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Summer Legal Fellowship

Summer Legal Fellowship Final Paper

During my time with the GLC this summer, I researched police oversight and policing policies. I chose to research this topic because it related to me being from New York City and what was happening during the protests of police brutality and the death of George Floyd. I started my research with the Albany Community Police Review Board (CPRB) and reading their reference manual which explained their bylaws, rules, and the structure of the board. The board contains of 8 members, 5 members were appointed by the Albany Common Council and 3 members were appointed by the Mayor. The board meet weekly to analyze problems within the board and legislation when it came to policing policies and incidents where police were reported by civilians' complaints. Within my research, the "Say Their Names" legislation was passed addressing state law that protected past disciplinary records of police officers under 50-A. It also banned chokeholds; false race-based 911 calls subjected to hate crimes prosecution and appointing the state attorney general as an independent investigator into allegation of police abuse. I focused heavily on 50-A since the board did not have the power to view police disciplinary records. The research I have found also included changes needed for the CPRB like gaining subpoena power and becoming their own independent counsel. Other proposals referred to changes of public safety in Albany like removing police officers from schools to reduce their presence and to allow funding and resources to be shared.

My law research this summer was similar and challenging from the philosophy research I would usually do. It felt like I was learning a new language when I started to read the law and how to interpret it. It was very frustrating to read because the material was very dense. I had to focus and unravel my research bit by bit instead of having multiple ideas at all. I started off with the CPRB manual, watching the courts of appeals sessions to observe how lawyers on both sides defend their arguments, meeting with my colleagues at the Government Law Center and discussing proposals for the CPRB, and addressing proposals at weekly CPRB meetings. As time moved on, I became more familiar with the language of the law and understanding the concept

and material in front of me. Also, using Lexis Nexis and Westlaw allowed me to use their databases to view cases, legislation, and other law materials to assist me in my research.

I have learned from my internship experience that the law is extremely challenging to implement and lengthier to create. With so many different arguments, proposals and views, it is difficult to be hone your emotions and to perform your job. The research taught me that you need to persist and get through the obstacles to get to your goal. The research I have found made me more conscious about what needs to be changed in the system overall to continue to develop and grow as a nation. This experience made me more interested in the law and law school as I began my journey. During my experience, it was amazing to have a team of people who wanted to help me excel in a field that was new. The different experiences from the administrators and students allowed me to gather different ideas and connect them. Even though we meet almost every day over a computer screen, it still felt as if we were facing one another in person. I am forever grateful to have this experience this summer as I transition from undergrad to law school. This experience allowed me to have a better understanding how law school will be and how versatile you will need to be. Down below is a memo I wrote this summer on police oversight.

In the wake of George Floyd's death, policing policies and police oversight became a prominent issue for states all over the US. Legislation moved rapidly when the nation screamed out for change and justice for African Americans and systemic racism. On June 12, Governor Andrew Cuomo signed several police transparency and accountability bills, including the repeal of 50-a. The law allowed police officers' personal records to be hidden from the public eye. Derek Chauvin who worked for the Minneapolis police department for over 18 years also had 18 prior complaints and only 2 of his 18 complaints were closed with discipline (Andrew). 50-a permitted these types of actions to occur which was not the goal of the Freedom of Information Law's (FOIL) dealing with accountability and transparency (NYS Assembly). The repeal of 50-a now emphasizes institutions to hold those responsible of their wrongdoings.

Other proposals like defunding and or abolishing the police have nationally debated as possible methods of reducing police authority and hold officers liable for their actions. Traffic enforcement is where most interactions between the public and the police occurs according to the

Department of Justice report in 2018. In *Contacts Between Police and the Public, 2015*, it examined how police-initiated contact decreased in 2015 from 62.9 million to 53.5 million (DOJ). However, when police came into contact with Blacks or Hispanics, they were more likely to experience the threat or force of physical force than whites (DOJ). When an officer stops a person, it is up to them to allow a warning or escalate the situation, leaving the driver defenseless. University of Iowa law professor Sarah Seo and author of *Policing the Open Road: How Cars Transformed American Freedom* said police gain their discretionary power through policy allowing them to enforce traffic laws (Gordon). Traffic laws were passed in the 1930s due to the activity of motor clubs and other cases of unsafe driving. However, with these new laws, citizens were routinely breaking them, and enforcement meant ticketing or arresting. White drivers were not bothered by the police if they broke a law, but black drivers were. The police adopted “Courtesy” which is still New York City Police Department official slogan (Gordon). Discretionary power also became legally codified during the time African Americans started owning cars, and it soon became prejudice. For example, if a white driver run a red light, he or she will receive a warning while a black driver can be arrested for a broken taillight. It gave white people leniency, but black people received cruel punishments.

With the advancement of technology, enforcement cameras make roads safer by slowing drivers down, enforcing parking restrictions and does not discriminate the driver because they're focused on the vehicle. Only 13 states allow speed cameras and eight have banned them, including Texas (Gordon). Objections to speed cameras cite fifth amendment rights because for those to face their accuser, which cannot be used since their accuser is a machine (Gordon). However, with traffic cameras, there's no discrimination and white privilege is also hard to receive as well. Other proposals suggest different departments respond to all kinds of civic welfare issues like domestic violence or robberies instead of having one department perform various roles (Gordon). This allows for officials to be specialized and react with the expertise and equipment which may cut down on instances in which systemic racism can influence decisions or reactions.

Works Cited

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