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Court Rejects Unions' Attempt to Prevent Disclosure of Certain NYPD Misconduct Info

Yesterday, the Second Circuit Court of Appeals affirmed the District Court's denial of a preliminary injunction sought by police, firefighters, and corrections unions to prevent the disclosure of unsubstantiated and non-final claims of misconduct filed against New York City Police Department (NYPD) officers. In August 2020, the NAACP Legal Defense and Educational Fund, Inc. (LDF), Lawyers' Committee for Civil Rights Under Law (LCCRUL), LatinoJustice PRLDEF (LJP), and Law for Black Lives (L4BL), filed an amicus brief in opposition to the unions' continuing efforts to secure a preliminary injunction on appeal. The decision means that law enforcement agencies in New York, including the NYPD, cannot refuse to release information about claims of police misconduct that have not been substantiated or are still under investigation.

"The New York State Legislature repealed 50-a in response to mass protests demanding greater accountability and transparency for police abuse and violence, especially in Black communities and other communities of color," said LDF Senior Deputy Director of Litigation Jin Hee Lee. "We applaud the Second Circuit's rejection of this baseless attempt to subvert the will of the people and their state representatives. We cannot hold police officers accountable if the public is shielded from reports of wrongdoing. Transparency is the only way forward."

"For far too long police in New York City have shielded from public view their misconduct and disciplinary records – records that would shed light on abusive police practices, on the lack of discipline by NYPD brass, on the professionalism and accountability of a sector of public employees paid by the public," said LJP President and General Counsel, Juan Cartagena. "Yesterday's decision by the Second Circuit affirms that the public 'has a stronger legitimate interest in the disciplinary records of law enforcement officers than in those of other public employees.' This decision is timely as we debate accountability and the diversion of public funds away from abusive police tactics."

"The police unions in New York City have fought tooth and nail against basic accountability and transparency measures," said Damon Hewitt, acting president and executive director of the Lawyers' Committee for Civil Rights Under Law. "The public deserves to know about the misconduct of the officers who are sworn to serve and protect them. New York's former system of secrecy and protecting officers at all costs was an outlier across the United States. That old system was a disservice to the public and an impediment to efforts by community members and police leadership to promote long-needed culture change. We are gratified that New York has left the dark ages and that officers will no longer be able to hide away their misconduct, which disproportionately impacts communities of color."

For decades, New York Civil Rights Law § 50-a had shielded from disclosure any disciplinary records of police officers' misconduct, allowing police abuses to go undiscovered. The law allowed police departments in New York to operate with a level of secrecy greater than law enforcement agencies in nearly every other state. This extreme lack of

transparency prevented the disclosure of vital information that could inform public dialogues about police accountability and misconduct. In response to mass protests demanding greater police accountability in the wake of the police killings of George Floyd and Breonna Taylor, the New York State Legislature repealed 50-a, which was then signed by Governor Cuomo on June 9, 2020. Police unions, together with unions representing correctional officers and firefighters, sued to prevent New York City from implementing the law. Yesterday's decision affirms the important public interest in having adequate oversight of police departments and improving accountability for police violence, which has long been an unfortunate reality for too many Black New Yorkers and other people of color.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).