SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Patrolmen's Benevolent Association of the City of New York, Inc., Petitioner, -against- Bill de Blasio in his official capacity as Mayor of the City of New York, City of New York, James P. O'Neill in his official capacity as Commissioner of the New York City Police Department, and New York City Police Department, Respondents.	Index No.: **VERIFIED PETITION** **ORAL ARGUMENT REQUESTED**

Petitioner Patrolmen's Benevolent Association of the City of New York, Inc. ("PBA" or "Petitioner"), by and through their attorneys Kasowitz Benson Torres LLP, as and for their Verified Petition, allege as follows:[1]

PRELIMINARY STATEMENT

1. This case challenges plans by Mayor Bill de Blasio (the "Mayor") and his police commissioner, James P. O'Neill (the "Commissioner"), to publish summaries of confidential police officer disciplinary records on the internet based on the spurious argument that they can transform an indisputably confidential record into a public record by selectively summarizing and/or redacting its contents.

2. There is no dispute that the release of these so-called "de-identified" personnel records is illegal. For almost four decades, the law in New York has been crystal clear: where a statute—here, Civil Rights Law § 50-a ("CRL § 50-a")—precludes the disclosure of an

[1] Citations to exhibits refer to exhibits to the Affirmation of Alexander B. Simkin In Support Of Verified Petition, filed contemporaneously herewith.

individual's confidential records, the government cannot avoid the statute by deleting, redacting, or otherwise "de-identifying" those records. *Karlin v. McMahon*, 96 N.Y.2d 842 (2001); *Short v. Bd. of Managers of Nassau Cnty. Medical Center*, 57 N.Y.2d 399 (1982). Indeed, just two months ago, Respondents filed a brief with the Court of Appeals in which they explicitly recognized that New York law currently prevents the release of the "redacted disciplinary summaries" at issue here, and asked the Court to create an entirely new "exception" to allow for such disclosure. *See* Ex. A (Brief for Respondents N.Y.C. Police Dep't, *NYCLU v. NYPD*, APL-2017-00184, February 6, 2018).

3. Importantly, Respondents told the Court that while they believe that CRL § 50-a should be amended by the New York State legislature (the "Legislature") to allow for the release of "de-identified" summaries, they "recognize that such a belief is not a license to ignore the statute or fail to follow it." *Id*. at 3. However, that is exactly what Respondents now seek to do. Petitioner can only speculate as to what prompted Respondents to pursue the illegal release of "de-identified" records at this time—whether they think that an injunction will help with their efforts to convince the Legislature to amend CRL § 50-a or put pressure on the Court of Appeals to entertain their (frivolous) judicial exception argument. But regardless of Respondents' motivations, the simple fact is that their decision to release redacted disciplinary summaries is contrary to law and should be annulled.

4. There is no dispute that the results of police officer disciplinary hearings (the "Disciplinary Records") are confidential. CRL § 50-a balances the personal privacy rights of police officers, firefighters, and correction officers with the occasional need for public disclosure by setting up a process that allows for the limited disclosure of Disciplinary Records or other personnel files in certain circumstances based on a "lawful court order." CRL § 50-a. The

process to obtain a "lawful court order" is clearly spelled out in the statute. *Id.* It requires, among other things, that all "interested parties" are given an opportunity to be heard and that a judge review the specific file(s) at issue. *Id.* Similar protections exist under the law for various other categories of individuals, including victims of sex offenses, court officers, and other government employees. *See, e.g.*, N.Y. Civ. Rights Law § 50-b (privacy rights of victims of sex offenses); N.Y. Civ. Rights Law § 50-d (privacy rights of court officers); N.Y. Civ. Rights Law § 50-e (privacy rights of bridge and tunnel officers).

