



NEW YORK STATE SENATOR

Liz Krueger

## Update on Police Reform Legislation

LIZ KRUEGER June 9, 2020

| ISSUE: **POLICE REFORM**



### **A MESSAGE FROM SENATOR LIZ KRUEGER:**

Dear Neighbors,

This week I am back up in Albany (although most of my colleagues are, quite rightly, participating remotely) to help pass a package of bills to address the issues that have brought thousands of New Yorkers into the streets over the last weeks. Today and tomorrow the legislature will move significant policing reforms, including the repeal of 50-a and other

important bills to help implement real improvements in the relationship between law enforcement in New York and the people they are sworn to serve and protect.

Over the last week, my office has received more than 4,000 emails from constituents in support of these bills – a level of engagement that I have never seen before in eighteen years as a legislator. This incredible response makes me more proud than ever to represent a community that knows these reforms are long past due, and is demanding justice.

Though these bills represent progress, they go only a very small way toward righting the wrongs our current systems inflict on black people and other people of color on a daily basis. Our housing policies, our public health policies, our education policies, our environmental policies, all create the conditions that perpetuate widespread segregation in our country, our state, and our city. That segregation has a direct human cost for individuals and communities of color – we see it clear as day in the disparity of deaths caused by COVID-19 in those communities. Going forward we must continually recommit ourselves to addressing the structural, systemic racism that results in significantly diminished outcomes for people of color in education, healthcare, employment, the criminal justice system, and many other fronts.

Let me be very clear – these pieces of legislation are not an attack on police officers or any police department. Police officers, like elected officials, are public servants. Elected officials, because we have been given the power to make laws and to allocate public funds, should be held to a higher standard than other citizens. After all, nobody forced us to take this job. Similarly, police officers, because they are given the power to make arrests and use deadly force when necessary, must also be held to a very high standard of conduct and oversight. That is the goal of these bills. The vast majority of police officers and those who support them should welcome efforts to root out the so-called “bad apples” before they spoil the whole barrel.

The bills that will be advanced by the Legislature this week include:

- Senate Bill S.8496: This legislation 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, as are 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 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 will clarify that a person not under arrest or in police 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," 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 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, 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 the Department of Criminal Justice Services and to the Governor and the Legislature.

· Senate Bill S.8492: This legislation 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 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, 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 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.

Best,

Liz Krueger

State Senator