



Legislative Affairs
One Whitehall Street
New York, NY 10004
212-607-3300
www.nyclu.org

2019 – 2020 Legislative Memorandum

**Subject: Police Statistics and Transparency (“Police STAT”) Act
S.1830-B (Hoylman) / A.5472-A (Lentol)**

Position: SUPPORT

Transparency in policing is necessary for democratic accountability. Without basic information on how police activity impacts the lives of New Yorkers, it is difficult to build real trust and relationships between police and the communities they are sworn to protect and serve. And without complete data on police enforcement practices and their associated outcomes in the criminal legal system, it is equally challenging for legislators, policymakers, and police officials, themselves, to understand and evaluate the full extent to which police practices in reality are aligned with oft-stated goals of promoting effective and equitable policing.

The Police Statistics and Transparency (“Police STAT”) Act (S.1830-B/A.5472-A) will close the existing gaps in data on police enforcement activity in New York, and the NYCLU strongly supports its passage.

Currently, the state of New York does not collect sufficiently detailed data on street policing practices, and, in particular, on the policing of violations and low-level offenses that do not typically result in arrest. As a result of this lack of data, it is difficult to paint a truly clear factual picture of how “broken windows” policing – the aggressive enforcement of low-level, so-called “quality of life” offenses – funnels New Yorkers into the criminal legal system, and it is impossible to know with certainty the full extent to which certain communities are disproportionately experiencing the impact of these tickets and arrests.

While some localities around the state collect and report information on low-level enforcement encounters, many others are operating with incomplete information—and in some egregious cases, no information at all. In 2015, the NYCLU sent a Freedom of Information Law request to the Nassau County Police Department, requesting data on the enforcement of three violation-level offenses: unlawful possession of marijuana, disorderly conduct, and harassment in the second degree. Our request was denied because the Nassau County Police Department—one of the largest police departments in the country, with more than 2,000 officers serving a population of more than 1.3 million residents—lacked a system for retrieving and reporting data on tickets and arrests for these offenses.

S.1830-B/A.5472-A will require courts to compile and publish empirical data regarding law enforcement treatment of all violation and misdemeanor enforcement, including information on the specific offense charged; the race, ethnicity, age, and sex of the person charged; whether enforcement consisted of a ticket or an arrest; and the ultimate disposition of the charge in court. The Office of Court Administration will be required to make this information publicly available in annual reports as well as on its website, and the bill includes language to protect the privacy and confidentiality of any personal and identifying information contained in the underlying records. This data is the baseline needed to evaluate police practices and to make informed policy decisions that advance fair and equitable policing.

The impact of a ticket or arrest for a low-level offense can cause ripple effects throughout all aspects of a person's life, making it harder to achieve or maintain housing, employment, or even custody of a child. For New York's immigrant community, a summons can mean the difference between remaining in the country and deportation.

So long as police departments continue to operate without a full and accurate public accounting for their low-level enforcement practices, the public will never know the true extent to which violation and misdemeanor enforcement leads to these severe outcomes for New Yorkers.

The Police STAT Act also closes the information gap concerning the most tragic encounters between police and members of the public. The public often learns about incidents in which a person is killed not through official reports, but instead through media reporting or witness accounts. That is because, until recently, there was no requirement in state law for police departments to publicly report on arrest-related deaths. Legislation passed as part of the FY 2020 state budget will begin requiring police departments across the state to report on deaths that are caused by police use of force. While critically important, this measure may still result in some arrest-related deaths going unreported, including in deaths that occur while a person is in police lock-up.

S.1830-B/A.5472-A will require the Division of Criminal Justice Services to publicly report all arrest-related deaths and deaths that occur in police custody. It will include geographic information on where these deaths occur, as well as demographic information on the deceased person and a description of the circumstances leading to that person's death.

Police secrecy leads to mistrust and undermines public safety. New Yorkers deserve to have the complete picture of the impact of policing practices in their communities, from enforcement of the lowest-level infractions, to the cases where a person dies in police custody. For these reasons, the NYCLU urges lawmakers to pass the Police STAT Act, S.1830-B/A.5472-A.