

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNIFORMED FIRE OFFICERS
ASSOCIATION, et al.,

Plaintiffs,

-v.-

DE BLASIO, et al.,

Defendants.

Case No. 20-cv-05441 (KPF)

**DECLARATION OF
LOYDA COLON**

I, LOYDA COLON, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am a co-director of Justice Committee Inc., *amicus curiae* in this action. I am submitting this declaration in opposition to Plaintiffs' Motion for a Preliminary Injunction. This declaration is based on my personal knowledge and on information and documents in the possession of Justice Committee.

2. I joined Justice Committee as a member in 2005 and served as co-coordinator. I became a co-director of Justice Committee in 2013.

3. Justice Committee was founded in 1981. Justice Committee is a non-partisan non-profit grassroots organization dedicated to ending police violence and systemic racism in New York City. Since its founding, Justice Committee has supported survivors of police misconduct and violence and the families of people killed by police, and empowered them to be advocates for social change. The organization's programs and strategies are led by more than 160 volunteer members who are people of color impacted by police and state violence.

4. Justice Committee provides training and education programs, monitors and documents police activity, organizes for policy change to decrease police violence and promote community safety, and leads and participates in campaigns to end discriminatory policing. As part of its Families and Cases Program Area, Justice Committee advises and organizes survivors and victims' families, provides resources and secures attorneys, and mobilizes communities in support of police accountability. To date, Justice Committee has provided support to hundreds of survivors and victims' families.

5. As part of advocating for the repeal of Section 50-a of the New York Civil Rights Law, Justice Committee spent hundreds of hours organizing and educating New Yorkers on the deleterious effects of Section 50-a, preparing written testimony and memoranda, traveling to Albany for hearings and lobbying meetings, engaging in traditional and social media campaigns, and organizing and participating in protests, all on behalf of survivors of police misconduct and violence and victims' families. Justice Committee specifically addressed the limitations of a partial amendment to Section 50-a as being insufficient to hold law enforcement accountable; instead, Justice Committee urged legislators to repeal Section 50-a in its entirety to ensure transparency and access to information. For Justice Committee and its members, the intended result of the repeal was the full disclosure of all records concerning misconduct and disciplinary matters. My understanding from working with other advocates is that that intent was widely shared among those advocating for repeal of Section 50-a.

6. Attached hereto as Exhibit A is a true and correct copy of a written memorandum submitted by Justice Committee in June 2018 to the state legislature in support of repeal of Section 50-a of the Civil Rights Law.

7. Attached hereto as Exhibit B is a true and correct copy of a written memorandum submitted by Justice Committee in April 2019 to the state legislature in support of repeal of Section 50-a of the Civil Rights Law.

8. Attached hereto as Exhibit C is a true and correct copy of written testimony that I submitted on October 24, 2019, to the state legislature.

9. Attached hereto as Exhibit D is a true and correct copy of written testimony submitted by Constance Malcom, a member of Justice Committee and the mother of Ramarley Graham, on October 17, 2019, to the state legislature.

10. Attached hereto as Exhibit E is a true and correct copy of written testimony submitted by Constance Malcom on October 24, 2019, to the state legislature.

11. Attached hereto as Exhibit F is a true and correct copy of written testimony submitted by Gwen Carr, a member of Justice Committee and the mother of Eric Garner, on October 17, 2019, to the state legislature.

12. Attached hereto as Exhibit G is a true and correct copy of written testimony submitted by Gwen Carr on October 24, 2019, to the state legislature.

13. In the wake of police violence, survivors and victims' families usually attempt to obtain information regarding involved officers' identification and misconduct records. Justice Committee advises and supports its members and clients in their efforts to obtain this information.

14. I am familiar with the process for requesting police misconduct records from the City of New York and Civilian Complaint Review Board using the Freedom of Information Law (FOIL). The FOIL request process is complex, burdensome, and nearly inaccessible to survivors and victims' families without legal assistance.

15. Prior to the repeal of Section 50-a, FOIL requests for police misconduct and disciplinary records by Justice Committee members and clients were almost always rejected on the basis that the records were exempted from disclosure by Section 50-a. Because of the frequency of this response and the burden of continuing to seek records was so great, Justice Committee did not actively encourage its members and clients to request records of police misconduct and discipline via FOIL.

16. Justice Committee is participating in the Joint Remedial Process in the wake of the finding by this Court, in *Floyd v. City of New York*, that the NYPD's stop-and-frisk practices were unconstitutional. As part of that process, Justice Committee has advocated for NYPD to develop, with community input, a disciplinary matrix that would be available to the public, and for the NYPD to document level one and two stops. Justice Committee believes the NYPD has a pattern of not disciplining officers and a pattern of abusive policing in the context of those stops. Police misconduct records would strengthen Justice Committee's ability to make the case for the disciplinary matrix and the recording of level one and two stops, but those records have not been available due to Section 50-a.

17. Justice Committee was part of a coalition working to pass the Right to Know Act, City Council legislation addressing police searches and other encounters with the community. It took five years to get the legislation passed, and the legislation was heavily watered down from what advocates wanted. Access to police misconduct records would have enabled Justice Committee to bolster its case for the legislation with statistics relating to police searching people without their consent, refusing to identify themselves when stopping people, and otherwise abusing their authority during everyday encounters. Justice Committee believes that such records would have sped the enactment of stronger legislation.

