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# City & State Elected Officials, Civil Rights, Good Government & Community Groups, & New Yorkers Impacted by Police Brutality Call for Repeal of State Police Secrecy Law That is One of Worst in Nation

*Group condemns NYPD's misuse of state law 50-a with frequently changing and new interpretations, urge Mayor de Blasio to support concrete policy reform that repeals state law*

New York, NY

A diverse coalition of elected officials, civil rights, community and good government groups, and New Yorkers impacted by police brutality called for the repeal of New York State's police secrecy law, 50-a. It is one of the worst laws in the nation blocking police transparency, and the groups also criticized the NYPD's misuse and reinterpretation of the law under Mayor de Blasio, urging his support for reform that repeals the law.

“New York State government must repeal 50-a, because it impedes police transparency and accountability, undermines community safety, and harms public trust in government,” **said Monifa Bandele, a spokesperson for Communities United for Police Reform.** “It allows police departments, like the NYPD, to misuse it for their own purposes of hiding police misconduct and a lack of accountability from the public. The de Blasio administration's ever-changing, new interpretations of the law – in one case, breaking from nearly 40 years of precedent – offer a case study in why this law needs to be repealed. It's critical that Mayor de Blasio and the NYPD support repeal of 50-a, and that they not advance ineffective legislation that continues to protect abusive police officers by hiding vital information from the public about police misconduct.”

New York is one of only three states with law that restricts public access to information on police officers' records. New York's is the most restrictive in providing a specific exemption to the state's Freedom of Information Law (FOIL), despite the state's FOIL already containing robust privacy protections. There are 27 states that grant some level of access to police personnel records, including 12 states that make disciplinary records available to the public as a matter of course. These include states like Ohio, Connecticut, Florida, Utah, Wisconsin, Georgia, Alabama, Arizona, Michigan, and Washington. The [NYC Bar Association noted in April 2018 that “As the only one of its kind in the nation, 50-a](#) has been interpreted so broadly that police misconduct in New York State is more secretive than any other state in the nation.”

The de Blasio administration has fought to conceal police misconduct records, even when courts have ruled such information could be released in compliance with the law. A [state court ruled in July 2015 that a summary of misconduct findings against the officer who killed Eric Garner could be released and that 50-a did not apply](#). Despite that state court ruling that assessed the application of state law 50-a, the [de Blasio administration sought an appeal to a higher court](#), effectively seeking concealment over transparency.

In the subsequent years, the de Blasio administration and NYPD have continually reinterpreted the state law (50-a) to conceal an unprecedented and increasing amount of information on police misconduct and the lack of accountability for it within the NYPD. In April 2016 around the time that a federal corruption investigation was ensnaring several high-ranking NYPD officers, the [NYPD reversed the practice of the previous 40 years in which promotions and outcomes of disciplinary cases were posted outside of its press office](#). It cited a new interpretation of the state law that claimed previous mayoral administrations – from Bloomberg to Giuliani, Koch and Dinkins – had inaccurately understood the law. The police department has continued to publicly report promotions, just not the outcomes of disciplinary outcomes.

The [NYPD also claimed in August 2017 that 50-a protected video footage of alleged misconduct](#) and could only be released due to an officer waiving those protections. Such an assertion and shifting interpretations have [created the opening for the Patrolmen's Benevolent Association \(PBA\) to challenge the release of body-camera footage](#) and other records.

The latest new interpretation by the NYPD was in May 2018 when the [department claimed that it could not release data on the use-of-force that was mandated by city law](#), despite the fact that the mayor and NYPD supported passage of that legislation requiring such reporting. Days later after receiving immense criticism, the [NYPD reversed course, demonstrating how the de Blasio administration has arbitrarily and self-servingly interpreted the law](#).

Several media outlets have reported on records officially withheld by the NYPD, citing 50-a, that demonstrate the department's disciplinary system is broken. [BuzzFeed News published an investigation that found hundreds of NYPD officers guilty of serious misconduct – brutality, sexual abuse, lying on official reports, perjury, abuses by school officers, etc. – were not meaningfully held accountable and remain in the department](#). Similar reporting on the systemic lack of accountability for NYPD officers' lying in court, in official records and to prosecutors has also been recently documented by [BuzzFeed](#), the [New York Daily News](#) (and [here](#)), and [The New York Times](#).

