

August 26, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
N.Y.S. State Capitol Building
Albany, NY 12224

Acting Commissioner Anthony J. Annucci
New York Department of Corrections and Community Supervision
Building Two
1220 Washington Ave
Albany, New York 12226-2050

**Re: Publication of DOCCS Corrections Officer Misconduct
Records Following Section 50-a Repeal**

Dear Governor Cuomo and Commissioner Annucci,

As civil and human rights organizations, community-based groups, public defenders and others across the state, we celebrated the repeal of 50-a of New York's Civil Rights Law. This repeal was a critical step in lifting the veil of secrecy surrounding the institutionalized violence against Black, brown, and other marginalized persons by the criminal legal system. It brings New York in line with the [48 other states](#) that do not keep such records secret and represents an important initial step towards fulfillment of your promise to lead "[the most transparent administration in history](#)." It will provide incarcerated people access to fundamental facts about the injustices perpetrated against them, and provide the community with a tool for change.

This is why we also urge you to meet this commitment to transparency by issuing an executive order requiring the Department of Corrections and Community Supervision ("DOCCS") to create and maintain a database of corrections officer misconduct and disciplinary records online, freely available to the public by September 15, 2020. This database must include all "law enforcement disciplinary records" as defined by the [amended](#) Public Officer's Law¹ as well as information about lawsuits relating to DOCCS staff misconduct within state prisons and must be updated every month with all qualifying documents. As you

¹ See N.Y. Pub. Off. L. § 86(6). "'Law enforcement disciplinary records' means any record created in furtherance of a law enforcement disciplinary proceeding, including, but not limited to: (a) the complaints, allegations, and charges against an employee; (b) the name of the employee complained of or charged; (c) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing; (d) the disposition of any disciplinary proceeding; and (e) the final written opinion or memorandum supporting the disposition and discipline imposed including the agency's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee." "Law enforcement" includes DOCCS. § 86(8).

likely know, Mayor Bill de Blasio [recently indicated](#) that his administration would do the same for corrections officers employed by New York City's Department of Correction ("DOC").

Brutality against incarcerated people at the hands of DOCCS officers has been rampant for many years. Serious [staff misconduct](#) in DOCCS facilities -- [widely reported by the *New York Times*, *New York Daily News*](#), and many other outlets -- includes assaults by staff such as the beating of Kevin Moore, who [suffered](#) facial fractures, five broken ribs, and a collapsed lung and the beating of Samuel Harrell, who [died](#) from his injuries. These well-known brutality incidents are not deviations from the norm, but rather examples of events that happen on a too-frequent basis throughout the New York State prison system.

The overwhelming vote to repeal 50-a in the wake of the protests resulting from the murder of George Floyd should be considered a public mandate to bring to light not only information about police, but also information about law enforcement officers who operate outside of the public view and carry out similar patterns of institutionalized violence. The impunity for this culture of violence in our prisons rests on secrecy. Accountability starts with public access to the information about the injustices perpetrated in DOCCS facilities.

The repeal of 50-a was necessary, but not sufficient to hold law enforcement accountable. To ensure misconduct records do not continue to be shielded by the denials and delays that plague Freedom of Information Law (FOIL) requests, it is critical that you affirmatively publish disciplinary records of DOCCS staff.

Signed,

1. Amnesty International USA
2. Anti Torture Initiative Project
3. Appellate Advocates
4. Asociación de Mujeres Progresistas Inc.
5. Bend the Arc: Jewish Action Long Island
6. Black and Pink NYC
7. Black Lives Matter (BLM) Hudson Valley
8. Bronx Climate Justice North
9. The Bronx Defenders
10. Brooklyn Defender Services
11. Buffalo Mutual Aid Network
12. Call BlackLine
13. Center for Community Alternatives
14. Center for Law and Justice
15. Center on Race, Inequality, and the Law at New York University School of Law
16. Citizen Action of New York

17. Citizen Action WNY
18. Close Rosie's
19. Color Of Change
20. Congregation Beit Simchat Torah
21. Congregation Beth Elohim Dismantling Racism Team
22. Correctional Association
23. Emergency Release Fund
24. Erie County Restorative Justice Coalition, Inc.
25. Exodus Transitional Community
26. First Unitarian Church of Rochester
27. Fortune Society
28. Free the People WNY
29. The Gathering for Justice
30. Housing Works
31. Human Rights Watch
32. Humanists of Long Island
33. Immigrant Defense Project
34. Incarcerated Nation Network, Inc/
35. Jim Owles Liberal Democratic Club
36. John Brown Lives!
37. John Jay College Institute for Justice and Opportunity
38. Judson Memorial Church
39. Justice for Families
40. Justice League NYC
41. LatinoJustice PRLDEF
42. The Legal Aid Society
43. #LetMyPeopleGoNow! Campaign
44. The Lesbian, Gay, Bisexual & Transgender Community Center
45. LIFE Progressive Services Group Inc
46. Long Island Council of Churches, Public Issues Committee
47. Long Island Progressive Coalition
48. Make the Road NY
49. Manhasset Quaker Monthly Meeting
50. The MAN Program
51. Monroe County Public Defender's Office
52. Muslim Peace Fellowship
53. National Action Network - Nassau County Chapter
54. National Action Network - NYC Chapter Second Chance Committee
55. National Association for Mental Illness (NAMI) - Huntington
56. National Association for Mental Illness (NAMI) - NYS Criminal Justice

57. Neighborhood Defender Service of Harlem
58. New Hour for Women and Children - LI
59. New York City Jericho Movement
60. New York Civil Liberties Union
61. New York Immigration Coalition
62. New York State Coalition Against Sexual Assault
63. North Bronx Racial Justice
64. NY CAIC
65. NYCAIC #HALTsolitary Campaign
66. Office of the Appellate Defender
67. Parole Preparation Project
68. Partnership for the Public Good
69. Presbytery of New York City
70. Prison Action Network
71. Prison Families Anonymous
72. Prison Writes
73. Public Interest Resource Center, Fordham Law School
74. Release Aging People in Prison (RAPP) Campaign
75. The Riverside Church
76. Riverside Edgecombe Neighborhood Association (RENA)
77. ROC/ACTS
78. Rockland Immigration Coalition
79. Rockland Prison Justice Project
80. Rural and Migrant Ministry
81. SEPA Mujer Inc.
82. Showing Up for Racial Justice (SURJ NYC)
83. Sisters of St. Joseph, Brentwood Office of Peace and Justice
84. Solitary Watch
85. STRONG Youth, Inc.
86. Students for a Sensible Drug Policy - Buffalo
87. Transforming Lives
88. Truth Pharm Inc.
89. Turning Points Resource Center
90. United Christian Leadership Ministry of Western NY
91. United Voices of Cortland
92. Uptown Progressive Action
93. Urban Justice Center
94. Vera House, Inc.
95. VOCAL-NY
96. Wayne Action for Racial Equality

- 97. WESPAC Foundation
- 98. Westchester for Change
- 99. Western New York Campaign Against Isolated Confinement
- 100. Western New York Law Center
- 101. Women & Justice Project
- 102. Worth Rises
- 103. Youth Represent