18. Justice Committee's members and clients routinely express their grave concern that police officers who have engaged in misconduct—often violent or deadly—remain on the streets.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Brooklyn, New York this 14th day of August 2020.



Loyda Colon

EXHIBIT A



Justice Committee

JusticeCommittee.org

* info@justicecommittee.org

TO: Members of the Legislature

FROM: Justice Committee

DATE: June 7, 2018

RE: Need for repeal of NYS Civil Rights Law 50-a (CRL 50-1) - A.3333 (O'Donnell)

The Justice Committee is a grassroots organization dedicated to ending police violence and systemic racism in New York City. For over three decades, the heart of our work has been to support and organize family members of New Yorkers killed by the police and empower them as advocates for social change. We also conduct know your rights trainings and other public education activities throughout New York City, build teams of neighborhood residents who monitor and document police activity in heavily policed neighborhoods, and organize to change policy in order to decrease police violence and misconduct and increase accountability.

As an organization fighting for police accountability and transparency, the Justice Committee strongly supports A.3333 to repeal New York State Civil Rights Law 50-a (50-a). 50-a is arguably the most secretive law of its kind in the country and local New York State departments and jurisdictions are increasingly misinterpreting it order to shield abusive officers and commands from public scrutiny.

Families who have lost loved ones to the police are some of those most impacted by this overly restrictive police secrecy law.

In 2014, Eric Garner, an unarmed, 43-year-old father, was killed by the NYPD in Staten Island. In the wake of Garner's death, 50-a was used as an excuse not to disclose disciplinary records and past substantiated CCRB complaints against Daniel Pantaleo, the NYPD officer who put Eric in a NYPD-banned chokehold, while multiple other officers tackled him and forced him to the ground. Pantaleo is still an NYPD officer and has collected tens of thousands of dollars in wage increases since he killed Garner.

In the case of Ramarley Graham, an unarmed, 18-year-old Black youth who was killed by the NYPD in his own home in front of his grandmother and 6-year-old brother in 2012, 50-a was used to withhold the names of the 12+ officers involved in killing Graham, assaulting his mother, holding his grandmother without access to her attorney for hours, and engaging in a wide range of other misconduct surrounding the case. When the NYPD departmental trial for Richard Haste, the officer who shot Ramarley, was finally scheduled and Ramarley's mother asked what charges Haste was facing, citing 50-a, Department Advocate Kevin Richardson denied her an answer and told her she'd have to sit through the trial and try to figure it out herself.

These are just a few examples. Across the state, the names and misconduct records of officers who kill and abuse New Yorkers as well as what discipline these officers receive - if any - and if they are still patrolling our streets with guns in hand are all hidden from survivors, families and communities.

Simply amending 50-a to limited the records kept confidential to those “created and used solely” for the purposes of evaluating the performance of officers is not enough. An amended 50-a statute - which could still have been used to shield Eric Garner and Ramarley Graham’s killers - would continue to hide misconduct histories of officers who kill and brutalized New Yorkers. Shielding police misconduct from public scrutiny allows them to act as if they’re above the law and encourages repeat offenses.

The public has the right to know the misconduct histories and whether or not there has been sufficient discipline of police officers who are supposedly meant to protect and serve us - and who are authorized to use deadly force against us - just as we have access to this information about many other professions, such as teachers, lawyers, doctors and many others. There are sufficient protections for officers’ personal information in other NYS FOIL statutes, making any useful protections provided by 50-a redundant.

50-a is used regularly and increasingly used to shield misconduct of officers and departments across the state. This is a disservice to public safety and puts New York’s communities of color disproportionately at risk. 50-a must be repealed.

The Justice Committee fully supports A.3333

For more information contact Yul-san Liem: yul-san@justicecommittee.org, 917.568.6547

EXHIBIT B



Justice Committee

JusticeCommittee.org

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info@justicecommittee.org

TO: Members of the Legislature

FROM: Justice Committee

DATE: April 17, 2019

RE: Need for repeal of NYS Civil Rights Law 50-a (CRL 50-1) - A.2513 (O'Donnell)/S.3695 (Bailey)

The Justice Committee is a grassroots organization dedicated to ending police violence and systemic racism in New York City. For over three decades, the heart of our work has been to support and organize family members of New Yorkers killed by the police and empower them as advocates for social change. We also conduct know your rights trainings and other public education activities throughout New York City, build neighborhood capacity to monitor and document police activity and increase safety, and organize to change policy in order to decrease police violence and misconduct.

As an organization fighting for police accountability and transparency, the Justice Committee strongly supports A.2513/S.3695 to repeal New York State Civil Rights Law 50-a (50-a). 50-a is arguably the most secretive law of its kind in the country and local New York State departments and jurisdictions are increasingly misinterpreting it order to shield abusive officers and commands from public scrutiny.

Families who have lost loved ones to the police are some of those most impacted by this overly restrictive police secrecy law.

