

CONSERVATIVE PARTY of NEW YORK STATE
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2020 Legislative Memo...

In Opposition to Repealing Section 50-a of the Civil Rights Law

S. 8596 Bailey

A. 10611 Rules (O'Donnell)

Purpose: To repeal Section 50-a of the Civil Rights Law

Party Position: Every member of the Law Enforcement community has taken an oath to protect the public by upholding the United States Constitution and enforce all other laws within their jurisdiction. When that oath is disregarded and subsequently laws are not upheld, that member must face the consequences of their unlawful decisions.

Repealing Section 50-a of the Civil Rights Law does nothing to change that fact. What it would do is remove protections that have kept law enforcement officers (and their families) safe and not subject to those who are disgruntled by actions taken due to their own disregard for laws created to maintain a civil society.

Yes, Section 50-a does keep personnel records confidential, however, a judge has the authority to release the records when all interested parties have had an opportunity to be heard and finds they are relevant and material to the case at hand. Repealing Section 50-a would allow all complaints, even unsubstantiated complaints and complaints not fully investigated, to be made public.

Subjecting law enforcement personnel to such public review would expose them to diminished rights that all non-law enforcement citizens retain.

Repealing 50-a is not the solution to the unrest that is the result of the undeserved death of George Floyd. Those responsible will be held accountable; those who do their jobs responsibly, uphold the oath they have taken, should not be burdened by the knowledge that unsubstantiated complaints will be made public.

The public must also know that any law enforcement officer who chooses to disregard the oath they have sworn to uphold will be immediately dismissed by their commanding officer and if he isn't, both should be relieved of duty.