

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. Free the People WNY
28. The Gathering for Justice
29. Housing Works
30. Human Rights Watch
31. Humanists of Long Island
32. Immigrant Defense Project
33. Incarcerated Nation Network,inc
34. Jim Owles Liberal Democratic Club
35. John Brown Lives!
36. John Jay College Institute for Justice and Opportunity
37. Judson Memorial Church
38. Justice for Families
39. Justice League NYC
40. LatinoJustice PRLDEF
41. The Legal Aid Society
42. #LetMyPeopleGoNow! Campaign
43. The Lesbian, Gay, Bisexual & Transgender Community Center
44. LIFE Progressive Services Group Inc
45. Long Island Council of Churches, Public Issues Committee
46. Long Island Progressive Coalition
47. Make the Road NY
48. Manhasset Quaker Monthly Meeting
49. The MAN Program
50. Monroe County Public Defender's Office
51. Muslim Peace Fellowship
52. National Action Network - Nassau County Chapter
53. National Action Network - NYC Chapter Second Chance Committee
54. National Association for Mental Illness (NAMI) - Huntington
55. National Association for Mental Illness (NAMI) - NYS Criminal Justice
56. Neighborhood Defender Service of Harlem

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

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