



**Office of the New York State  
Attorney General Letitia James**

Law Enforcement Misconduct Investigative Office

# **Annual Report**

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December 30, 2025

# Introduction

This is the fifth annual report of the Law Enforcement Misconduct Investigative Office (“LEMIO”) at the Office of the New York State Attorney General (“OAG”).

LEMIO, which is established by Executive Law § 75, is tasked with helping to prevent and address misconduct at local law enforcement agencies in New York. Our statutory goals are “enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state and federal laws, and increasing the public’s confidence in law enforcement.”<sup>1</sup>

To advance these important goals, Executive Law § 75 provides LEMIO with authority to investigate misconduct at more than 500 covered agencies across the state, examine policies and procedures, issue reports on the office’s findings, and recommend reforms. These recommendations can include legislation, policy changes, disciplinary action, and other remedial steps. LEMIO may also refer matters for further investigation or prosecution by other agencies.

On an annual basis, LEMIO is required to submit a report “summarizing the activities of the office and recommending specific changes to state law to further [its] mission,” and this is that report.<sup>2</sup> Section II provides an overview of Executive Law § 75 and the duties that it imposes on local law enforcement agencies. It also describes LEMIO’s structure and our priority areas. Section III discusses LEMIO’s online portal, which members of the public and employees of covered agencies may use to report allegations of misconduct. Section IV summarizes LEMIO’s activities over the past year, including our investigative activity and review of Executive Law § 75(5)(b) referrals. Completed Section 75(5)(b) referrals are available on the OAG’s website in sortable format, as described below. Finally, Section V identifies a series of recommended legislative changes that would further the goals of effective and accountable law enforcement.

In the coming year, promoting non-police responses to people in mental or behavioral health crises should be a top legislative priority. We recommend establishing statewide protocols for effective responses and providing technical assistance and funding. Banning bias-based profiling, requiring increased data collection, and reporting on law enforcement activity should be another top priority. Such a bill would bring New York in line with established best practices in other states, promote transparency, and help LEMIO and the public ensure that law enforcement is operating fairly and effectively.

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1. N.Y. Exec. Law § 75(2)(d).

2. N.Y. Exec. Law § 75(3)(h). Our prior annual reports are available at: <https://ag.ny.gov/law-enforcement-misconduct-investigative-office>.

Our other legislative recommendations are:

- » Facilitating civilian oversight of law enforcement agencies;
- » Limiting pretextual traffic stops and unnecessary risky pursuits;
- » Requiring law enforcement agencies to disclose the use of artificial intelligence; and
- » Requiring the use of body-worn cameras by police, with state support where appropriate.

# Overview of LEMIO and Executive Law Section 75

Executive Law § 75 was enacted in June 2020 following state- and nation-wide protests regarding high-profile law enforcement abuses and a perceived lack of accountability. Its passage reflected the legislature's recognition of the need for a stronger system of independent statewide oversight to preserve civil rights and civil liberties, protect public safety, and help increase public trust in law enforcement.

## A. Executive Law § 75

Under Executive Law § 75, LEMIO's jurisdiction extends to more than 500 local law enforcement agencies (known as "covered agencies") across New York state, ranging from the New York City Police Department ("NYPD") to county sheriffs to smaller police departments in towns and villages. Every agency that employs police officers as defined in N.Y. Crim. Proc. Law § 1.20 is a covered agency for purposes of Executive Law § 75, other than agencies under the jurisdiction of the Metropolitan Transportation Authority Inspector General, the Port Authority Inspector General, and the State Inspector General.<sup>3</sup>

Executive Law § 75 empowers LEMIO to "receive and investigate complaints from any source, or upon [its] own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse in any covered agency," to review policies and procedures of covered agencies with regard to the prevention and detection of misconduct, and to "investigate patterns, practices, systemic issues, or trends identified by analyzing actions, claims, complaints, and investigations."<sup>4</sup>

The statute also authorizes LEMIO to determine whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state, or local agency is warranted, to prepare and release written reports of investigations, and to recommend remedial action.<sup>5</sup> LEMIO and other units within OAG also may bring civil litigation against covered agencies, as appropriate, to address patterns of misconduct and seek structural changes to protect civil rights.<sup>6</sup>

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3. N.Y. Exec. Law § 75(l).

4. N.Y. Exec. Law § 75(3)(a), (e) & (g).

5. N.Y. Exec. Law § 75(3)(c), (d) & (f).

6. See *In re: New York City Policing During Summer 2020 Demonstrations*, No. 20-cv-8924, 2021 WL 2894764, at \*6-7 (S.D.N.Y. Jul. 9, 2021) (finding OAG has parens patriae power to pursue Section 1983 claims against the New York City Police Department); *New York v. Town of Wallkill*, No. 01-cv-0364, 2001 U.S. Dist. LEXIS 13364, at \*9 (S.D.N.Y. Mar. 16, 2001).