#### QUOTES:

“Mayor Bill de Blasio and the NYPD have shown a complete unwillingness to disclose officer disciplinary records, and improve Department transparency and accountability,” **said Cynthia Conti-Cook, Staff Attorney with the Criminal Special Litigation Unit at The Legal Aid Society**. “This being the reality, New York State must fully repeal Civil Rights Law 50a that empowers City Hall and others to protect unscrupulous officers' histories from public scrutiny. We need Albany to act now, and the Legal Aid Society urges State Legislators to move on this important legislation immediately.”

**An anonymous Youth Organizer at Girls for Gender Equity stated:** “As a young, undocumented immigrant woman of color, it is important for me to advocate for the repeal of 50-a and other police accountability bills. Black and Brown people are systematically targeted for minor offenses and face disproportionate punishments. Immigrants in New York State who have any interaction with the police encounter situations that can lead to drastic life consequences such as detention and deportation. It is important to repeal 50-a to increase accountability and transparency for police officers who abuse their power and put community members in situations that are harmful time after time without any responsibility to the public. We need to be able to see into the past and present actions of police as they make up a huge presence in our communities. Without clear transparency, immigrant, trans, Black, Brown, and other marginalized groups will continue to be treated at the will of police officers who are not accountable to the communities they serve.”

**Donna Lieberman, Executive Director of NYCLU stated:** “Again and again, the police department has tried to prevent the release of information that should be public, including use of force statistics, disciplinary histories and decisions, and at times body camera footage, under the guise of protecting personnel records. This law must be repealed so that it cannot be used as an excuse to shield police from necessary public scrutiny. As long as the statute exists, it will be misused to prevent New Yorkers from learning important information about law enforcement who are sworn to protect them.”

**Council Member Antonio Reynoso said:** “I stand with Communities United for Police Reform, City Council Colleagues, and community members in calling for a repeal of 50-a. It is an injustice and mistake for critical information about officer misconduct and the NYPD’s lack of disciplinary action to be hidden from the public – it only perpetuates police abuses and widens mistrust. The de Blasio administration’s current interpretation of 50-a is dangerously broad—allowing the NYPD to avoid public scrutiny goes against basic principles of transparency, democracy, and fairness. The police department is intended to protect and serve the citizens of New York City; this abuse of power runs completely counter to that mission. Until we repeal 50-a, we will not be able to build meaningful trust between our communities and the police department.”

**Betsy Gotbaum, Executive Director of Citizens Union, stated:** “New Yorkers rely on police to uphold the highest standards of safety and judgement. Secrecy, embodied in Civil Rights Law Section 50-a, profoundly undermines trust in the police and confidence that they will meet those standards. 50-a is bad for public safety, law enforcement, and the people who place their lives and wellbeing in the hands of police officers.”

**Council Member Brad Lander said:** “In our work to improve relations between the police and the constituencies they serve, a glaring issue remains unresolved: the continued secrecy surrounding officer disciplinary records. That is why I stand with Communities United for Police Reform in calling for repeal of NYS CRL 50-a, which keeps disciplinary records of police officers confidential. Trust and accountability go hand in hand, and we cannot have one without the other. It is time for Albany to repeal 50a.”

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*About Communities United for Police Reform*

Communities United for Police Reform (CPR) is an unprecedented campaign to end discriminatory policing practices in New York, and to build a lasting movement that promotes public safety and policing practices based on cooperation and respect– not discriminatory targeting and harassment.

CPR brings together a movement of community members, lawyers, researchers and activists to work for change. The partners in this campaign come from all 5 boroughs, from all walks of life and represent many of those unfairly targeted the most by the NYPD. CPR is fighting for reforms that will promote community safety while ensuring that the NYPD protects and serves all New Yorkers.

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