In 2014, Eric Garner, an unarmed, 43-year-old father, was killed by the NYPD in Staten Island. In the wake of Garner's death, 50-a was used as an excuse not to disclose disciplinary records and past substantiated CCRB complaints against Daniel Pantaleo, the officer who put Garner in a NYPD-banned chokehold, while multiple other officers tackled him and forced him to the ground. Eric Garner's family only knows about some of Pantaleo's past substantiated misconduct and the inadequate discipline for that misconduct because the information was leaked to media by a whistleblower. Pantaleo is still an NYPD officer and has collected tens of thousands of dollars in wage increases since he killed Garner.

In the case of Ramarley Graham, an unarmed, 18-year-old Black youth who was killed by the NYPD in his own home in front of his grandmother and 6-year-old brother in 2012, 50-a was used to withhold the names of the 12+ officers involved in killing Graham, assaulting his mother, holding his grandmother without access to her attorney for hours, and engaging in a wide range of other misconduct surrounding the case. As with Eric Garner's case, the officer who murdered Ramarley had past substantiated misconduct that was hidden from public view and had only received a slap on the wrist instead of serious discipline. Furthermore, when the NYPD departmental trial for Richard Haste, the officer who shot Ramarley, was finally scheduled and Ramarley's mother asked what charges Haste was facing, citing 50-a, Department Advocate Kevin Richardson denied her an answer and told her she'd have to sit through the trial and try to figure it out herself.

If Pantaleo and Haste's past misconduct had been dealt with seriously, it's possible Eric Garner and Ramarley Graham would still be alive today.

These are just a few examples. Across the state, the names and misconduct records of officers who kill and abuse New Yorkers as well as what discipline these officers receive - if any - and if they are still patrolling our streets with guns in hand are all hidden from survivors, families and communities.

Simply amending 50-a to limit the records kept confidential to those "created and used solely" for the purposes of evaluating the performance of officers is not enough. An amended 50-a statute - which could still have been used to shield Eric Garner and Ramarley Graham's killers - would continue to hide misconduct histories of officers who kill and brutalized New Yorkers. Shielding police misconduct from public scrutiny allows them to act as if they're above the law and encourages repeat offenses.

The public has the right to know the misconduct histories and whether or not there has been sufficient discipline of police officers who are supposedly meant to protect and serve us - and who are authorized to use deadly force against us - just as we have access to this information about many other professions, such as teachers, lawyers, doctors and many others. There are sufficient protections for officers' personal information in other NYS FOIL statutes, making any useful protections provided by 50-a redundant.

50-a is used regularly and increasingly used to shield misconduct of officers and departments across the state. This is a disservice to public safety and puts New York's communities of color disproportionately at risk. 50-a must be repealed.

The Justice Committee fully supports A.2513 (O'Donnell)/S.3695 (Bailey)

For more information contact Yul-san Liem: yul-san@justicecommittee.org, 917.568.6547

EXHIBIT C



Justice Committee

JusticeCommittee.org

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info@justicecommittee.org

TESTIMONY

Loyda Colon, Co-Director

Albany Senate Hearing on the Need to Repeal CRL Section 50-a
Oct. 24, 2019

My name is Loyda Colon. I'm a Nuyorican, born and raised in the projects of the Lower East Side. I have been an organizer and activist for over two decades and am currently the Co-Director of the Justice Committee.

The Justice Committee is a grassroots organization dedicated to ending police violence and systemic racism in New York City. For over three decades, the heart of our work has been to support and organize family members of New Yorkers killed by the police and empower them as advocates for social change. We also conduct know your rights trainings and other public education activities throughout New York City, build neighborhood capacity to monitor and document police activity and increase safety, and organize to change policy in order to decrease police violence and misconduct.

As an organization with over three decades of history fighting for police accountability and transparency and one that looks to the leadership of families who've lost loved ones to the police, ensuring that 50-a is fully repealed is an urgent, top priority. Any Albany legislators that are truly serious about police reform must commit to passing a full repeal of 50-a in the 2020 session.

New York often prides itself on being a leader in progressive policy, but New York is one of only two states in the country with a state law that specifically restricts public access to information on police officer misconduct and discipline. As a result, NY is arguably the worst in the country when it comes to police transparency.

The families the Justice Committee works with, especially families who have lost loved ones to police violence since 2012 -- including the mothers of Eric Garner, Ramarley Graham, the sister of Delrawn Small, the parents of Saheed Vassell, and many others -- know first hand that 50-a is used as a shield to protect abusive officers and officers who kill. In fact, what these families are experiencing in terms of police secrecy and not being able to access basic information about officers who kill their loved ones is worse now than it was when Rudolph Giuliani and Michael Bloomberg were NYC's Mayor. This is because in 2016, Mayor Bill de Blasio allowed the NYPD to stop releasing information about the outcomes of disciplinary proceedings, by using 50-a as an excuse.¹ And since that time, the City of New

¹ <https://www.nydailynews.com/new-york/exclusive-nypd-stops-releasing-cops-disciplinary-records-article-1.2764145>

York has helped to usher in a much worse era of police secrecy across NYS by challenging court rulings and claiming vast new areas of information to be 50-a protected.

