

COMMUNITIES
UNITED FOR
POLICE
REFORM

December 21st, 2018

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Senate Majority Leader Andrea Stewart-Cousins
28 Wells Avenue, Building #3
Yonkers, NY 10701

Assembly Speaker Carl Heastie
1446 East Gun Hill Road
Bronx, NY 10469

Dear Governor Cuomo, Majority Leader Stewart-Cousins, and Speaker Heastie:

16 family members of New Yorkers who have been killed by police, and the 85 organizations signing this letter from across New York State write to **urge you to support and advance a full repeal of NYS Civil Rights Law 50-a (“50-a”)**, and to express opposition to current attempts to amend 50-a – as we believe modifications that have been discussed will be harmful and counterproductive to the goal of timely and meaningful police transparency and accountability.

As you know, the crisis of police misconduct and systemic lack of consequences and accountability for police brutality and unjust police killings of civilians has gained increased national attention in recent years. In spite of this, through 50-a, New York State has maintained the nation’s most regressive, secretive and least transparent law that local municipalities across the state have used to shield abusive officers and abusive departments from public view.

Amongst low-income communities of color - including youth, immigrants, women, LGBT and gender non-conforming people, homeless individuals and others - it is no secret that there is a systemic crisis in lack of meaningful or timely police transparency and accountability throughout New York State.¹ In the recent case of Jazmine Headley, the 23 year old mother who was brutally attacked by NYPD and Human Resource Administration officers in Brooklyn, NY, the NYPD has refused to release the names of NYPD officers involved – which makes communities less safe.

¹ Last March, BuzzFeed News reported that there were hundreds of officers who were found guilty by the New York Police Department of engaging in egregious misconduct including lying on official reports and under oath, sexual misconduct, and brutality – and yet none of those officers were fired. The fact that this information only became public after it was leaked to media speaks to the resounding lack of transparency of the NYPD. The NYPD is not alone. Other departments have used 50-a to attempt to hide information that is not even covered by 50-a, including aggregate data on use of force by officers.

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Public reports of egregious misconduct are only a small part of the picture. New York has gone backwards by decades on police transparency – in large part due to the overbroad interpretation and application of 50-a.² 50-a declares that the ‘personnel records’ of members of police, corrections and fire departments are confidential absent an officer’s consent or a court order. This law is being used by police departments to bar public disclosure of disciplinary processes and outcomes. It has become a shield to hide the names and disciplinary histories of officers who lie in their official capacity and engage in brutality, sexual misconduct and killings of civilians. 50-a has been used as an excuse to prevent the release of body camera footage, information on use-of-force incidents, and even anonymized data about disciplinary proceedings. The NYS Court of Appeals recently ruled that 50-a barred disclosure of misconduct records, even if they were redacted to remove identifying information about involved officers.³

A modification of 50-a serves no purpose other than to maintain avenues for police departments to hide officer and departmental misconduct from the public and will be met with opposition from the organizations and individuals signed on to this letter.

The current legal framework without 50-a provides substantive and adequate protections for officers’ legitimate privacy concerns through FOIL and other state and federal laws. **Modifying, instead of repealing 50-a is counterproductive and rather than represent an incremental improvement, it would provide a false sense of progress that would continue to protect abusive officers and departments.**

Proposed amendments would invite a continuation of the courts’ contradictory analyses and legal battles of what constitutes a “personnel record” and the role discipline plays in performance evaluation. Modifying 50-a would allow police departments to continue to keep secret the most important disciplinary information. Police departments will still argue that internal affairs records of misconduct and most disciplinary outcomes should remain secret under a modified 50-a.

Passage of a proposed amendment would waste limited political capital on a superficial modification that will be counter-productive to transparency and accountability. **Full repeal of 50-a is the only way to guarantee an end to officially sanctioned secrecy for police misconduct and the systemic lack of discipline and accountability for misconduct.** The public should have the right to know how police departments respond when officers engage in misconduct. 85 organizations, alongside 16 family members of New Yorkers killed by police **urge the NYS legislature to support and advance a full repeal of NYS Civil Rights Law 50-**

² Breaking the blue wall: Shining a light into NYPD discipline, March 18th, 2018
<https://www.nydailynews.com/opinion/breaking-blue-wall-shining-light-nypd-discipline-article-1.3879505?cid=bitly>

³ <https://www.nycourts.gov/ctapps/Decisions/2018/Dec18/133opn18-Decision.pdf>



a – and to oppose harmful efforts to modify the statute. Transparency is a necessary and meaningful check on police abuse, whether by individual police or departments.