5. Respondents now seek to eviscerate the civil rights of police officers and supplant their judgment for that of the duly elected Legislature. Under the approach advocated by Respondents, politicians would be free to selectively and permanently release "summaries" of confidential documents without any notice to the person whose records they seek to disclose so long as the politicians or their appointees apply redactions that they, in their sole discretion, consider to be adequate to protect the anonymity of the person(s) described in the records. Nobody should be ok with Respondents' Orwellian approach to privacy rights.

6. Specifically, on March 27, 2018 Respondents announced to the press that they intend to begin publishing summaries of the Disciplinary Records with the names of the officers redacted (the "Disciplinary Record Summaries") on the City's website. Based on Respondents' statements, the summaries will apparently contain a trove of information including, *inter alia*, (a) the relevant individual's rank; (b) the relevant individual's prior disciplinary record; (c) the number of years the individual has been on the job; (d) the particular factual circumstances at issue; (e) the complainant's evidence; (f) the arguments raised by the police officer during trial; (g) the Trial Commissioner's findings; and (h) what penalties were meted out. Respondents have

informed Petitioner that the Disciplinary Record Summaries could be released as early as April 16, 2018.

7. The release of this information is clearly illegal. The Court of Appeals has repeatedly held that the government cannot transform a confidential record into a public record by engaging in selective redaction. *Karlin*, 96 N.Y.2d 842; *Short*, 57 N.Y.2d 399. The First Department recently reaffirmed that CRL § 50-a protects summaries of personnel records the same as it protects the personnel records themselves. *Luongo v. Records Access Officer, Civilian Complaint Review Bd.*, 150 A.D.3d 13 (1st Dep't 2017), *leave to appeal denied,* 30 N.Y.3d 908 (2017).

8. In other words, the law is clear that information contained in the Disciplinary Records is confidential and cannot be disclosed outside of the 50-a process through the artifice of creating (a) summaries of the records or (b) redacted versions of the records. Respondents now appear to believe that they can ignore controlling legal precedent through the ruse of creating what are, in essence, redacted summaries. In the words of the First Department, "[s]uch a facile means of totally undermining the statutory protection of section 50–a could not have been intended by the Legislature." *Luongo*, 150 A.D.3d at 23. Indeed, Respondents themselves acknowledged in briefing to the First Department in January that, under controlling legal precedent, "CRL § 50-a 'makes no distinction' between disciplinary information and the disciplinary 'records' from which that information derives—*both are shielded from disclosure*." Ex. B at 13 (emphasis added).

9. Indeed, in February 2018, Respondents argued to the Court of Appeals the very position advanced by Petitioner here—that the Disciplinary Records at issue "are personnel records covered by section 50-a of the New York State Civil Rights Law, which mandates that

the personnel records of police officers (and certain others) in this State must be kept confidential, except insofar as a court orders their production as materially relevant to an ongoing lawsuit." Ex. A at 1. Accordingly, Respondents asked the Court of Appeals to create a new "exception" to CRL § 50-a by judicial fiat that would "allow redacted disclosure of CRL § 50-a personnel records that can be redacted and disclosed in a manner that precludes identification of the officers." *Id.* at 28. The NYPD stated that "***[t]his proposed exception would, for example, authorize disclosure of certain redacted disciplinary summaries***" (*i.e.,* the Disciplinary Record Summaries at issue here). *Id.* at 2 (emphasis added). As such "proposed exceptions" have already been rejected twice by the Court of Appeals in *Short* and *Karlin*, there can be no question that Respondents recognize that under New York law, the contemplated release of the redacted disciplinary summaries at issue in this case is unlawful. This Court must apply and follow the existing appellate court precedent that plainly bars the disclosure of the Disciplinary Records Summaries.