It's important that you understand what's at stake. 50-a serves no purpose, other than as a tool for obstructing police accountability and transparency and hiding the fact that departments are not disciplining officers for abuse and misconduct. When there is no transparency and no accountability, you get repeat offenders and that means more people get harassed, threatened, brutalized, and killed.

To name just a few examples:

- (Now former) NYPD Officer Richard Haste, who killed unarmed Ramarley Graham in front of his grandmother and six-year old brother, had past misconduct complaints – which we only know about because they were leaked to the media.
- (Now former) NYPD Officer Daniel Pantaleo, who used a prohibited chokehold to kill Eric Garner had past substantiated complaints – which we only know about because they were leaked to the media. The City of New York went to court to block this information from being made public.
- NYPD Officer Philip Atkins – who killed Shantel Davis in Brooklyn – was referred to as “Bad Boy” Atkins in Flatbush because he was notoriously abusive and had been previously named in seven federal lawsuits. However, 7 years after Shantel was killed, her family is still not able to get information on Atkins' misconduct and disciplinary history. He is still and NYPD officer.
- NYPD Officer James Connolly, who killed John Collado, had previously killed someone. New Yorkers don't have other information about his misconduct and disciplinary history.
- NYPD Officer Miguel Gonzalez, who killed Dwayne Jeune, had shot and almost killed Devonte Pressley, another Brooklyn resident, just months before killing Dwayne Jeune. Gonzalez is still an NYPD officer and New Yorkers don't have any information about his official misconduct and disciplinary history.

Thanks to the leadership of the families and citywide organizing, we've gotten Haste and Pantaleo out of the NYPD, but the others are still police officers and, at least Connolly has even been promoted.

Let's imagine a world in which there was transparency around these officers' past abuses and there had been meaningful discipline for their violence and misconduct. Perhaps the family members of Eric, Ramarley and all the others would be at home with their loved ones, rather than fighting day in and out for answers and justice. This is what's at stake – the lives of our children and loved ones.

Police killings are just the tip of the iceberg. We know from a March 2018 BuzzFeed expose that NYPD officers too often keep their jobs even after the NYPD has found them guilty of serious abuses like lying under oath, excessive force and sexual harassment. The reality is, police departments are not holding their officers accountable and 50-a is what they use to hide their dirty laundry from the public. These are the exact conditions that encourages police violence against communities of color to continue.

I want to end by pointing out that it's very telling that media reports that Mayor de Blasio told the NYPD & CCRB to pull out of the first 50-a hearing in New York City. Mayor de Blasio has been saying for

2 years that he was in favor of changing 50-a. Not only did he not use any political influence to fix the problems that his administration created, he's let the NYPD and police unions use the courts to expand 50-a so that there is no longer an acceptable option besides full repeal of 50a.

There are already adequate measures in FOIL law to protect officers' privacy, meaning the only purpose 50-a serves is to put a smoke screen up so that police departments can do whatever they want away from the public's view. Maybe they also didn't want to hear what you're hearing today from the mothers of Sean Bell, Eric Garner and Ramarley Graham: that the role of 50-a is to protect abusive officers and to hide how widespread police violence is and the systemic lack of discipline by police departments.

It should be an embarrassment for progressive New York lawmakers that 50-a is still on the books. For our communities, it's terrifying. This is about the safety of our communities. It's a matter of life and death.

The Justice Committee is here today to stand with the mothers of Eric Garner, Sean Bell and Ramarley Graham, all the families who could not make the trip to Albany, and our allies across the state to demand that 50-a be fully repealed in the 2020 session.

EXHIBIT D

Testimony Submitted By Constance Malcolm, Mother of Ramarley Graham
Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing NYS CRL Section 50-a

October 17, 2019

My name is Constance Malcolm and I am the mother of Ramarley Graham, who was killed by NYPD Officer Richard Haste in 2012.

Thank you Senator Bailey for holding this hearing on the need to repeal 50-a and for having me and other families whose loved ones have been killed by police speak today.

As you know, my son Ramarley was killed in our home, in front of his grandmother and his 6 year old brother. Richard Haste and other officers broke down the door to our home, without a warrant, without warning and without cause.

These officers murdered Ramarley in my home on February 2, 2012. And then the NYPD murdered Ramarley again in the media by lying about the killing, falsely criminalizing my son in the media and then trying to cover-up the whole thing.

There was so much misconduct surrounding the murder of my son that I don't even know where to start. My son's body was lost for 4 days by the police – we had to ask Carl Heastie to help us find his body so we could bury him. My mother – Ramarley's grandmother -- was interrogated for over 7 hours by police and she wasn't even allowed to talk to her lawyer. They were trying to get my mother to lie about Ramarley.

There's more, but I'm going to stop there for now because the reason I'm here today is to tell you that we need you to repeal 50-a as soon as the legislative session starts in January 2020. Not in February or in March or in another year.

50-a needs to be repealed now because it hurts families like mine, like Ms. Carr's, like Delrawn Small's family and so many others.

50-a is dangerous for all New Yorkers because it protects officers who kill, officers who rape and sexually assault, officers who disrespect and brutalize us. It lets them hide behind secrecy that the government shouldn't allow.

