

Testimony Submitted By Gwen Carr, Mother of Eric Garner
Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing CRL Section 50-a

October 24, 2019

My name is Gwen Carr, and I am the mother of Eric Garner.

I'd like to start by thanking Senator Bailey for convening this second hearing and for sponsoring the bill to repeal the police secrecy law, 50-a.

I testified last week, and I came back today because of how important it is to repeal 50-a.

As you know, the whole world saw my son Eric Garner murdered 5 years ago on video, by Officer Daniel Pantaleo, who used a chokehold that the NYPD had banned for over 20 years.

We saw multiple officers use force and pounce on Eric – as Eric pleaded “I can’t breathe” 11 times.

It’s been over 5 years since my son Eric was murdered and there has been a widespread cover-up related to the scope of misconduct in my son’s murder. Pantaleo is the only officer who has been fired from the NYPD – and that was only because I kept fighting for 5 years along with others to make sure he was fired – it was not because the system worked.

I was able to organize worldwide and national support for my son and Pantaleo was fired ***in spite*** of 50-a, in spite of the NYPD being more and more secretive every year.

But not every family is as fortunate as me to be able to get worldwide support and awareness about how my son was killed.

I am here today because the New York state police secrecy law – “50-a” – is still harming me, my family, hurting other families and endangering New Yorkers.

We need you and your colleagues in the state legislature to make sure 50-a is repealed in January 2020, not in February, not in March. This needs to be done immediately.

Last night, I found out that Pantaleo filed a lawsuit to get his job back as an NYPD officer.

This is ridiculous but it didn’t surprise me. We knew he would try.

What hurts me though is that **Pantaleo is able to manipulate the law** – more than 5 years later – **in ways that give him an advantage and protection, and some of that is because of 50-a.**

Before Pantaleo's discipline trial earlier this year, he tried to get the CCRB case against him thrown out. The NYPD administrative judge, Rosemarie Maldonado, correctly ruled against him. But I am not allowed to see that report, nobody in the public is allowed to see her report – because of 50-a.

Pantaleo's lawsuit yesterday cited that report that I'm not allowed to see because of 50-a. **I need you to understand that 50-a is harming me and my family still, every day.**

Pantaleo is suing to get his job back, and I'm not allowed to have the full information to organize against this because of 50-a.

This is outrageous but remember, **because of 50-a, I was not even technically going to be allowed to know what Commissioner O'Neill's discipline of Pantaleo would be, if any. Can you believe that?**

The only reason we all found out Pantaleo was fired was because I led a campaign with groups supporting me to make sure that there so much political pressur that there was **no way the discipline decision could be kept secret**, the way so many other discipline decisions are being kept secret now because of 50-a.

Because of Pantaleo's discipline trial and media reports, we know that multiple officers lied in official statements related to Eric's killing, including Officer Justin D'Amico who claimed there was no force used in his official report. D'Amico also filed false felony charges on my son – after he knew he was already dead.

D'Amico – who has already been caught in major lies that constitute misconduct – is also the only person who has ever claimed to have seen Eric allegedly selling cigarettes before Eric was killed. Multiple witnesses testified to different courts that not only was Eric not selling cigarettes, but that Eric had just broken up a fight before Pantaleo and D'Amico approached him.

In other words, D'Amico lied about the reason he stopped Eric in the first place, and my son should be alive and D'Amico should be fired.

D'Amico is still being paid by your and my family's taxpayer dollars. He is still NYPD – and **I'm not allowed to know what other kind of wrongdoing D'Amico has done because of 50-a.**

D'Amico isn't the only one that should be fired for their misconduct related to Eric's murder.

All of the other officers who engaged in misconduct are still NYPD, they're being paid by your and my family's tax payer monies – and **we don't even know the names of some of them or the extent of misconduct because of 50-a.** The only reason we know some of what D'Amico's wrongdoing was is because he testified in the Pantaleo hearing and because the administrative judge's report was leaked to the press.

Because of 50-a, if the judge's report hadn't been leaked, we wouldn't even know that D'Amico had lied in his official report about whether force was used in killing Eric.

Over 5 years later, because of 50a – I still don't have full information about the role, misconduct or names of many of the other officers involved.

50-a makes it close to impossible for me to truly fight for justice for Eric.

It makes it harder for other families to fight for justice for their loved ones.

50-a is dangerous for all New Yorkers because people like Justin D'Amico should not be carrying a gun and should not be in our communities as police. But **Damico is still NYPD, Pantaleo is appealing to return as NYPD and both of Pantaleo and Damico are protected because of 50-a.**

Because of 50a, I can't even get the full transcript to the Pantaleo discipline trial – even though the trial was open to the public.

Because of 50a, I can't find out the misconduct or discipline histories of other officers involved in killing Eric and covering it up – including Sgt. Adonis who stood by and did nothing while Eric was being choked – all she got was some vacation days taken away --- or Lt. Christopher Bannon, who texted "Not a big deal" to another officer after hearing that Eric might be DOA.

Because of 50-a, the public was not aware that before Pantaleo killed my son, he was already the subject of 7 disciplinary complaints and 14 allegations made against him to the Civilian Complaint Review Board – “amongst the worst on the force”.

4 of those allegations were substantiated and the CCRB had recommended the most serious charges be brought against Pantaleo but the NYPD refused to follow those recommendations so Pantaleo got a slap on the wrist.

If Pantaleo had been disciplined the right way earlier, maybe he would not have still been NYPD and maybe my son would be alive today. 50-a prevented my family and New Yorkers from even knowing about Pantaleo.

We didn't even find out this information about Pantaleo's discipline history until 3 years after my son was killed – and that is only because a whistleblower leaked it to the press.

We need you to repeal 50-a because mothers like me shouldn't have to rely on whistleblowers risking their job to find out about the misconduct record of a public employee – a police officer -- who killed our children.

I have 2 filings going through the legal processes right now to demand transparency that **50-a may block unless you repeal 50-a in January** – and all I'm trying to do is to make sure that other officers who did wrong related to my son and who are a danger to New Yorkers are fired from their positions.