



NEW YORK STATE SENATOR

Brian Kavanagh

## Senate Majority Advances Policing Reforms Legislative Package

BRIAN KAVANAGH June 8, 2020

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### **Senate Majority Advances Policing Reforms Legislative Package**

(Albany, NY) The Senate Majority will advance a major policing reforms legislative package which includes the repeal of 50-a and other important bills to help implement real improvements to law enforcement efforts in New York. Last year a public hearing was held to examine the repeal of section 50-a of the Civil Rights Law as part of the Senate Majority's

ongoing commitment to reforming the justice system. Recent national events surrounding the deaths of Breonna Taylor and George Floyd have highlighted the immediate need for these reforms. The implementation of these policing reforms will help the healing process for minority communities that have been disproportionately targeted and will facilitate better partnerships between law enforcement and the New Yorkers they serve.

“The horrific murder of George Floyd, the most recent in a long list of innocent people like Breonna Taylor, Ahmaud Arbery, Sean Reed, Tony McDade, and so many more, has led to a rightful outpouring of grief and anger,” Senate Majority Leader Andrea Stewart-Cousins said. “Black New Yorkers, like all residents of this state, deserve to know that their rights, and lives, are valued and protected by our justice system. The Senate is stepping up to advance reforms that will empower New Yorkers, improve transparency, and help save lives. I thank our colleagues in the State Assembly, and my partner in legislative leadership, Speaker Carl Heastie, for undertaking these historic measures to help move New York State forward. The legislation that will be passed over the coming days will help stop bad actors and send a clear message that brutality, racism, and unjustified killings will not be tolerated.”

The bills that will be advanced by the Senate Majority which will pass both legislative chambers include:

Senate Bill [S.8496](#): This legislation, sponsored by Senator Jamaal Bailey, will repeal section 50-a of the Civil Rights Law that provides additional protections to the personnel records of police officers, firefighters, and correction officers. This protection has been interpreted to include disciplinary records of law enforcement officers. This repeal would subject these records to FOIL, just as all other records kept by public agencies, while protecting the sensitive personal contact and health information of these officers.

Senate Bill [S.2574B](#): This legislation, sponsored by Senator Jamaal Bailey, will create an Office

of Special Investigation within the Department of Law, under the Attorney General, which will investigate, and, if warranted, prosecute any incident of a person whose death was caused by a police officer or peace officer.

Senate Bill [S.3253B](#): This legislation, sponsored by Senator Kevin Parker, will clarify that a person not under arrest or in the custody has the right to record police activity and to maintain custody and control of that recording, and of any property or instruments used to record police activities.

Senate Bill [S.6670B](#): This legislation, the "Eric Garner Anti-Chokehold Act," sponsored by Senator Brian Benjamin, will prohibit the use of chokeholds by law enforcement and establish the crime of aggravated strangulation as a Class-C felony.

Senate Bill [S.3595B](#): This legislation, sponsored by Senator Kevin Parker, will establish the Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies. The goal of this legislation is to enhance the effectiveness of law enforcement, increase public safety, protect civil liberties and civil rights, ensure compliance with constitutional protections and local, state and federal laws, and increase the public's confidence in law enforcement.

Senate Bill [S.1830C](#): This legislation, sponsored by Senator Brad Hoylman, the Police Statistics and Transparency (STAT) Act, will require courts to compile and publish racial and other demographic data of all low-level offenses, including misdemeanors and violations. The bill also requires police departments to submit annual reports on arrest-related deaths to be submitted to the Department of Criminal Justice Services and to the Governor and the

Legislature.

Senate Bill [S.8492](#): This legislation, sponsored by Senator Kevin Parker, establishes a private right of action for a member of a protected class when another person summons a police or peace officer on them without reason to suspect a crime or an imminent threat to person or property existed.

Senate Bill [S.6601A](#): This legislation, sponsored by Senator Jamaal Bailey, will amend the Civil Rights Law by adding a new section that affirms New Yorkers' right to medical and mental health attention while in custody.

Senate Bill [S.8493](#): This legislation, the New York State Police Body-Worn Cameras Program, sponsored by Senator Kevin Parker, will direct the Division of State Police to provide all State police officers with body-worn cameras that are to be used any time an officer conducts a patrol and prescribes mandated situations when the camera is to be turned on and recording.

Senate Bill [S.2575B](#): This legislation, sponsored by Senator Jamaal Bailey, will require state and local law enforcement officers, as well as peace officers, to report, within six hours, when they discharge their weapon where a person could have been struck, whether they were on or off duty.

Bill Sponsor and Chair of the Senate Codes Committee, Senator Jamaal Bailey, said, "No one who seeks to have the public's trust should put up barriers to accountability and transparency. Repealing '50-a' will undo a decades-long problem that has been used to protect police officers who violated the sacred trust and power they were given. I am proud that this legislation, and all of the bills in this police reform package have been advanced

through the Senate, though I am deeply saddened and angered at the terrible human toll that it took to get us here. The fight for justice must continue, and these new laws will move our state in the right direction.”

Senator Brian Benjamin said, “Criminalizing the use of the chokehold by police or peace officers and prohibiting law enforcement officers from using racial and ethnic profiling are essential steps in bringing sorely needed police accountability reform to New York State. These reforms will put New York at the front of the pack in trying to bring justice to the families of Eric Garner, George Floyd, Breonna Taylor, Ramarley Graham, Sean Bell and so many other families across this country who have been victims of police brutality.”

Bill Sponsor and Chair of the Judiciary Committee, Senator Brad Hoylman, said, “The Police Statistics and Transparency (STAT) Act (S1830C), a recommendation of President Barack Obama’s Task Force on 21st Century Policing, requires law enforcement to collect and publicly report demographic information ranging from low-level arrests to in-custody deaths. Because of this legislation, we’ll finally have the data necessary to identify and root out the systematic and discriminatory policing practices that law enforcement uses to target Black and Brown New Yorkers. I’m thankful for the leadership of Senate Majority Leader Andrea Stewart-Cousins, Senate Codes Committee Chair Jamaal Bailey, and Assembly sponsor Joe Lentol for helping me usher this bill to passage, along with the Black, Puerto Rican, Hispanic & Asian Legislative Caucus. I’m honored to have had the support of Gwen Carr, the mother of Eric Garner, who travelled to Albany to personally campaign for passage of the Police-STAT Act. We pass this bill today in honor of the memory of Ms. Carr’s son.”

Senator Kevin Parker said, “Too often injustices go unseen and police officers feel emboldened to act as judge and jury. Body cameras will diminish the trust deficit between the police and communities they serve.

“Sunlight is the best disinfectant! The right to record act will ensure protection for people who record misconduct by police. The senseless murder of George Floyd is a stark example of why transparency is needed.

“It’s way past time that New York ensured consistent oversight of local law enforcement across the state. The law enforcement misconduct investigative office will improve policies, practices and procedures by providing extra independent scrutiny to detect when our local police may be failing to address individual wrongdoing or systemic problems. I hope, when fully functional, it will be a preventive measure to the misconduct that plagues our police departments and restores the confidence of our communities.

“Social media is rampant with videos of people weaponizing the 911 emergency system against African-Americans hoping to see them falsely arrested or worst. This legislation is by no means a solution to the systematic injustices and prejudices that fuel these types of calls to the police. However, this law gives victims of this despicable behavior the beginnings of some recourse.”

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