



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE NEW YORK STATE SENATE STANDING COMMITTEE ON CODES PUBLIC HEARING ON POLICING, REPEALS PROVISIONS RELATING TO PERSONNEL RECORDS OF POLICE OFFICERS, FIREFIGHTERS, AND CORRECTIONAL OFFICERS
OCTOBER 17, 2019**

Good afternoon,

My name is Jumaane D. Williams, and I am Public Advocate for the City of New York. I would like to thank Chairman Jamaal T. Bailey and the Members of the Standing Committee on Codes for holding this hearing on Senator Bailey's bill, S3695, which repeals section 50-A of the New York State Civil Rights Law. This bill would repeal provisions relating to personnel records of police officers, firefighters, and correction officers, essentially making them available to the public.

The interpretation and application of section 50-A deprives the public of information fundamental to oversight and lends a shield of opacity to the very public state and local police agencies that have perhaps the greatest day-to-day impact over the lives of citizens. Section 50-A increases the harms caused to New Yorkers who experience police abuse by denying them and their loved ones access to information as to whether departments take disciplinary action against officers who mistreat them, which includes withholding information about officers whose actions result in a person's death. It also prevents us all from creating a true system to identify officers who, with early intervention, can be put on a corrective force or guided to another career before the worst occurs. Between 2011 and 2015, at least 319 NYPD staff committed offenses, including lying under oath, driving under the influence, and excessive force with almost no serious consequence.

Given the clear lack of discipline with regard to police misconduct, Chairman Bailey's bill is crucial for enforcing accountability and improving police-community relations. That is why I have introduced Resolution 750-2019 - with 21 council members' support - calling on the New York State Legislature to pass, and the Governor to sign S3695/A2513 in the beginning of next year's session.

There is nothing more corrupting than power exercised in secret. Those are the words of the late investigative journalist, Daniel Schorr, who was number 17 on Nixon's enemy list, and his words ring even more true today. The NYPD's ability to operate with almost zero public consequences in cases of misconduct and abuse is a clear example of power exercised in secret - and it is corrupting. We must demand transparency and accountability at all levels of government, and that includes ensuring that those in charge of protecting us are also answerable to us. Passing this legislation does not mean that we are anti-police or that we do not very much support our men and women in blue, who are tasked with protecting us every single day. To the contrary, it is because of our support of them and better policing we know this must be repealed.

If we do not repeal section 50-A, public trust in our law enforcement and the NYC administration will continue to be eroded. The two areas where people are yearning to see change are transparency and accountability, and we have not seen much progress in those areas, unfortunately. Section 50-A can no longer be used as an excuse to tie the hands of District Attorneys as a reason for a slap on the wrist treatment of officers who have undermined their duty to serve and protect.

I am sad that not much has changed in the two areas I have mentioned. Repealing 50-A is a necessary step toward justice for Eric Garner, for Saheed Vassell, for Ramarley Graham, for Delrawn Smalls, for Dwayne Jeune, for their families, and for the countless New Yorkers who are just asking for truth and openness.

For those reasons, I urge the members of the Senate to pass S3695. Again, thank you to Chairman Bailey and the Members of the Standing Committee on Codes for taking up this issue.