When my son Ramarley was murdered, it took us 3 years to find out the misconduct history of Richard Haste, the officer who shot and killed him – and that was **only because a whistleblower leaked it to the media.**

We found out Haste had 6 CCRB complaints & 10 allegations in just 13 months – less than 9% of the NYPD had that many complaints in their entire career¹ – and almost none of them have so many complaints in such a short time-frame. Ramarley was killed just 15 months after the last complaint that we know about from the leak. The only reason we found out that there had been prior CCRB complaints against Haste is because the information was leaked in 2017 – 3 years after my son was murdered. **Families like mine shouldn't have to rely on leaks to the media to get this kind of basic information.**

It took me almost 6 years to get Haste and Sgt Scott Morris off the force. Other officers who also should be gone are still there – some of them, like whoever in the NYPD illegally leaked Ramarley's sealed records -- I don't even know their names because of 50-a.

Because of 50-a I still don't know the misconduct history of Morris or Officer John McLoughlin – one of the officers involved who is still on the force. McLoughlin was put on a 1 year dismissal probation. Because of 50-a I don't even know if he did other misconduct during that year of probation and whether he had a long history of past misconduct like Haste.

While Haste & Morris are not NYPD anymore, I need you to understand that I had to fight every day for almost 6 years to organize political pressure to force them out of the NYPD. I lost pay from my job because I had to do rallies and press conferences. I had sleepless nights. I still worry every day about my other son who was only 6 years old when he watched his brother be murdered by officers – in what should have been the safety of our home.

Families shouldn't have to be going through this – and not every family can do what I was able to do.

50-a makes it harder for all of us families – in some ways it makes it impossible for us to really fight for justice because so much information stays hidden from us. This is not fair.

50-a is dangerous for everyone because there's no transparency so these officers who are dangerous and who abuse their authority are allowed to continue to patrol our neighborhoods – and we don't even know who they are.

¹ According to 2016-2017 Civilian Complaint Review Board data
<https://thinkprogress.org/richard-haste-disciplinary-record-474f77eb8d19/>

We know that the police departments in New York state don't discipline officers who kill and brutalize us unless we organize and build major campaigns.

Even in the case of Ramarley, Haste & Morris weren't fired – they resigned.

50-a is a horrible law that is dangerous for New Yorkers.

It took me over 6 years to get additional information about the killing of my son – and that was only because I filed a FOIL with Communities United for Police Reform (CPR) and Justice Committee (JC). And we didn't get all the information we asked for.

The City tried to argue that I couldn't get information about the killing of my son because of 50-a – this is ridiculous and painful.

1 of the many 50-a arguments the City tried to use was that because I had called for the firing of Haste and other officers who were part of the cover-up, that releasing information about the incident and officers would lead to safety concerns for the officers.

This is garbage. We all know it's lies.

And it's dangerous because they are basically telling mothers like me that if we call for the firing of officers who murder our children – that the City will lie and say that we are putting officers at risk.

50-a needs to be fully repealed. The only purpose it serves is to protect abusive cops and cover-ups.

I am asking you today to think about my son Ramarley. I need you to think about Ms. Carr's son Eric. To think about Valerie's son Sean. To think about Delrawn Small and Kawaski Trawick and Saheed Vassell and so many others who have been killed unjustly by the police.

I need you to think about us and our loved ones and I need you to repeal 50-a for us as soon as possible. I need you and the other Senators and Assemblymembers to repeal 50-a in January.

We can not keep waiting for the "right" political moment. I need you to be Ramarley's voice, and Sean's voice and Delrawn's voice and Eric's voice.

There's not much more that can happen related to Ramarley right now so I am fighting to prevent future killings by police and I am fighting to support other families.

50-a must be repealed. Thank you for listening and having me testify.

EXHIBIT E

Testimony Submitted By Constance Malcolm, Mother of Ramarley Graham

**Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing NYS CRL Section 50-a**

October 24, 2019

My name is Constance Malcolm and I am the mother of Ramarley Graham, who was killed by NYPD Officer Richard Haste in 2012.

Thank you Senator Bailey for holding this hearing on the need to repeal 50-a and for having me and other families whose loved ones have been killed by police speak today.

I testified last week. I'm back today because of how important repealing 50-a is.

As you know, my son Ramarley was killed in our home, in front of his grandmother and his 6 year old brother. Richard Haste and other officers broke down the door to our home, without a warrant, without warning and without cause.

These officers murdered Ramarley in my home on February 2, 2012.

And then the NYPD murdered Ramarley again in the media by lying about the killing, falsely criminalizing my son in the media and then trying to cover-up the whole thing.

There was so much misconduct surrounding the murder of my son that I don't even know where to start. My son's body was lost for 4 days by the police – we had to ask Carl Heastie to help us find his body so we could bury him. My mother – Ramarley's grandmother -- was interrogated for over 7 hours by police and she wasn't even allowed to talk to her lawyer. They were trying to get my mother to lie about Ramarley.

There's more, but I'm going to stop there for now because **the reason I'm here today is to tell you that we need you to repeal 50-a as soon as the legislative session starts in January 2020.** Not in February or in March or in another year.

