The New York City Bar Association, since its founding in 1870 and through its 24,000 members, equips and mobilizes the legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest.

The City Bar supports A.3333 and urges the Legislature to repeal CRL 50-a, for the following reasons:

- New York would join several other states in promoting transparency of police disciplinary systems. There is no evidence that this transparency endangers officers in those states or inhibits the administration of justice.

- Concerns of the law’s original sponsors over the privacy of police officers are adequately addressed through the privacy protections of FOIL.

- Judges are already charged with restraining lawyers from asking irrelevant, immaterial and abusive cross examination questions.

- Without the repeal of CRL 50-a, recent police reform efforts will be rendered wholly ineffective.

Modifying Civil Rights Law 50-a is not a sufficient solution. It will result in continued costly governmental litigation and depend on judicial interpretation not expanding the law again.

- Revising CRL 50-a will not address concerns that police departments will continue to seek, and courts will grant, broad interpretation of what types of records qualify as “personnel records” that can be protected from disclosure.

- Merely tweaking the definition of “personnel records” would not prevent widespread categorizing of information as “personnel” files.

- Members of the public or media may not have the resources to litigate FOIL cases in the courts and challenge these interpretations.
