

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 17, 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 important hearing and for sponsoring the bill to repeal the police secrecy law, 50-a.

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 am here today because the New York state police secrecy law – “50-a” – is still harming me, my family and endangering New Yorkers – and we need you and your colleagues in the state legislature to make sure it is repealed in 2020.

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.

In spite of all of this misconduct, 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 about 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, 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 did 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 fully fight for justice for Eric. It makes it harder for other families to fight for justice for their loved ones. And it 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. **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.

It was almost 3 years after my son was killed that we even found out about some of Pantaleo's discipline history – 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 don't know if you know this, but **because of 50-a, we were not even supposed to know if Pantaleo was fired** – the de Blasio administration and the NYPD made an exception in my son's case because we made it politically impossible for them to keep it secret.

I have 2 legal actions winding their way through processes right now to demand transparency that 50-a may block unless you repeal 50-a this year – 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.

Families like mine – and New Yorkers -- shouldn't have to rely on media leaks, or international political pressure, and have to organize for over half a decade to get crumbs of information about the killings of our loved ones.

Many people want to move on and congratulate me on achieving justice for the killing of my son. Let me be clear – we have not achieved full justice. Eric is still gone. And NYPD officers who helped to kill Eric and helped to cover it up are still being paid with my taxpayer monies – and yours.

Senators – I am saying to you and everyone -- **anyone who has stood with me to fight for my son, must continue to stand with me** and all families whose loved ones have been killed by police to **make sure that this police secrecy law, 50a, be repealed as soon as the 2020 state legislative session starts.**

I am calling on all state legislators to prioritize repeal of 50-a in January 2020. We are not waiting anymore.

As my son said in his last words: "This stops today". I need you to repeal 50-a. We need you to Repeal 50-a, and end this law that protects officers who kill.

Thank you for listening – I hope you really take in my words and that you take action to repeal 50-a as soon as the session begins in January.