50-a needs to be repealed now because it hurts families like mine, like Ms. Carr's, like Delrawn Small's family, like Saheed Vassell, Mohamed Bah, and so many others.

50-a is dangerous for all New Yorkers because it protects officers who kill, officers who rape and sexually assault, officers who disrespect and brutalize us. It lets them hide behind secrecy that the government shouldn't allow.

When my son Ramarley was murdered, it took us 3 years to find out the misconduct history of Richard Haste, the officer who shot and killed him – and that was **only because a whistleblower leaked it to the media.**

We found out Haste had 6 CCRB complaints & 10 allegations in just 13 months – less than 9% of the NYPD had that many complaints in their entire career¹ – and almost none of them have so many complaints in such a short time-frame.

Ramarley was killed just 15 months after the last complaint that we know about from the leak.

The only reason we found out that there had been prior CCRB complaints against Haste is because the information was leaked in 2017 – 3 years after my son was murdered.

Families like mine shouldn't have to rely on leaks to the media to get this kind of basic information.

It took me almost 6 years to get Haste and Sgt Scott Morris off the force. Other officers who also should be gone are still there – some of them, like whoever in the NYPD illegally leaked Ramarley's sealed records -- I don't even know their names because of 50-a.

Because of 50-a I still don't know the misconduct history of Morris or Officer John McLoughlin – one of the officers involved who is still on the force.

McLoughlin was put on a 1 year dismissal probation. **Because of 50-a I don't even know if he did other misconduct during that year of probation and whether he had a long history of past misconduct like Haste.**

While Haste & Morris are not NYPD anymore, I need you to understand that I had to fight every day for almost 6 years to organize political pressure to force them out of the NYPD.

I lost pay from my job because I had to do rallies and press conferences. I had sleepless nights.

I still worry every day about my other son who was only 6 years old when he watched his brother murdered by police in what should have been the safety of our home.

Families shouldn't have to be going through this – and not every family can do what I was able to do.

50-a makes it harder for all of us families – in some ways it makes it impossible for us to really fight for justice because so much information stays hidden from us.

¹ According to 2016-2017 Civilian Complaint Review Board data <https://thinkprogress.org/richard-haste-disciplinary-record-474f77eb8d19/>

This is not fair.

50-a is dangerous for everyone because there's no transparency so these officers who are dangerous and who abuse their authority are allowed to continue to patrol our neighborhoods – and we don't even know who they are.

We know that the police departments in New York state don't discipline officers who kill and brutalize us unless we organize and build major campaigns.

Even in the case of Ramarley, Haste & Morris weren't fired – they resigned.

50-a is a horrible law that is dangerous for New Yorkers.

It took me over 6 years to get additional information about the killing of my son – and that was only because I filed a FOIL with Communities United for Police Reform (CPR) and Justice Committee (JC). And we didn't get all the information we asked for.

The City tried to argue that I couldn't get information about the killing of my son because of 50-a – this is ridiculous and painful.

1 of the many 50-a arguments the City tried to use was that because I had called for the firing of Haste and other officers who were part of the cover-up, the City tried to say that releasing information about the incident and officers would lead to safety concerns for the officers.

This is garbage. Transparency is not a safety risk. We all know it's lies.

And it's dangerous because they are basically telling mothers like me that if we call for the firing of officers who murder our children – that the City will lie and say that we are putting officers at risk.

50-a needs to be fully repealed.

The only purpose it serves is to protect abusive cops and cover-ups.

I am asking you today to think about my son Ramarley. I need you to think about Ms. Carr's son Eric. To think about Valerie's son Sean. To think about Delrawn Small and Kawaski Trawick and Saheed Vassell and so many others who have been killed unjustly by the police.

I need you to think about us and our loved ones and I need you to repeal 50-a for us as soon as possible.

EXHIBIT F

Testimony Submitted By Gwen Carr, Mother of Eric Garner

**Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing CRL Section 50-a**

October 17, 2019

My name is Gwen Carr, and I am the mother of Eric Garner.

I'd like to start by thanking Senator Bailey for convening this important hearing and for sponsoring the bill to repeal the police secrecy law, 50-a.

The whole world saw my son Eric Garner murdered 5 years ago on video, by Officer Daniel Pantaleo, who used a chokehold that the NYPD had banned for over 20 years. We saw multiple officers use force and pounce on Eric – as Eric pleaded “I can’t breathe” 11 times.

It’s been over 5 years since my son Eric was murdered and there has been a widespread cover-up related to the scope of misconduct in my son’s murder. Pantaleo is the only officer who has been fired from the NYPD – and that was only because I kept fighting for 5 years along with others to make sure he was fired – it was not because the system worked.

I am here today because the New York state police secrecy law – “50-a” – is still harming me, my family and endangering New Yorkers – and we need you and your colleagues in the state legislature to make sure it is repealed in 2020.

Because of Pantaleo’s discipline trial and media reports, we know that multiple officers lied in official statements related to Eric’s killing, including Officer Justin D’Amico who claimed there was no force used in his official report. D’Amico also filed false felony charges on my son – after he knew he was already dead.