10. In addition to being plainly illegal, Respondents' conduct has real-life consequences for the more than 24,000 New York City police officers the PBA represents. For example, a civilian in Brooklyn was recently killed by a package bomb that was intended for a police officer. According to the Department of Justice, the alleged murderer "built the explosive device . . . as part of his broader effort to retaliate violently against several police officers who were part of an NYPD unit that had arrested him." Ex. C (Press Release, Department of Justice, *Brooklyn Man Arrested for Using a Weapon of Mass Destruction* (February 28, 2018)). The perpetrator "methodically sought revenge against the officers [and] conducted internet searches and made telephone calls to determine the locations of the officers' residences." As discussed below, multiple media reports have recently confirmed that it is exceedingly easy to use

information that Respondents have purportedly "de-identified" to specifically identify New York City police officers. Respondents' conduct is therefore not only contrary to law, it also provides another tool to be exploited by those who seek to do harm to New York City police officers.

11. For the reasons set forth below, the Court should annul the determination of Respondents to publicly release Disciplinary Record Summaries and require Respondents to comply with CRL § 50-a if they seek to release Disciplinary Record Summaries.

PARTIES

12. Petitioner Patrolmen's Benevolent Association of the City of New York, Inc. is the duly certified collective bargaining representative of all members of the New York City Police Department in the rank of Police Officer.

13. Respondent Bill de Blasio is the Mayor of the City of New York, and is named as a Respondent in his official capacity. The Mayor's principal office is located at City Hall, New York, New York 10007.

14. Respondent City of New York is a municipal corporation organized and existing pursuant to New York State law. The City's principal place of business is City Hall, New York, New York 10007.

15. Respondent James P. O'Neill is the Commissioner of the NYPD, and is named as a Respondent in his official capacity. The Commissioner's principal office is located at One Police Plaza, New York, New York 10038.

16. Respondent New York City Police Department is a law enforcement agency administered under New York Administrative Code, Title 14 of the City of New York. The NYPD's principal place of business is One Police Plaza, New York, New York 10038.

JURISDICTION AND VENUE

17. This action is brought against the NYPD and the Commissioner in his official capacity pursuant to Article 78 of the CPLR to challenge the NYPD's release of Disciplinary Record Summaries in violation of applicable law and in an arbitrary and capricious manner.

18. This action is brought against the City and the Mayor in his official capacity pursuant to Article 78 of the CPLR to challenge their role in directing the NYPD to release Disciplinary Record Summaries in violation of applicable law and in an arbitrary and capricious manner.

19. This action is timely under CPLR § 217 because it was brought within four months of March 27, the date on which the NYPD publically announced its intention to post Disciplinary Record Summaries on its website.

20. This Court has personal jurisdiction over all Respondents pursuant to CPLR § 301 because Respondents work in and/or conduct substantial business within New York.

21. Venue is proper in this Court under CPLR §§ 506(b) and 7804(b) because the City and the NYPD have their principal offices located in New York County.

FACTUAL BACKGROUND

A. The Applicable Regulatory Scheme

22. CRL § 50-a protects the privacy rights of police officers, firefighters and correction officers.

23. It states:

> ***All personnel records*** used to evaluate performance toward continued employment or promotion, under the control of any police agency . . . ***shall be considered confidential and not subject to inspection or review*** without the express written consent of such police officer . . . except as may be mandated by lawful court order.

24. The Disciplinary Record Summaries are summaries of personnel records.

25. As Respondents explained to the First Department earlier this year, "disciplinary records, such as disciplinary charges and penalties, are precisely the type of records that the Legislature intended to protect" through CRL § 50-a. Ex. B at 1.

26. On March 30, 2017, the First Department confirmed that CRL § 50-a protects summaries of Disciplinary Records the same as it protects Disciplinary Records. *Luongo*, 150 A.D.3d at 23.

27. The First Department held in *Luongo* (150 A.D.3d at 23) that:

> ***Civil Rights Law § 50–a makes no distinction between a summary of the records sought and the records themselves. Releasing a summary of protected records would serve to defeat the legislative intent of the statute in exempting those records from disclosure***. . . . Such a facile means of totally undermining the statutory protection of section 50–a could not have been intended by the Legislature.