LEMIO is required to inform the New York State Division of Criminal Justice Services (“DCJS”) and the heads of covered agencies of allegations of misconduct and the progress of its investigations unless special circumstances require confidentiality.<sup>7</sup> This statutory requirement ensures that covered agencies can investigate and address potential misconduct involving their personnel, as is the case when accountability systems are working properly.

Executive Law § 75 also imposes certain duties on covered agencies and their personnel, including the Section 75(5)(b) requirement that covered agencies refer to LEMIO instances in which an officer or employee has been the subject of “at least five complaints from five or more individuals relating to at least five separate incidents ... within two years.” Upon receiving such a referral, LEMIO is required to “investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty.” These referrals are discussed in more detail in Section IV.C below.

## **B. Overview of LEMIO**

LEMIO personnel are stationed in OAG’s New York City, Albany, and Buffalo offices. Our team includes assistant attorneys general, investigative analysts, a senior data analyst, and support staff. We also work closely with personnel from other OAG units, including the Civil Rights Bureau, the Office of the Chief Investigator, the Healthcare Bureau, the Research and Analytics Department, the Office of Special Investigation, and OAG’s regional offices.

## **C. LEMIO priority areas**

With its broad scope and mandate, Executive Law § 75 empowers LEMIO to identify and address misconduct and seek to improve policies and practices, with the goal of enhancing trust in law enforcement and protecting the safety and well-being of New Yorkers.

Yet with coverage of more than 500 agencies employing more than 80,000 personnel, LEMIO is not a substitute for effective local accountability mechanisms, which must be the first line of review of allegations of misconduct.<sup>8</sup> Police chiefs and sheriffs, internal affairs and professional standards units within covered agencies, civilian review boards, district attorneys, and local executives and legislators are key players when it comes to professional, effective, and accountable policing. Community and advocacy groups and other stakeholders also have a crucial role.

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7. N.Y. Exec. Law § 75(3)(b) & (b-1).

8. Executive Law § 75 emphasizes the importance of local accountability mechanisms. For example, § 3(b) requires LEMIO to inform covered agencies of allegations involving their personnel and § (5)(b) states that referral investigations “shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.”

Given the scope of Executive Law § 75, LEMIO focuses on issues or incidents where there is reason to believe that existing accountability procedures may be insufficient. For example, we prioritize investigations of potential patterns and practices of misconduct and systemic or recurring issues that impact significant numbers of community members or are directed towards marginalized groups. Our aim is to promote accountability where it is lacking, strengthen local oversight, increase transparency, and improve policies and practices.

Areas of focus include:

- » Law enforcement practices that have a discriminatory impact on the basis of race, gender, national origin, and other protected classes, including racial disparities in police action and failures to appropriately respond to sexual misconduct and domestic violence, including allegations of sexual harassment or misconduct by law enforcement officers;
- » Traffic enforcement for non-safety-related violations that result in punitive ticketing or unlawful search and detention, or escalate into the unreasonable or excessive use of force, particularly involving racial disparities and patterns of pretextual stops;
- » Retaliation in connection with First Amendment-protected activity, including inappropriate or unlawful responses to protests and to individuals lawfully communicating with or recording police;
- » Responses to people in mental and/or behavioral health crisis;
- » Participation by covered agency personnel in immigration enforcement activities that are not permitted by state law, including activities that involve profiling or wrongful detention;
- » False testimony and other instances of dishonesty; and
- » Deficiencies in accountability and disciplinary processes, including inadequate civilian complaint procedures, policies and practices related to internal investigations, and ineffective discipline systems.

We will also focus on outreach to covered agencies, community groups, and others to help guide our activity.

## Online portal for reporting misconduct to LEMIO

Executive Law § 75 authorizes LEMIO to investigate complaints received from members of the public and to investigate misconduct on our own initiative.<sup>9</sup> The law also imposes a duty on personnel of covered agencies to report information concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse to LEMIO. The knowing failure of personnel to report such information may be cause for removal from office or employment or other appropriate penalty, and personnel who do report information on misconduct are protected from dismissal, discipline, or other adverse action for doing so.<sup>10</sup>

The OAG has created an online portal for members of the public and personnel of covered agencies to report misconduct, which can be accessed at:

**[ag.ny.gov/lemio-portal](https://ag.ny.gov/lemio-portal)**

Every report of alleged misconduct that we receive is carefully considered by LEMIO staff. We use the information that is reported to guide our investigative and enforcement activity.

