's Role in Protests, Creation of the Public Protection Detail

After the protests that occurred in Buffalo over the last several weeks, it has become apparent that meeting protestors with a tactical unit of officers does not lead to peaceful results. As such, I ask that Commissioner Lockwood not deploy the Emergency Response Team for any future peaceful protest or demonstration, and instead create a new detail, the Public Protection Detail ("PPD"), to work with protestors and ensure their safety. The PPD will receive specialized training in constitutional rights, such as the freedom of speech and freedom of assembly, and will work with protestors to ensure their safety, their freedom of speech, and their freedom of assembly rights. These officers shall work with leaders and participants of future protests and demonstrations to ensure the safety and security of all people.