



Justice Committee

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TESTIMONY

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Albany Senate Hearing on the Need to Repeal CRL Section 50-a
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My name is Loyda Colon. I'm a Nuyorican, born and raised in the projects of the Lower East Side. I have been an organizer and activist for over two decades and am currently the Co-Director of the Justice Committee.

The Justice Committee is a grassroots organization dedicated to ending police violence and systemic racism in New York City. For over three decades, the heart of our work has been to support and organize family members of New Yorkers killed by the police and empower them as advocates for social change. We also conduct know your rights trainings and other public education activities throughout New York City, build neighborhood capacity to monitor and document police activity and increase safety, and organize to change policy in order to decrease police violence and misconduct.

As an organization with over three decades of history fighting for police accountability and transparency and one that looks to the leadership of families who've lost loved ones to the police, ensuring that 50-a is fully repealed is an urgent, top priority. Any Albany legislators that are truly serious about police reform must commit to passing a full repeal of 50-a in the 2020 session.

New York often prides itself on being a leader in progressive policy, but New York is one of only two states in the country with a state law that specifically restricts public access to information on police officer misconduct and discipline. As a result, NY is arguably the worst in the country when it comes to police transparency.

The families the Justice Committee works with, especially families who have lost loved ones to police violence since 2012 -- including the mothers of Eric Garner, Ramarley Graham, the sister of Delrawn Small, the parents of Saheed Vassell, and many others -- know first hand that 50-a is used as a shield to protect abusive officers and officers who kill. In fact, what these families are experiencing in terms of police secrecy and not being able to access basic information about officers who kill their loved ones is worse now than it was when Rudolph Giuliani and Michael Bloomberg were NYC's Mayor. This is because in 2016, Mayor Bill de Blasio allowed the NYPD to stop releasing information about the outcomes of disciplinary proceedings, by using 50-a as an excuse.¹ And since that time, the City of New

¹ <https://www.nydailynews.com/new-york/exclusive-nypd-stops-releasing-cops-disciplinary-records-article-1.2764145>

York has helped to usher in a much worse era of police secrecy across NYS by challenging court rulings and claiming vast new areas of information to be 50-a protected.

It's important that you understand what's at stake. 50-a serves no purpose, other than as a tool for obstructing police accountability and transparency and hiding the fact that departments are not disciplining officers for abuse and misconduct. When there is no transparency and no accountability, you get repeat offenders and that means more people get harassed, threatened, brutalized, and killed.

To name just a few examples:

- (Now former) NYPD Officer Richard Haste, who killed unarmed Ramarley Graham in front of his grandmother and six-year old brother, had past misconduct complaints – which we only know about because they were leaked to the media.
- (Now former) NYPD Officer Daniel Pantaleo, who used a prohibited chokehold to kill Eric Garner had past substantiated complaints – which we only know about because they were leaked to the media. The City of New York went to court to block this information from being made public.
- NYPD Officer Philip Atkins – who killed Shantel Davis in Brooklyn – was referred to as “Bad Boy” Atkins in Flatbush because he was notoriously abusive and had been previously named in seven federal lawsuits. However, 7 years after Shantel was killed, her family is still not able to get information on Atkins’ misconduct and disciplinary history. He is still and NYPD officer.
- NYPD Officer James Connolly, who killed John Collado, had previously killed someone. New Yorkers don't have other information about his misconduct and disciplinary history.
- NYPD Officer Miguel Gonzalez, who killed Dwayne Jeune, had shot and almost killed Devonte Pressley, another Brooklyn resident, just months before killing Dwayne Jeune. Gonzalez is still an NYPD officer and New Yorkers don't have any information about his official misconduct and disciplinary history.

Thanks to the leadership of the families and citywide organizing, we've gotten Haste and Pantaleo out of the NYPD, but the others are still police officers and, at least Connolly has even been promoted.

Let's imagine a world in which there was transparency around these officers' past abuses and there had been meaningful discipline for their violence and misconduct. Perhaps the family members of Eric, Ramarley and all the others would be at home with their loved ones, rather than fighting day in and out for answers and justice. This is what's at stake – the lives of our children and loved ones.

Police killings are just the tip of the iceberg. We know from a March 2018 BuzzFeed expose that NYPD officers too often keep their jobs even after the NYPD has found them guilty of serious abuses like lying under oath, excessive force and sexual harassment. The reality is, police departments are not holding their officers accountable and 50-a is what they use to hide their dirty laundry from the public. These are the exact conditions that encourages police violence against communities of color to continue.

I want to end by pointing out that it's very telling that media reports that Mayor de Blasio told the NYPD & CCRB to pull out of the first 50-a hearing in New York City. Mayor de Blasio has been saying for

2 years that he was in favor of changing 50-a. Not only did he not use any political influence to fix the problems that his administration created, he's let the NYPD and police unions use the courts to expand 50-a so that there is no longer an acceptable option besides full repeal of 50a.

There are already adequate measures in FOIL law to protect officers' privacy, meaning the only purpose 50-a serves is to put a smoke screen up so that police departments can do whatever they want away from the public's view. Maybe they also didn't want to hear what you're hearing today from the mothers of Sean Bell, Eric Garner and Ramarley Graham: that the role of 50-a is to protect abusive officers and to hide how widespread police violence is and the systemic lack of discipline by police departments.

It should be an embarrassment for progressive New York lawmakers that 50-a is still on the books. For our communities, it's terrifying. This is about the safety of our communities. It's a matter of life and death.

The Justice Committee is here today to stand with the mothers of Eric Garner, Sean Bell and Ramarley Graham, all the families who could not make the trip to Albany, and our allies across the state to demand that 50-a be fully repealed in the 2020 session.