



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

June 13, 2020

The Honorable Bill de Blasio
Mayor, City of New York
City Hall
New York, New York 10007

The Honorable Corey Johnson
Speaker, New York City Council
City Hall
New York, New York 10007

Re: Public Reporting of Law Enforcement Disciplinary Records and Data on Misconduct

Dear Mayor de Blasio and Speaker Johnson:

As you know, this week the New York State Legislature took a historic step, passing legislation (S.8496/A.10611) repealing Section 50-a of New York's Civil Rights Law, which had long exempted law enforcement disciplinary records from public disclosure. After years of advocacy by police reform activists and family members of victims of police violence, the personnel records of law enforcement officers will now be public under State law. Given the flood of Freedom of Information Law (FOIL) requests that the City can expect to receive to access this information, and the need to ensure justice is not further delayed, I am writing today to suggest that the City build on these hard-won reforms by requiring that all relevant law enforcement disciplinary records be made available to the public outright in a manner that is centralized and easily searchable, and not subject to case-by-case approval under FOIL.

The repeal of § 50-a has lifted one veil preventing real transparency and accountability, but it is incumbent upon us in this moment to ensure that the hard-fought repeal efforts have the intended effect and that disciplinary records are, in fact, made available to the public. Indeed, under FOIL, law enforcement disciplinary records will still be subject to redaction and release, despite the repeal of § 50-a. However, FOIL must not become the next shield to delimit or delay disclosure. There is a legitimate public interest in understanding how law enforcement officers are interacting with the community members they are charged with serving and protecting, and we must not waste the time or tax dollars of New Yorkers by requiring the onerous submission of individual records requests in order to access this information.

With that aim, I urge you to advance legislation requiring that all law enforcement disciplinary

records be maintained and made available to the public outright in a searchable database, and that this data be made available in a fashion that is both timely and not subject to a FOIL request. Legislation should also require that case-level data be made accessible on the NYC Open Data portal. These steps would enable a wider range of stakeholders – from journalists and activists to academics and everyday New Yorkers – to analyze patterns in alleged misconduct and disciplinary outcomes, which will serve to inform policy and, ultimately, improve public safety.

We invest our law enforcement officers with enormous powers, including the power to use deadly force, which makes full transparency around officer disciplinary records critical to both building trust with communities and fostering accountability. Of course, in releasing these records, the agency producing them must ensure compliance with S.8496/A.10611, including ensuring that any information disclosed is material and pertinent to the public interest and that the confidentiality of individuals' medical histories and other protected information is maintained.

Such proactive public reporting of law enforcement disciplinary records is not without precedent, including in New York City. Disciplinary cases of correction officers are already posted on the Office of Administrative Trials and Hearings database, as well as the online library for New York Law School.¹ And it is worth noting that in 2015, the City of Chicago granted a request to release all complaints of misconduct for every officer on the force dating back to 1967, following years of document requests and subsequent litigation. The Invisible Institute's public-facing database of misconduct records, the Citizens Police Data Project, now maintains hundreds of thousands of complaints against Chicago Police Department officers, which can be filtered by officer name, location, race/ethnicity, gender, age, outcome, and more.²

The State has rightly determined that law enforcement disciplinary records should be public. Now, New York City has the opportunity to make this information readily available. The public deserves nothing less than a total commitment to full transparency.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer". The signature is fluid and cursive, with the first name "Scott" being more prominent.

Scott M. Stringer
New York City Comptroller

¹ <https://www1.nyc.gov/site/oath/trials/search-decisions.page>.

² <https://invisible.institute/police-data>.