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LDF Files Amicus Brief Opposing Buffalo Unions' Motion for Preliminary Injunction to Prevent Disclosure of Certain Police Department Misconduct Info

Yesterday, the NAACP Legal Defense and Educational and Fund, Inc. (LDF), Lawyers Committee for Civil Rights Under Law (LCCR), LatinoJustice PRLDEF (LJP), Law For Black Lives (L4BL), and the Center on Race, Inequality, and the Law at NYU Law filed an amicus brief in opposition to police and firefighters unions' motion for a preliminary injunction to prevent disclosure of unsubstantiated and non-final claims of misconduct filed against the Buffalo Police Department (BPD) officers.

In response to mass protests demanding greater police accountability in the wake of the police killings against unarmed Black people, the New York State Legislature passed the repeal of New York Civil Rights Law § 50-a—a law that had protected police officers who engaged in misconduct from public exposure, further emboldening them to act with impunity, especially in Black and Latinx communities. Under 50-a, New York had been the worst state in the country in terms of the secrecy of police misconduct information.

The amicus brief explains how full transparency of police misconduct is an essential component of police accountability. Black and Latinx communities have suffered physical injury and rights violations at the hands of police, but for too long, 50-a has shielded critical police misconduct information from the public. Public disclosure of unsubstantiated and non-final claims is a crucial part of this transparency to understand the full scope of police misconduct and scrutinize the documented problems with misconduct investigations of BPD officers.

“The people of Buffalo deserve full transparency of investigations of BPD officers accused of misconduct, and it is simply unacceptable to prioritize unions' self-interest over greater police accountability and racial justice,” said LDF Litigation Fellow John Cusick. “Allowing police misconduct information to remain hidden would be a step backwards after the progress made with the repeal of 50-a. We urge the Court to respect the will of the people of New York, as expressed by this legislative repeal.”

“After nearly a half-century of keeping police misconduct records secret, New York repealed its archaic law and joined the majority of states across the country in making these records public,” said Arthur Ago, Director of the Criminal Justice Project at the Lawyers’ Committee for Civil Rights Under Law. “Now Buffalo’s police union is trying to block the legislature’s repeal of 50-a and undo the will of the people. New Yorkers should not have to wait any longer to learn about the misconduct history of the officers sworn to serve and protect them. Nearly fifty years of darkness is enough.”

"The repeal of 50-a, following years of advocacy by New Yorkers who have experienced police misconduct and abuse first hand, marked a significant victory in the long fight to advance racial justice through transparency and accountability," said Professor Deborah Archer, Co-Faculty Director of the Center on Race, Inequality, and the Law. "We hope that the Court will allow that work to continue and block efforts by the police union to undermine the will of the people."

“Racial bias and discrimination play a major role in police violence and misconduct across the State, Buffalo is no exception,” said Nathalia Varela, Associate Counsel at LatinoJustice. “The New York State legislature’s repeal of 50-a sought to address racial injustice, police accountability and transparency of systems funded by New York taxpayers. The Buffalo Police Union’s suit is an attempt to prioritize the individual interests of some of its members over the public’s interests. To evaluate the effectiveness of the systems recording complaints of police misconduct and to address the underlying causes of violence and disrespect against our community members, the public through the legislature has deemed transparency as key.”

Read the filed amicus brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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