State Legislature Returns to Pass Police Reform Package

June 9, 2020

Yesterday the State Legislature returned to Albany primarily to pass a package of police reform bills. We anticipate that all of these bills will pass both houses within the next few days. In order to give you a fundamental understanding of the issues they are trying to address, below is a brief description of each piece of legislation included in this package.

**Repeal Article 50-A** - S.8496 (Bailey) / A.10611 (O'Donnell) – Would repeal Article 50-A of the Civil Rights Law which largely prohibits the disclosure of the personnel records of police officers, firefighters and corrections 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.

**Recording Law Enforcement Activity** - S.3253-A (Parker) / A.1360-A (Perry) – Would provide that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record.

**Falsely Summoning a Police Officer** - S.8492 (Parker) / A.1531-B (Richardson) – Would establish civil penalties for summoning a police officer or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring.

**Ban on Chokeholds** - S.6670-B (Benjamin) / A.6144-B (Mosley) – Would establish criminal penalties for a police officer or peace officer who uses a chokehold that causes serious physical injury or death.

**Body Cameras for State Police** - S.8493 (Parker) / A.8674-A (Walker) – Would require that all state police officers wear body cameras while on patrol and would prescribe mandated situations when the camera would have to be turned on and recording.

**Police Weapon Discharge Reporting** - S.2575-B (Bailey) / A.10608 (Perry) – Would require a police officer or peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to report the incident within six hours.

**Police Statistics and Transparency (STAT) Act** - S.1830-C (Hoylman) / A.10609 (Lentol) – Would require courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report would include aggregate and anonymized demographic information such as race, ethnicity and sex. The bill would also require police departments to submit annual reports on arrest-related deaths to be submitted to the Department of Criminal Justice Services, as well as the Governor and the State Legislature.

**Require Medical Response for Arrestees** - S.6601-B (Bailey) / A.8226-B (Fernandez) – Would affirm an individual's right to medical and mental health attention while
under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer.

**Establish an Office of Special Investigation - S.2574-C (Bailey) / A.1601-C (Perry)** – Would establish an Office of Special Investigation within the Office of Attorney General which would have investigative authority and criminal jurisdiction of any incident involving the death of a person caused by an act or omission by a police officer or a peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the Office would be empowered to prosecute any such alleged offenses.

**Establish the Law Enforcement Misconduct Investigative Office - S.3595-C (Parker) / A.10002-B (Taylor)** – Would establish the Law Enforcement Misconduct Investigative Office within the Department of Law (i.e., Attorney General’s Office) which would be tasked with receiving and investigating complaints from any source concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse in municipal police and other law enforcement agencies.

**Ban on Racial and Ethnic Profiling - S.1137-A (Benjamin) / A.4615-A (Bichotte)** – Would enact a statewide ban on racial and ethnic profiling by police and law enforcement agencies and would allow any victim of racial or ethnic profiling, or the Attorney General, to bring an action in court for damages, or for injunctive relief, to stop the agency's improper actions.