



New York Coalition



For Open Government, Inc.



MEMO OF OPPOSITION

[S4117-B \(Scarcella-Spanton\) / A2074-C \(Berger\)](#)

*Exempts certain claims against law enforcement
from FOIL requests*

June 1, 2026

TITLE OF BILL

An act to amend the executive law and the public officers law, in relation to the sealing of certain claims against law enforcement officers.

STATEMENT OF OPPOSITION

We strongly oppose this bill because it: 1) ignores the reality of investigations into public officials, and 2) creates a special exemption for a specific class of public employee.

The bill would make it so that claims against law enforcement declared “unfounded,” “exonerated,” or “pending” by investigating authorities would be exempt from Freedom of Information Law (FOIL) requests. On the surface, this sounds reasonable, the argument being that public employees shouldn’t have to live with the shame of past investigations after being found not guilty.

The reality is that “unfounded” claims against police officers often look credible when seen by the public or journalists. In 2020, Gothamist detailed several cases where [police officers appeared to use unjustified force against New Yorkers](#), but the claims were labeled “unsubstantiated” by the Civilian Complaint Review Board (CCRB) anyway. The CCRB also has a pattern of [“flipping”](#) findings of wrongdoing from its own staff – and

even when CCRB does substantiate allegations, the NYPD itself [downgrades 71% of the recommended discipline](#) for the worst offenses. The worldview reflected in this bill is one where officers must be constantly on guard from false accusations, but the reality is that police rarely, if ever, face serious repercussions for actual violations.

The bill also puts police officers in a special class – note that these exemptions apply to no other public servant. Teachers, social workers, transportation workers, and sanitation workers must also face internal disciplinary processes. But they receive no special exemption when a claim is labeled unfounded.

Most police officers do their jobs without violating the law, and do not have claims against them. But since the Black Lives Matter protests of 2020, [the number of police killings of civilians has actually gone up](#). That’s why it remains important for even “unfounded” claims against officers to remain public – they establish patterns of conduct and give New Yorkers one more way to protect themselves from abuses of power.

We urge the Legislature to vote NO on this bill.

SUMMARY OF PROVISIONS

Section 1 states the legislative intent.

Section 2 adds a new §845-f to Executive Law defining “unfounded claim,” “exonerated claim,” “pending claim,” “law enforcement law,” and “seal.” It states that unfounded, exonerated, and pending claims made against police officers shall be sealed after their final determination. Law enforcement, the New York State Attorney General, and NYC’s Civilian Complaint Review Board shall still be able to access the aforementioned claims for investigations, but the public, media, and non-authorized entities will not.

Section 2 also provides that The Division of State Police shall be in charge of implementing the law, ensuring it is followed, and developing a system for storing and accessing records. Law enforcement agencies will have to update their systems to follow the law.

Section 3 adds new paragraphs (e), (f), and (g) to Public Officers Law §89(2-b) to exempt unfounded, exonerated, and pending claims from Freedom of Information Law (FOIL) requests.

Section 4 states that the bill takes effect 90 days after becoming law.