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June 15, 2020

Hon. Bill de Blasio
Mayor, City of New York
City Hall
New York, NY 10007

Hon. Corey Johnson
Speaker, New York City Council
City Hall
New York, NY 10007

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

Dear Mayor de Blasio and Speaker Johnson,

We are writing in strong support of NYC Comptroller Scott Stringer's recommendation that law enforcement disciplinary records be maintained and made available to the public in a searchable database.¹ We echo the Comptroller's call for the case-level data to be made accessible on the NYC Open Data portal, ensuring that a wide range of stakeholders have access to the records. This proposal is necessary to fulfil the promise that the repeal of Police Secrecy Law § 50-a will usher in a new era of transparency and accountability for police misconduct.

With the historic repeal of Police Secrecy Law § 50-a, the New York State legislature and Governor Cuomo made clear that law enforcement misconduct records are now available to the public. Now it is up to local governments across the state to implement the repeal of § 50-a by making records available to members of the public.

We thank both Mayor de Blasio and Speaker Johnson for your support of repealing Police Secrecy Law § 50-a. As Mayor de Blasio recently pointed out, § 50-a "held back transparency, and openness, had created a horrible block ... in the ability to build trust between police and community."² The Speaker has also rightly pointed out that "New York must show the world that there are legal

¹ Letter from Scott M. Stringer, New York City Comptroller, to Mayor Bill de Blasio and Speaker Corey Johnson, *Public Reporting of Law Enforcement Disciplinary Records and Data on Misconduct* (June 13, 2020),

<https://comptroller.nyc.gov/wp-content/uploads/2020/06/6.13.20-Letter-to-Mayor-de-Blasio-and-Speaker-Johnson-1.pdf>

² Transcript, Mayor de Blasio Holds Media Availability (June 10, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/424-20/transcript-mayor-de-blasio-holds-media-availability>.

consequences for police misconduct, not just closed-door decisions based on unknown standards.”³
We ask you to put these words into action by making police misconduct and disciplinary records accessible to the public on NYC Open Data.

A failure to take this step would be a step backward for police accountability, ensuring months and even years will be lost in the case-by-case processing of Freedom of Information Act (FOIL) requests filed by the many journalists, academics, advocates, and people directly impacted by police misconduct who will seek access to these records. Proactively making these records available to the public would save the City resources in responding to these requests and avoid the protracted litigation that has followed missed opportunities for transparency in other states who have taken similar steps away from the secrecy of police disciplinary records.

Thank you for your consideration and attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tina Luongo", with a stylized, cursive script.

Tina Luongo
Attorney-in-Charge
Criminal Defense Practice

Cc:

Council Member Donovan Richards, Chair, Committee on Public Safety
Elizabeth Glazer, Director, Mayor's Office of Criminal Justice

³ Press Release, New York City Council, Speaker Corey Johnson Announces Vote on Bills to Criminalize the Use of a Chokehold by Police Officers and Create Standardized Police Discipline Guidelines (June 2, 2020), <https://council.nyc.gov/press/2020/06/02/1976/>