D’Amico – who has already been caught in major lies that constitute misconduct – is also the only person who has ever claimed to have seen Eric allegedly selling cigarettes before Eric was killed. Multiple witnesses testified to different courts that not only was Eric not selling cigarettes, but that Eric had just broken up a fight before Pantaleo and D’Amico approached him.

In other words, D’Amico lied about the reason he stopped Eric in the first place, and my son should be alive and D’Amico should be fired.

In spite of all of this misconduct, D’Amico is still being paid by your and my family’s taxpayer dollars. He is still NYPD – and **I’m not allowed to know about what other kind of wrongdoing D’Amico has done because of 50-a.**

D'Amico isn't the only one that should be fired for their misconduct related to Eric's murder. All of the other officers who engaged in misconduct are still NYPD, being paid by your and my family's tax payer monies – and **we don't even know the names of some of them or the extent of misconduct because of 50-a**. The only reason we know some of what D'Amico did is because he testified in the Pantaleo hearing and because the administrative judge's report was leaked to the press.

Because of 50-a, if the judge's report hadn't been leaked, we wouldn't even know that D'Amico had lied in his official report about whether force was used in killing Eric. Over 5 years later, because of 50a – I still don't have full information about the role, misconduct or names of many of the other officers involved.

50-a makes it close to impossible for me to fully fight for justice for Eric. It makes it harder for other families to fight for justice for their loved ones. And it is dangerous for all New Yorkers because people like Justin D'Amico should not be carrying a gun and should not be in our communities as police. **Because of 50a, I can't even get the full transcript to the Pantaleo discipline trial** – even though the trial was open to the public.

Because of 50a, I can't find out the misconduct or discipline histories of other officers involved in killing Eric and covering it up – including Sgt. Adonis who stood by and did nothing while Eric was being choked – all she got was some vacation days taken away --- or **Lt. Christopher Bannon**, who texted "Not a big deal" to another officer after hearing that Eric might be DOA.

Because of 50-a, the public was not aware that before Pantaleo killed my son, he was already the subject of 7 disciplinary complaints and 14 allegations made against him to the Civilian Complaint Review Board – “amongst the worst on the force”. 4 of those allegations were substantiated and the CCRB had recommended the most serious charges be brought against Pantaleo but the NYPD refused to follow those recommendations so Pantaleo got a slap on the wrist.

If Pantaleo had been disciplined the right way earlier, maybe he would not have still been NYPD and maybe my son would be alive today. 50-a prevented my family and New Yorkers from even knowing about Pantaleo.

It was almost 3 years after my son was killed that we even found out about some of Pantaleo's discipline history – and that is only because a whistleblower leaked it to the press.

We need you to repeal 50-a because mothers like me shouldn't have to rely on whistleblowers risking their job to find out about the misconduct record of a public employee – a police officer -- who killed our children.

I don't know if you know this, but **because of 50-a, we were not even supposed to know if Pantaleo was fired** – the de Blasio administration and the NYPD made an exception in my son's case because we made it politically impossible for them to keep it secret.

I have 2 legal actions winding their way through processes right now to demand transparency that 50-a may block unless you repeal 50-a this year – and all I'm trying to do is to make sure that other officers who did wrong related to my son and who are a danger to New Yorkers are fired from their positions.

Families like mine – and New Yorkers -- shouldn't have to rely on media leaks, or international political pressure, and have to organize for over half a decade to get crumbs of information about the killings of our loved ones.

Many people want to move on and congratulate me on achieving justice for the killing of my son. Let me be clear – we have not achieved full justice. Eric is still gone. And NYPD officers who helped to kill Eric and helped to cover it up are still being paid with my taxpayer monies – and yours.

Senators – I am saying to you and everyone -- **anyone who has stood with me to fight for my son, must continue to stand with me** and all families whose loved ones have been killed by police to **make sure that this police secrecy law, 50a, be repealed as soon as the 2020 state legislative session starts.**

I am calling on all state legislators to prioritize repeal of 50-a in January 2020. We are not waiting anymore.

As my son said in his last words: "This stops today". I need you to repeal 50-a. We need you to Repeal 50-a, and end this law that protects officers who kill.

Thank you for listening – I hope you really take in my words and that you take action to repeal 50-a as soon as the session begins in January.

EXHIBIT G

Testimony Submitted By Gwen Carr, Mother of Eric Garner

**Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing CRL Section 50-a**

October 24, 2019

My name is Gwen Carr, and I am the mother of Eric Garner.

I'd like to start by thanking Senator Bailey for convening this second hearing and for sponsoring the bill to repeal the police secrecy law, 50-a.

I testified last week, and I came back today because of how important it is to repeal 50-a.

As you know, the whole world saw my son Eric Garner murdered 5 years ago on video, by Officer Daniel Pantaleo, who used a chokehold that the NYPD had banned for over 20 years.

We saw multiple officers use force and pounce on Eric – as Eric pleaded “I can’t breathe” 11 times.

It’s been over 5 years since my son Eric was murdered and there has been a widespread cover-up related to the scope of misconduct in my son’s murder. Pantaleo is the only officer who has been fired from the NYPD – and that was only because I kept fighting for 5 years along with others to make sure he was fired – it was not because the system worked.