We are not able to fully investigate and resolve every report of misconduct that we receive through the portal, but every submission is valuable in helping us shape our oversight. In general, as noted above, LEMIO prioritizes investigations of potential patterns and practices of misconduct and recurring or systemic issues that impact significant numbers of people or are directed towards marginalized groups.

LEMIO is required by statute to inform covered agencies of reports of misconduct involving their personnel unless special circumstances require confidentiality. In certain cases, we may request that the covered agency involved investigate reports of misconduct received by LEMIO and respond with its findings. We also may share submissions with other local, state, or federal agencies when appropriate.

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9. N.Y. Exec. Law § 75(3)(a), (e) & (g).

10. N.Y. Exec. Law § 75(5)(a).

## Summary of activities

This section describes LEMIO's work in 2025, including our ongoing and resolved investigations and litigation, the Executive Law § 75(5)(b) referral process, and outreach and engagement.

### A. Investigations, litigation, and oversight

LEMIO may investigate potential misconduct pursuant to Executive Law §§ 75(3)(a) and (g). These investigations may be prompted by reports received through our online portal, referrals or notifications from other government agencies, media reports, contacts with community groups and nonprofits, data analysis, and other sources. Investigations of law enforcement personnel referred to LEMIO pursuant to Executive Law § 75(5)(b) are discussed in the following section (Section B).

Ongoing LEMIO investigations, including matters conducted jointly with OAG's Civil Rights Bureau, generally focus on potential patterns of misconduct or systemic issues. Current investigations involve allegations of improper stops and seizures, discriminatory policing, the treatment of incarcerated and detained people, inadequate internal accountability procedures, improper enforcement of immigration law, and the use of excessive force. Other LEMIO investigations may relate to individual instances of alleged misconduct, particularly where the covered agency's internal accountability procedures do not appear to have properly addressed those incidents.

Below are summaries of several LEMIO matters that were resolved in 2025.

» Settlement Agreement with the Clinton County Sheriff's Office Regarding Sexual Harassment and Misconduct at the Clinton County Jail: On July 28, 2025, LEMIO entered into a settlement agreement, formally known as an Assurance of Discontinuance ("AOD"), with the Clinton County Sheriff's Office ("CCSO") that resolved LEMIO's investigation of sexual harassment, retaliation, and gender-based discrimination of women correction officers and allegations of misconduct towards incarcerated women. As a result of the AOD, CCSO is required to take significant steps to improve conditions at the jail and to ensure a safe and secure environment for both correction officers and incarcerated women, including the appointment of an independent outside monitor and the implementation of the Prison Rape Elimination Act (PREA). Implementation of this AOD is ongoing.<sup>11</sup>

11. See New York State Office of the Attorney General, *Press Release: Attorney General James Announces Reforms at Clinton County Jail After Reports of Sexual Harassment and Misconduct* (July 28, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-announces-reforms-clinton-county-jail-after-reports>.



» Settlement Agreements with the Broome County Sheriff's Office, Indivior Inc., and PrimeCare Regarding Unauthorized Opioid Overdose Drug: On September 30, 2025, OAG announced that it had entered into AODs with the Broome County Sheriff's Office (BCSO), the pharmaceutical company Indivior Inc., and the correctional healthcare provider PrimeCare regarding the unauthorized purchase and use of Opvee, an anti-opioid overdose drug that is not approved for non-prescription use by the New York State Department of Health (DOH). These AODs resulted from an investigation conducted jointly by LEMIO and OAG's Healthcare Bureau that concluded that Indivior had sold, and BCSO had purchased, Opvee despite having been informed by DOH that Opvee was not approved for non-prescription use. The investigation also concluded that PrimeCare personnel had written an unauthorized standing order for Opvee's use by BCSO. In connection with the AODs, Indivior refunded Broome County for the sale price of the unapproved drugs and overhauled its marketing practices, BCSO ceased using Opvee and agreed to use only approved overdose reversal drugs going forward, and PrimeCare paid a \$35,000 penalty and improved its internal procedures to prevent similar issues from occurring in the future.<sup>12</sup>

» Letter to Independent Monitor Analyzing Executive Law § 75(5)(b) Investigations in Connection with NYPD Accountability Practices: On September 26, 2025, OAG sent a letter to Mylan Denerstein, the Independent Federal Monitor on NYPD search and seizure practices, expressing LEMIO's support for recommendations contained in the Monitor's Report to the Court on Police Misconduct and Discipline. This report, which was issued by former Judge Jim Yates on behalf of the Monitor in September 2024, is an in-depth analysis of the NYPD disciplinary process for search-and-seizure violations and includes more than 50 recommendations for improving accountability for wrongful searches and seizures by NYPD officers. The OAG letter analyzes LEMIO's findings on NYPD Executive Law § 75(5)(b) referrals and concludes that the Monitor's recommendations would help improve supervision, accountability, and transparency at NYPD and limit the promotion of officers found to have engaged in wrongful searches or seizures.<sup>13</sup>