28. Respondents have described this First Department decision in legal filings as "confirm[ing]" that "core disciplinary information [such as is contained in the Disciplinary Records] is shielded by § 50-a *regardless of where it is recorded*." Ex. B at 11 (emphasis added).

29. Pursuant to its plain terms, CRL § 50-a permits only two specific exceptions to its otherwise unequivocal prohibition on public release: officer consent or court authorization. CRL § 50-a.

30. Consent by the agency holding the records is not an exception. *Id.* [2]

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[2] In briefing to the First Department earlier this year, Respondents specifically acknowledged the undeniable fact that they cannot waive a police officer's privacy rights under CRL § 50-a. Ex. B at 3 ("[The] contention that the NYPD may disclose § 50-a personnel records at its discretion is plainly incorrect. The text of the statute makes clear

31. Redacting the police officer's name is not an exception. *Id.*

32. The statute also imposes additional procedural safeguards before judicial authorization can be granted absent an officer's consent:

> ***Prior to issuing such court order the judge must review all such requests*** [for records] and ***give interested parties the opportunity to be heard***. No such order shall issue without a clear showing of facts sufficient to warrant the judge to request records for review. If, ***after such hearing***, the judge concludes there is a sufficient basis he shall sign an order requiring the personnel records in question be sealed and sent directly to him. He shall then review the file and make a determination as to whether the records are relevant and material in the action before him. Upon such a finding ***the court*** shall make those parts of the record found to be relevant and material available to the persons so requesting.

33. As the Court of Appeals described it, CRL § 50-a "sets up a legal process whereby the confidentiality of the records may be lifted by a court." *Daily Gazette Co. v. City of Schenectady*, 93 N.Y.2d 145, 154 (1999).

34. CRL § 50-a was first enacted into law in 1976, approximately two years after the original Freedom of Information Law ("FOIL"), and was designed to prevent abusive exploitation of information contained in officers' personnel records.

35. The First Department recently described the history of CRL § 50-a in *Luongo*, explaining that it "was sponsored and passed as a safeguard against potential harassment of officers through unlimited access to information contained in personnel files." 150 A.D.3d at 20.

36. The First Department explained that such abuse could occur in the context of a criminal proceeding where the records could be improperly used on cross-examination of a

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that § 50-a personnel records must be kept confidential absent officer consent, or court order in a pending case.").

police officer, and further noted that the legislative record is clear that CRL § 50-a applies more broadly than just the litigation context. *Id.*

37. In addition to CRL § 50-a, the City Administrative Procedure Act ("CAPA") requires that agencies such as the NYPD follow certain procedures in connection with the implementation of rules of general applicability that implement or apply law or policy.

38. One of the central tenets of CAPA is that the public must be given notice and an opportunity to comment about agency rules.

B. The NYPD Disciplinary Process and the Creation of the Disciplinary Records

39. Respondents plan to release summaries of NYPD Commissioner-approved written decisions from NYPD administrative disciplinary trials. *See, e.g.*, Chelsia Rose Marcius, Graham Rayman & Rocco Parascandola, *NYPD to publish cop discipline summaries in major policy reversal*, New York Daily News (March 28, 2018), http://www.nydailynews.com/new-york/nypd-publish-discipline-summaries-major-policy-reversal-article-1.3900037.

40. These decisions represent the final step (besides carrying out any imposed discipline) in the NYPD's disciplinary process. Ex. A at 6.

41. An officer facing formal disciplinary charges is served with written "Charges and Specifications" identifying the alleged misconduct. *See* 38 RCNY § 15-03; 38-A RCNY § 1-42.

42. The charged officer has the right to a hearing, which is held before the NYPD's Deputy Commissioner of Trials or an Assistant Deputy Commissioner and where both the officer and the NYPD may present evidence and call witnesses. 38 RCNY § 15-04.