I was able to organize worldwide and national support for my son and Pantaleo was fired ***in spite*** of 50-a, in spite of the NYPD being more and more secretive every year.

But not every family is as fortunate as me to be able to get worldwide support and awareness about how my son was killed.

I am here today because the New York state police secrecy law – “50-a” – is still harming me, my family, hurting other families and endangering New Yorkers.

We need you and your colleagues in the state legislature to make sure 50-a is repealed in January 2020, not in February, not in March. This needs to be done immediately.

Last night, I found out that Pantaleo filed a lawsuit to get his job back as an NYPD officer.

This is ridiculous but it didn’t surprise me. We knew he would try.

What hurts me though is that **Pantaleo is able to manipulate the law** – more than 5 years later – **in ways that give him an advantage and protection, and some of that is because of 50-a.**

Before Pantaleo's discipline trial earlier this year, he tried to get the CCRB case against him thrown out. The NYPD administrative judge, Rosemarie Maldonado, correctly ruled against him. But I am not allowed to see that report, nobody in the public is allowed to see her report – because of 50-a.

Pantaleo's lawsuit yesterday cited that report that I'm not allowed to see because of 50-a. **I need you to understand that 50-a is harming me and my family still, every day.**

Pantaleo is suing to get his job back, and I'm not allowed to have the full information to organize against this because of 50-a.

This is outrageous but remember, **because of 50-a, I was not even technically going to be allowed to know what Commissioner O'Neill's discipline of Pantaleo would be, if any. Can you believe that?**

The only reason we all found out Pantaleo was fired was because I led a campaign with groups supporting me to make sure that there so much political pressur that there was **no way the discipline decision could be kept secret**, the way so many other discipline decisions are being kept secret now because of 50-a.

Because of Pantaleo's discipline trial and media reports, we know that multiple officers lied in official statements related to Eric's killing, including Officer Justin D'Amico who claimed there was no force used in his official report. D'Amico also filed false felony charges on my son – after he knew he was already dead.

D'Amico – who has already been caught in major lies that constitute misconduct – is also the only person who has ever claimed to have seen Eric allegedly selling cigarettes before Eric was killed. Multiple witnesses testified to different courts that not only was Eric not selling cigarettes, but that Eric had just broken up a fight before Pantaleo and D'Amico approached him.

In other words, D'Amico lied about the reason he stopped Eric in the first place, and my son should be alive and D'Amico should be fired.

D'Amico is still being paid by your and my family's taxpayer dollars. He is still NYPD – and **I'm not allowed to know what other kind of wrongdoing D'Amico has done because of 50-a.**

D'Amico isn't the only one that should be fired for their misconduct related to Eric's murder.

All of the other officers who engaged in misconduct are still NYPD, they're being paid by your and my family's tax payer monies – and **we don't even know the names of some of them or the extent of misconduct because of 50-a.** The only reason we know some of what D'Amico's wrongdoing was is because he testified in the Pantaleo hearing and because the administrative judge's report was leaked to the press.

Because of 50-a, if the judge's report hadn't been leaked, we wouldn't even know that D'Amico had lied in his official report about whether force was used in killing Eric.

Over 5 years later, because of 50a – I still don't have full information about the role, misconduct or names of many of the other officers involved.

50-a makes it close to impossible for me to truly fight for justice for Eric.

It makes it harder for other families to fight for justice for their loved ones.

50-a is dangerous for all New Yorkers because people like Justin D'Amico should not be carrying a gun and should not be in our communities as police. But **Damico is still NYPD, Pantaleo is appealing to return as NYPD and both of Pantaleo and Damico are protected because of 50-a.**

Because of 50a, I can't even get the full transcript to the Pantaleo discipline trial – even though the trial was open to the public.

Because of 50a, I can't find out the misconduct or discipline histories of other officers involved in killing Eric and covering it up – including Sgt. Adonis who stood by and did nothing while Eric was being choked – all she got was some vacation days taken away --- or Lt. Christopher Bannon, who texted "Not a big deal" to another officer after hearing that Eric might be DOA.

Because of 50-a, the public was not aware that before Pantaleo killed my son, he was already the subject of 7 disciplinary complaints and 14 allegations made against him to the Civilian Complaint Review Board – “amongst the worst on the force”.

4 of those allegations were substantiated and the CCRB had recommended the most serious charges be brought against Pantaleo but the NYPD refused to follow those recommendations so Pantaleo got a slap on the wrist.

If Pantaleo had been disciplined the right way earlier, maybe he would not have still been NYPD and maybe my son would be alive today. 50-a prevented my family and New Yorkers from even knowing about Pantaleo.

We didn't even find out this information about Pantaleo's discipline history until 3 years after my son was killed – and that is only because a whistleblower leaked it to the press.

We need you to repeal 50-a because mothers like me shouldn't have to rely on whistleblowers risking their job to find out about the misconduct record of a public employee – a police officer -- who killed our children.

I have 2 filings going through the legal processes right now to demand transparency that **50-a may block unless you repeal 50-a in January** – and all I'm trying to do is to make sure that other officers who did wrong related to my son and who are a danger to New Yorkers are fired from their positions.