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12. See New York State Office of the Attorney General, *Press Release: Attorney General James Stops Misleading Marketing of Unauthorized Opioid Overdose Drug* (Sept. 30, 2025), Attorney General James Stops Misleading Marketing of Unauthorized Opioid Overdose Drug, <https://ag.ny.gov/press-release/2025/attorney-general-james-stops-misleading-marketing-unauthorized-opioid-overdose>; see also BCSO AOD (Apr. 16, 2025), <https://ag.ny.gov/sites/default/files/settlements-agreements/broome-county-sheriffs-office-assurance-of-discontinuance-2025.pdf>; Indivior AOD (Sept. 3, 2025), <https://ag.ny.gov/sites/default/files/settlements-agreements/indivior-assurance-of-discontinuance-2025.pdf>; PrimeCare Medical AOD (Sept. 29, 2025), <https://ag.ny.gov/sites/default/files/settlements-agreements/primecare-assurance-of-discontinuance-2025.pdf>.

13. OAG, Comment from the Office of the New York State Attorney General in Response to the Report to the Court on Police Misconduct and Discipline by James Yates (Sept. 26, 2025), <https://ag.ny.gov/sites/default/files/letters/letter-to-nypd-federal-monitor-letters-2025.pdf>; see also James Yates, Report to the Court on Police Misconduct and Discipline (Sept. 19, 2024), <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>.

» Completion of Oswego Police Department AOD: In November 2025, Oswego City Police Department (“OPD”) successfully completed the monitoring period set forth by the AOD it entered with OAG the prior year. To address the unlawful arrest of an individual on a civil immigration warrant, OPD finalized and provided training to its personnel on a policy regarding its treatment of immigration detainees and warrants and alerted OAG to communications between OPD and federal immigration authorities.<sup>14</sup>

In addition to the matters described above, OAG continues to work with NYPD and other parties to enforce the September 2023 settlement agreement that resolves OAG’s lawsuit challenging NYPD’s pattern of excessive force and false arrests against New Yorkers during First Amendment-protected protests, including the summer 2020 racial justice protests. In February 2024, a federal court approved the settlement, which requires the NYPD to, among other things, adopt a graduated, multi-tiered system of protest response that emphasizes de-escalation, implement new restrictions on use of force and the practice of “kettling” at protests, and establish new protections surrounding treatment of members of the press. NYPD entered Phase II of the settlement agreement in October 2025, pursuant to which the department must train its officers on its revised protest-response policies and implement those policies. An oversight committee comprised of OAG and other stakeholders will meet regularly to review and evaluate NYPD’s compliance with the agreement and discuss feedback from the community collected by the Community Outreach Expert appointed pursuant to the Settlement Agreement and an educational outreach effort connected to the Settlement called PTP: Protest Testimony Project.<sup>15</sup>

## **B. Section 75(5)(b) referrals**

Executive Law § 75(5)(b) requires covered agencies to refer to LEMIO incidents in which an officer or employee has “receiv[ed] at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years.” Upon receiving such a referral, LEMIO is required to “investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty.” LEMIO’s Executive Law § 75(5)(b) investigations are focused on determining whether the referred complaints constitute a pattern of misconduct, although the investigations may include a review of other incidents when appropriate.

At the conclusion of an Executive Law § 75(5)(b) investigation, OAG notifies the head of the referring agency whether a pattern of misconduct has been identified. To determine if there is a pattern, we assess whether the referred person engaged in multiple instances of similar misconduct. While the instances of misconduct must have some degree of similarity or commonality, they do not need to be identical, either with respect to the conduct or the law or policy that was violated.

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14. Assurance of Discontinuance between OAG and Oswego City Police Department (Nov. 4, 2024)

15. See *In re: New York City Policing During Summer 2020 Demonstrations*, No. 20-cv-8924, 2021 WL 2894764, at \*6-7 (S.D.N.Y. Jul. 9, 2021); see also OAG Press Release: Attorney General James, The Legal Aid Society, NYCLU Announce Agreement with NYPD to Reform Policing of Protests, <https://ag.ny.gov/press-release/2023/attorney-general-james-legal-aid-society-and-nyclu-announce-agreement-nypd>.