Sincerely,

Communities United for Police Reform (CPR)

Families of New Yorkers Killed by Police

Iris Baez, mother of Anthony Baez (killed by police in 1994)
Hawa Bah, mother of Mohamed Bah (killed by police in 2012)
Valerie Bell, mother of Sean Bell (killed by police in 2006)
Gwen Carr, mother Eric Garner (killed by police in 2014)
Victoria Davis, sister of Delrawn Small (killed by police in 2016)
Kadiatou Diallo, mother of Amadou Diallo (killed by police in 1999)
Natasha Duncan, sister of Shantel Davis (killed by police in 2012)
Carol Gray, mother of Kimani Gray (killed by police in 2013)
Joyce Huang, sister of Yong Xin Huang (killed by NYPD in 1995)
Joshua Lopez, nephew of John Collado (killed by police in 2011)
Constance Malcolm, mother of Ramarley Graham (killed by police in 2012)
Chie Oyamada, the mother of Ryo Oyamada (killed by police in 2013)
Tsukasa Oyamada, the father of Ryo Oyamada (killed by police in 2013)
Tomoko Suzuzki, Sister of Ryo Oyamada (killed by police in 2013)
Nancy Pacheco, sister-in-law of Jayson Tirado (killed by police in 2007)
Hertencia Peterson, aunt of Akai Gurley (killed by police in 2014)

Organizations

Alliance for Education Justice
Amnesty International USA
Arab American Association of New York
Arc of Justice
Audre Lorde Project
BetaNYC
The Black Institute
Bronx Defenders
Bronx Freedom Fund
Brooklyn Anti-Gentrification Network
Brooklyn Defender Services
Brooklyn Movement Center
Center for Constitutional Rights

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The Center for Law and Social Justice
Center for Popular Democracy
Chief Defenders Association of New York
Citizen Action of New York
Color of Change
Common Cause
The Community Development Project at the Urban Justice Center
Community Voices Heard
Defending Rights & Dissent
Democratic Socialists of America
DRUM- Desis Rising Up & Moving
Equality for Flatbush
Faith In New York
FIERCE
The Gathering for Justice
Girls for Gender Equity
Global Action Project
Harm Reduction Coalition
Housing Works
Immigrant Defense Project
Innocence Project
Jewish Voices for Peace-NYC
Jews for Racial & Economic Justice
Justice Committee
Justice League NYC
JustLeadershipUSA
Katal Center for Health, Equity & Justice
Lambda Legal
LatinoJustice PRLDEF
Legal Action Center
Legal Aid Society
Majlis Ash-Shura: Islamic Leadership Council of New York
Make the Road New York
Malcolm X Grassroots Movement
Met Council on Housing
Metropolitan Community Church of New York
MinKwon Center for Community Action
Mobilization for Justice
MomsRising
MPower Action
Muslim Anti-Racism Collaborative (MuslimARC)
NAACP Legal Defense and Educational Fund

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NAACP NEW YORK STATE CONFERENCE
National Panhellenic Council of NYC, Inc. (NPHC-NYC)
Neighborhood Defender Services of Harlem
New Kings Democrats
New York City Gay and Lesbian Anti-Violence Project
New York Civil Liberties Union
New York Communities for Change
New York Immigration Coalition
New York State Defenders Association
New York Working Families
North Star Fund
Northern Manhattan Coalition for Immigrant Rights
Picture the Homeless
Public Science Project
Queens Neighborhoods United
Rise Up Kingston
Rockaway Youth Task Force
Showing Up for Racial Justice - NYC
St. Ann's Corner of Harm Reduction
Street Vendor Project, Urban Justice Center
T'ruah: The Rabbinic Call for Human Rights
Take On Hate
Tarab NYC
UPROSE
Voices of Community Activists and Leaders (VOCAL-NY)
War Resisters League
Westchester Coalition for Police Reform
Witness
Youth Represent