43. After the hearing, the Deputy or Assistant Deputy Commissioner of Trials prepares a "Draft Report and Recommendation" consisting of a detailed summary and analysis of the trial testimony and evidence, recommended findings of fact and conclusions of law,

recommended dispositions of the charges, and recommended penalties for any charges for which an officer is found guilty. 38 RCNY § 15-06(a).

44. After providing each side an opportunity to comment, the Deputy or Assistant Deputy Commissioner finalizes the Report and Recommendation and forwards it to the Commissioner, together with any comments submitted by the parties, the transcript of the proceeding, and all exhibits received in evidence, for review and final action. 38 RCNY § 15-06(b), (c).

45. The Commissioner may approve or modify the recommended findings and the penalty, if any. 38 RCNY § 15-08(a).

46. If the Commissioner approves the findings and penalty, the Commissioner stamps the Report and Recommendation as "Approved" and signs it, along with a separate "Disposition of Charges" form that identifies each charge and its disposition, as well as the disciplinary penalty.

47. These documents—the approved Report and Recommendation and the Disposition of Charges form—are provided to the charged officer and the officer's counsel. 38 RCNY § 15-08.

48. As Respondents concede, these records are considered by the NYPD whenever such officers are considered for promotions, transfers, or assignments, as well as in determining the penalty in any subsequent disciplinary matter. Ex. A at 9.

C. In February 2018, the NYPD Confirms to the Court of Appeals that it is Illegal for them to Release the Disciplinary Records Even in Redacted Form

49. In August 2011, the New York Civil Liberties Union ("NYCLU") submitted a Freedom of Information Law ("FOIL") request for ten years of NYPD disciplinary rulings

involving alleged police officer misconduct and later appealed the denial by arguing that all details that would identify the officers could be redacted. Ex. A at 10.

50. The NYPD opposed that request and, in 2017, the First Department agreed with the NYPD's position that ***redacted versions*** of these disciplinary rulings are protected by CRL § 50-a and cannot be disclosed. *NYCLU v. NYPD*, 148 A.D.3d 642, 643 (1st Dep't 2017).

51. The NYCLU appealed that decision to the Court of Appeals. *NYCLU v. NYPD* (APL-2017-00184).

52. In February 2018, the NYPD filed its appeal brief with the Court of Appeals opposing disclosure of redacted versions of the very Disciplinary Records that are at issue here. Ex. A.

53. The NYPD's brief referred to the Disciplinary Records as the "Adopted Decisions" (because they are the final record of the disciplinary proceeding as adopted by the Commissioner). Ex. A at 10.

54. The NYPD argued that "the adopted decisions may not be disclosed even in redacted form." Ex. A at 14.

55. The NYPD explained that "when the Legislature designates a certain type of record as confidential and not subject to disclosure, courts ought not to presume that redaction is sufficient to strip the record of its confidential status, unless the Legislature has indicated that this is so." Ex. A at 15.

56. The NYPD told the Court of Appeals that the "Adopted Decisions" are plainly personnel records because they are "considered by the NYPD whenever such officers are considered for promotions, transfers, or assignments, as well as in determining the penalty in any subsequent disciplinary matter." Ex. A at 9. The NYCLU agreed that the "Adopted Decisions"

are personnel records. Brief for Appellant NYCLU, *NYCLU v. NYPD* (APL-2017-00184, Oct. 26, 2017) at 22 n.11.

57. Although the NYPD opposed the disclosure of the Adopted Decisions in any form, the NYPD asked the Court of Appeals to create a new "exception" to CRL § 50-a "to allow redacted disclosure of [other] CRL § 50-a personnel records that can be redacted and disclosed in a manner that precludes identification of the officers." Ex. A at 28.

58. The NYPD stated that "***[t]his proposed exception would, for example, authorize disclosure of certain redacted disciplinary summaries***." Ex. A at 2 (emphasis added).

59. In other words, the NYPD asked the Court of Appeals to create a new exception that would allow them to disclose the precise Disciplinary Record Summaries that they now plan to publish on the internet despite the fact that no such "exception" has been approved.

