



NEW YORK STATE
BAR ASSOCIATION

New York State Bar Association

Recommendations of the New York State Bar Association Task Force on Racial Injustice and Police Reform



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The New York State Bar Association Task Force on Racial Injustice and Police Reform examined issues contributing to police brutality and to provide recommendations to policymakers, elected officials, members of law enforcement and the judiciary to end deleterious policing practices that disproportionately impact persons of color. The Task Force engaged a diverse group of stakeholders to study the issues and held four well-attended public forums featuring a statewide audience and presenters. Areas reviewed by the Task Force included (1) the qualifications and training of police; (2) monitoring of police activities including the use of body cameras and other data-gathering techniques; (3) the role of civilian review boards, and community oversight bodies charged with the identification and investigation of police misconduct; (4) the prosecution of police misconduct cases; and (5) the role and impact of legislation in the reform of policing. The Task Force report¹ makes 35 recommendations in the areas of improved policing; additional accountability within the criminal justice system; additional accountability in the offices of district attorneys and public defenders; and additional accountability through the courts. Major issues include:

TRAINING

Training ensures that officers can be held accountable if they deviate from policies and procedures. Continuous training ensures that officers remain current on department policies and procedures, the latest developments in the law that impact their work as well as learn best practices.

The Association Recommends:

- Increasing the duration and focus of Academy training for Police Officers.
 - Raise statewide training minimum from 700 hours to 1000 hours for communities with populations with less than 500k, to 2,000 hours for communities with populations from 500k-1 million, and to 3,000 for communities with populations in excess of 1 million.
 - Require curriculum devote at least 30% of training hours to legal education.
- Implementing the Active Bystandership Training from the Active Bystandership for Law Enforcement Program (ABLE).
- Updating training to help police handle persons with disabilities.
 - Remove police officers as the default responders to calls for help when a person with a serious mental illness is in possible crisis.
 - Require curriculum for police training include peer-involved interaction and experiences with the disability community
- Enacting a duty to intervene law similar to recent legislation in Buffalo to require Police agencies to adopt appropriate policies to implement a duty to intervene.

CIVILIAN OVERSIGHT AGENCIES

State laws frustrate the ability of communities to implement effective civilian police oversight. A message the Task Force heard repeatedly is that communities who have experienced over-policing, police violence, and racist inequalities do not trust a disciplinary process that gives police final say over discipline. Civilian control of police discipline is a minimum requirement for communities to trust police.

The Association Recommends:

- Leveraging civilian oversight agencies to provide insight into policing practices.
 - Require civilian oversight agencies to have accessible websites where agencies publish state mandated information and certain policies of the law enforcement agency.
- Amending State law to authorize communities to control police discipline.
- Require large cities to create strong, independent civilian oversight agencies that:
 - have comprehensive investigatory, adjudicatory, and disciplinary powers.
 - allow anonymous complaints.
 - follow an independent and victim-centric complaint process
 - ban officers from retaliating against or harassing complainants.
 - adopt rule-making powers over police departments.
 - afford due process protections for subject officers.
 - adopt practices free from undue influence.
 - require minimum training standards for board members.
 - study the creation of regional or inter-municipal civilian police oversight agencies.
- Exempt local governments from referendum requirements to adopt these policies.
- Appropriating state funds sufficient to support and incentivize strong civilian review boards.

1. New York State Bar Association Report and Recommendations of the Task Force on Racial Injustice and Police Reform: <https://nysba.org/app/uploads/2021/06/Report-by-the-Task-Force-for-Racial-Injustice-and-Police-Reform-FINAL-with-HOD-wording-on-cover.pdf>

MONITORING MISCONDUCT AND DISCIPLINE

Police departments have had to adapt over the decades to technological changes to investigate crimes and apprehend criminals. Technological advancements can help police to better protect themselves and the community from instances of misconduct as well as facilitating a transparent disciplinary process.

The Association Recommends:

- Requiring all members of New York State policing agencies to wear body cameras and for similar cameras to be installed in patrol vehicles, along with requisite training.
- Modifying Executive Law §234 to require AG to investigate any instance where a body camera fails to record.
- Expanding Executive law § 234 to apply to all law enforcement within the state.

Where misconduct is present, the greatest concern in addressing police misconduct is how officers are held accountable when misconduct is established. Oversight agencies often lack the ability to review the entire police disciplinary history of an officer as it reviews allegations of misconduct. Additionally, it is a common practice for police officers facing significant sanction for misconduct to resign to avoid the imposition of discipline.

The Association Recommends:

- Expanding access to police disciplinary records through new state laws.
- Strengthening community oversight's role in disciplining officers.

HIRING

Attracting the right kind of person to be a police officer is a critical state to reform policing. At the hiring stage, citizens start the transition into police officers where they establish base requirements and police departments communicated expectations of what is needed to be a successful police officer.

Generally, candidates to become a police officer must:

- be a New York State Resident.
- be between the ages of 20-35.
- have a high School Diploma/GED with 60 college credits.
- have a valid New York State Driver's License.
- be free from disqualifying factors such as derogatory information found on a background check, a dishonorable discharge from the military, convicted of a felony or domestic violence misdemeanor, or other factors such as a tendency towards violence.

The Association Recommends:

- Changing the educational hiring requirements to requiring a college degree.
- Require licensure prior to hiring, similar to legislation introduced in Massachusetts (S2963).
- Creating a state-level due process hearing for decertification.
- Enacting S.1064 (Biaggi)/A.2464 (Hyndman), which would require police officers to obtain professional liability insurance as part of the hiring process.
- Focusing hiring efforts on recruiting women and people of color.





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