



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

September 2, 2020

Dermot F. Shea
Commissioner
New York City Police Department
One Police Plaza
New York, NY 10038

Dear Commissioner Shea,

I write to request the removal of barricades surrounding Manhattan precincts. These barricades do block pedestrian and vehicular traffic at a time when public outdoor space is more vital than ever. They have also exacerbated the hardship felt by small businesses, forcing some to shutter their doors. One business in the 9th Precinct specifically cited these barricades as the reason for their closure.¹

In early August, my office conducted inspections of all 22 Manhattan precinct stationhouses. Of these, 19 had barricades at least partially blocking vehicular and/or pedestrian traffic. Of these 19, 12 had barricades that fully block the street or sidewalks, and a variety of worrisome conditions were observed.² The barricades, which cause road obstructions, force pedestrians, including those who are disabled, to use the narrowed street. In some cases, cars are forced into the bike lane using and therefore blocking bike lane, creating a dangerous situation. In the 28th Precinct, police cars and officers' personal vehicles were parked on the bike lane. The impact of the barricades on vehicles, access to homes, businesses, public transit, paratransit, and school bus services raise additional concerns.

I recognize the importance of each precinct's stationhouse security, and to better understand the threat level requiring the barricades, my office has reached out to the office of Deputy Commissioner Esposito³ seeking data on specific incidents and threats against officers and precincts. To date, we have not received a response. Based on the information I have available to me, I believe the Department should reassess the need to restrict access to entire city blocks, and evaluate the ad hoc arrangement of existing barricades; I believe we can meet the City's security requirements while fully respecting broader public safety concerns.

¹ <https://evgrieve.com/2020/08/new-5th-street-coffee-shop-closes-in.html>

² Since the survey, on September 2, we have learned that the 20th Precinct has taken down their barricades.

³ E-mail on August 12, 2020 and follow-up phone calls on August 14 and 17.

At the time the barricades were erected the city was in an undeclared state of emergency. Violent clashes were occurring almost daily, there were episodes of looting and arson, and attacks on police, and officers and precincts were endangered. Subsequently there have been arson attacks on police vehicles, as occurred near the 2-0 in July. But with the peak of the crisis now thankfully well behind us by some months, and the city returning to a semblance of normality, the full closure of some precinct blocks to all except police and residents may still be warranted. But in most cases I believe strongly that we can strike a more reasonable balance between the safety of officers and precincts and the concerns outlined above, and also help reduce the lingering traces of the “siege mentality” that afflicted the city several months ago. I look forward to working with you and the Department to further that goal.

As a related point of order, I also write to call your attention to requirements for notification by the NYPD to the offices of the Borough Presidents as well as local communities when streets are to be closed. These requirements are set forth in Section 86 of the City Charter and Local Law 25 (Intro 185-A of 2005) of which I was the sponsor. The Charter requires that, as a general practice, when a street is to be closed, notice must be filed with the office of the Borough President at least 10 days in advance of the intended closure. In the event of an emergency, the Charter stipulates that “notice shall be made in person, by telephone, and in writing, immediately after the action is instituted.”⁴ In either circumstance, notice is required to my office and the district office of the affected community board. Neither of these notifications have been made to date for any precinct-related street closure in Manhattan. Local Law 25 of 2005 requires that the City make notification to the councilmember and the community board of street closures in their respective districts. In addition, Local Law 25 of 2005 also requires a Community Reassessment Impact and Amelioration (CRIA) statement be issued if a street is to be closed for more than 180 days.⁵

As I know you are aware, the Charter also establishes a concept of the streets as public space that belongs to the people and, further, that Section 86 of the Charter sets forth a structure of joint responsibility for clear and timely communication between the police department and the Borough Presidents for the management of streets in matters of public safety. I urge the Department to take notice of Charter section 86 and Local Law 25, cited above, as they bear on the continuing full and partial closure of the precinct blocks in Manhattan, and that your office and the individual precincts work closely with my office, the relevant community boards, and local elected officials to ease the constraints imposed on residents, and the dangers to pedestrians, bicyclists, drivers, and others, affected by the Department’s current security-related street closure practices.

⁴ http://www.nyc.gov/html/records/pdf/section%201133_citycharter.pdf

⁵ [Int 0185-2004](#)

I know that we share a commitment to safely and efficiently balance the interests of all parties affected by the aftermath of the crisis atmosphere in May and June. Going forward I request that the Department:

1. Engage with my office and the community in a re-evaluation of how precinct blocks can be more fully re-opened wherever security concerns allow;
2. If streets are to remain closed beyond the 180-day threshold, inform my office when the required Community Reassessment Impact and Amelioration (CRIA) process will begin;
3. Work closely with my office, the community boards, and local elected officials to ensure that, with regard to full and partial street closures by NYPD, our Charter obligations and security concerns are carefully balanced and met.

Please follow up with me directly on this matter. I am looking forward to your prompt response.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer

cc: Mayor Bill de Blasio
Chief of Department Terence A. Monahan
Chief of Community Affairs Jeffrey B. Maddrey
Chief of Patrol Services Fausto B. Pichardo
Assistant Chief Kathleen O'Reilly
Assistant Chief Stephen Hughes
Manhattan Precinct Commanding Officers
Manhattan Community Board Chairs
NYC Dept. of Transportation Commissioner Polly Trottenberg
Mayor's Office of People with Disabilities Commissioner Victor Calise

Enclosure: *OFFICE OF MANHATTAN BOROUGH PRESIDENT GALE A. BREWER'S
POLICE BARRICADE INSPECTION FINDINGS*