60. The NYPD also articulated Petitioner's concerns about the release of so-called "de-identified" personnel records. Even when redacted, "***plenty of unique factual details remain***, including descriptions of the alleged words and actions of police, witnesses, and complainants during the incidents at issue." Ex. A at 29 (emphasis added).

61. The NYPD observed that it would be easy for people to "cross-reference the unredacted details of an Adopted Decision against the substance of [public] civilian complaints and thus identify the officer at issue in the decision." Ex. A at 30.

62. The NYPD informed the Court of Appeals that the Legal Aid Society has created a so-called "cop accountability" database facilitating precisely this type of cross-referencing. Ex. A at 30.

63. The NYPD recognized that, even with redaction, "witnesses to the incidents might be able to identify the officers at issue in the decisions." Ex. A at 31.

64. The NYPD also agreed that "anyone interested in discerning the identity of an officer at issue in a decision might be able to do so by matching information from news reports or other publically available or FOIL-able sources against the unredacted portions of the decisions." Ex. A at 31.

65. These are not mere hypothetical concerns. Journalists routinely engage in the exact type of cross-referencing that would allow an officer to be identified despite the redaction of his name. *See, e.g.,* Joseph Goldstein, *Promotions, Not Punishments, for Officers Accused of Lying*, The New York Times (March 19, 2018) ("While many details remain shrouded by police secrecy laws, The Times was able to learn the names of officers cited by the board for false statements in most of the 81 cases, as well as some specifics, from a review of court documents, transcripts and internal Police Department disciplinary documents."); Kendall Taggart & Mike Hayes, *Busted: Secret NYPD Files*, BuzzFeed News (March 5, 2018) ("BuzzFeed News was able to identify [an otherwise anonymous police officer] by matching details of a January 2009 arrest with . . . court documents from [a] civil lawsuit," which BuzzFeed then used to find the police officer's home address and publish photos of him standing outside of his home).

66. As one court put it, "[c]ommon sense indicates that simply redacting names might not be sufficient to protect the confidentiality of the records otherwise exempt under Civil Rights Law § 50-a." *Gannett Co. v. Riley*, 161 Misc. 2d 321, 327 (Sup. Ct. Monroe Cty. 1994).

D. In March 2018, Respondents Announce a Plan to Post Records Damaging to Police Officers on the City's Website

67. On March 27, 2018, Respondents released a statement to the press saying that they will begin posting summaries of police misconduct investigations on the City's website without naming the officers involved. *See, e.g.,* Chelsia Rose Marcius, Graham Rayman & Rocco Parascandola, *NYPD to publish cop discipline summaries in major policy reversal*, New

York Daily News (March 28, 2018), http://www.nydailynews.com/new-york/nypd-publish-discipline-summaries-major-policy-reversal-article-1.3900037.

68. The New York Daily News described Respondents' plan as a "major policy reversal" and an "about face." *Id.*

69. The supposedly de-identified summaries Respondents plan to publish will apparently contain a wealth of information including, *inter alia*, (a) the relevant individual's rank; (b) the relevant individual's prior disciplinary record; (c) the number of years the individual has been on the job; (d) the particular factual circumstances at issue; (e) the complainant's evidence; (f) the arguments raised by the police officer during trial; (g) the Trial Commissioner's findings; and (h) what penalties were meted out.

70. Respondents have not indicated that they intend to provide notice to the specific police officers whose Disciplinary Records they plan to summarize on the internet.

71. Respondents have not indicated that they provided notice to any specific police officers concerning their intent to summarize specific Disciplinary Records on the internet.

72. Respondents have also given no notice to the PBA of what Disciplinary Record Summaries Respondents plan to publish on their website.

73. Respondents have not indicated that they have given notice to any other "interested parties" so they have an "opportunity to be heard" as required by CRL § 50-a.

74. There is no indication that any court has reviewed the Disciplinary Record Summaries *in camera*.

75. Respondents have also not disclosed *who* is drafting the "summaries" of the Disciplinary Records or what checks are in place, if any, to ensure that the summaries are accurate.

76. Respondents have likewise not disclosed *who* is applying the redactions to ensure that individual police officers cannot be identified or what checks are in place, if any, to ensure that the redactions are appropriate.

77. Based on Respondents' statements to the press, it is clear that they intend to illegally and prematurely release the Disciplinary Record Summaries onto the internet in clear violation of CRL § 50-a and other applicable law.

78. Respondents are making arbitrary and capricious decisions pursuant to either a secret rule in violation of CAPA or pursuant to no rule at all.

79. Respondents are denying interested parties an opportunity to be heard by acting as judge and jury, rather than involving the courts as required by CRL § 50-a.

80. For example, Respondents are denying police officers an opportunity to be heard about whether the proposed redactions are sufficient to ensure that they cannot be identified.

81. Judicial relief is necessary and appropriate in order to protect the rights of the PBA's members, who are harmed by Respondents' arbitrary and illegal conduct.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
(Violation of CPLR § 7803)

82. Petitioner repeats and realleges paragraphs 1 through 81 as if fully stated herein.

83. Respondents' decision to release Disciplinary Record Summaries violates the law.

84. The Disciplinary Records will be used to evaluate police officers' performance toward continued employment or promotion.

85. Respondents' decision to release Disciplinary Record Summaries violates CRL § 50-a.

86. The public release of the Disciplinary Record Summaries endangers the life or safety of various persons, including the police officers depicted therein.

87. Respondents admit that the Disciplinary Records are protected by CRL § 50-a.

88. Respondents' secret and non-public deliberations about their decision to release Disciplinary Record Summaries violated CAPA.

89. Respondents' decision to release Disciplinary Record Summaries violated other applicable laws and procedures.

90. Respondents' plan to publically release Disciplinary Record Summaries is in direct conflict with Respondents' arguments against disclosure in *NYCLU v. NYPD*. Reaching opposite (and mutually exclusive) conclusions on essentially the same facts is the definition of an arbitrary and capricious decision and Respondents' decision to release Disciplinary Record Summaries here is arbitrary and capricious.

91. Therefore, the Court should annul the determination of Respondents and prohibit the release Disciplinary Record Summaries under CPLR §§ 7803 and 7806.

PRAYER FOR RELIEF

WHEREFORE, Petitioner demands judgment against Respondents as follows:

A. Annulling the determination of Respondents to publically release the Disciplinary Record Summaries;

B. Requiring Respondents to comply with CRL § 50-a if they seek to release Disciplinary Record Summaries; and

C. Awarding Petitioner such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 9, 2018

MICHAEL T. MURRAY
Office of the General Counsel of
the Patrolmen's Benevolent
Association of the City of New
York, Inc.
125 Broad Street
New York, New York 10004

Of Counsel:
David W. Morris
Andrew J. Dempster

KASOWITZ BENSON TORRES LLP

By: /s/ Michael J. Bowe
Michael J. Bowe
Alexander B. Simkin

1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Petitioner Patrolmen's Benevolent Association of the City of New York, Inc.

VERIFICATION

STATE OF NEW YORK)
) ss :
COUNTY OF NEW YORK)

Joseph Alejandro, being duly sworn, makes this verification pursuant to CPLR § 3020, and states that I am an officer of the Petitioner in this proceeding, and have read the foregoing Verified Petition and know the contents. All the material allegations of the Verified Petition are true to the best of my personal knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. The grounds for my belief include (a) public statements by Respondents or their representatives, (b) public statements by third parties (including journalists), and (c) other materials referenced in the Verified Petition.

JOSEPH ALEJANDRO

Sworn to before me this
9th day of April, 2018

Notary Public

CHRISTOPHER J MCGRATH
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY
LIC. #02MC6006082
COMM. EXP. JUNE 1, 2018