If a pattern has been identified, LEMIO will describe the incidents that make up the pattern and recommend remedial actions to the referring agency, which may include discipline, monitoring, training, and policy or other changes.<sup>16</sup> In certain investigations that do not result in a finding of a pattern of misconduct, LEMIO may identify specific incidents or issues to the referring agency and recommend remedial action.

In cases in which a referred officer has left the referring agency before the investigation has concluded and is not actively serving in a law enforcement role with another covered agency, referrals are administratively closed without a determination as to whether the officer has engaged in a pattern of misconduct. In these cases, LEMIO will cooperate with DCJS with respect to information regarding whether the officer's departure may be considered a "removal for cause" for purposes of decertification from New York's police officer registry.<sup>17</sup> The investigation may be reopened if the officer subsequently is re-employed as a police officer.

As of publication, LEMIO has received 456 referrals from covered agencies pursuant to Executive Law § 75(5)(b). In total, we have completed the investigations of 207 referrals to date, 44 of which resulted in a finding of a pattern or practice of misconduct. In addition to the 207 completed investigations, 27 referrals have been administratively closed due to an officer's separation from their agency after the referral was made.

In 2025, LEMIO completed 102 referrals, resulting in 28 pattern findings. Investigations regarding the remaining referrals are ongoing.

Findings letters or reports notifying the agency of the conclusion of the investigation and describing our findings can be accessed on OAG's website at:

**[ag.ny.gov/75-5-b-referrals](https://ag.ny.gov/75-5-b-referrals)**

To protect ongoing investigations, LEMIO does not identify the referred officer or agency before the conclusion of the referral.

Importantly, a higher rate of referrals from a particular agency should not be viewed as an indication of bad performance or misconduct, and instead may be a sign that the agency is taking accountability seriously and encouraging and tracking feedback from the public.

Finally, the Executive Law § 75(5)(b) process does not replace or supersede the covered agency's duty to monitor the conduct of its officers and to identify those who require guidance, correction, further support, or discipline to perform their duties effectively and legally. To that end, Executive Law § 75(5)(b) makes clear that the "referral and investigation ... shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee."

16. The Civil Service Law imposes an eighteen-month statute of limitations for disciplinary proceedings for police officers absent evidence of criminal conduct, and some agencies may have even shorter limitations periods based on collective bargaining agreements or local laws. Due to this statute of limitations, discipline may not be available in all instances in which LEMIO identifies misconduct.

17. See Executive Law § 845; N.Y.C.R.R. Part 6056.

## **C. Engagement and outreach**

To effectively fulfill our statutory mandate, LEMIO must build strong and productive relationships with those who are affected by our work, from law enforcement agencies to community members. To that end, we engage with stakeholders, including community groups, covered agencies, law enforcement associations, experts, academics, and other oversight practitioners. Over the past year, LEMIO personnel met with representatives of covered agencies, community groups and nonprofits, experts on policing, and other police accountability agencies to discuss our work. These outreach efforts will continue to be a priority in the year ahead.

## Legislative recommendations

Executive Law § 75(3)(h) requires LEMIO to “recommend[] specific changes to state law to further [its] mission.” The following legislative recommendations would promote civil rights and civil liberties, enhance public confidence in law enforcement, and improve public safety.

### **A. Promote alternative public health approaches for people in mental health crisis to minimize the risks of police involvement**

Our previous annual reports have called for legislation to help localities establish specialized mental health units as alternatives to police response to situations involving mental health emergencies, and we repeat that recommendation here.

Troubling statistics confirm the harms associated with the status quo. Studies indicate that incidents involving people with mental illness generate one in ten calls for police service, and account for at least one in four fatal police encounters.<sup>18</sup> People with serious mental illness are more than eleven times as likely to experience police use of force, more than ten times as likely to be injured, and sixteen times more likely to be killed by law enforcement as those without serious mental illness.<sup>19</sup> Recent federal civil rights litigation has highlighted how the failure to provide alternative, non-police responses to mental health emergencies could violate of anti-discrimination laws.<sup>20</sup> The 2025 Annual Report issued by OAG’s Office of Special Investigation, which investigates deaths caused by police or peace officers, highlights ten incidents that seemed to involve individuals in crisis who lost their lives during interactions with police.<sup>21</sup>

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18. See Doris A Fuller et al., *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*, Treatment Advocacy Center (2015), <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.

19. See Ayobami Laniyonyu and Phillip Atiba Goff, *Measuring Disparities in Police Use of Force and Injury Among Persons with Serious Mental Illness*, BMC Psychiatry (2021), <https://bmcpsy psychiatry.biomedcentral.com/counter/pdf/10.1186/s12888-021-03510-w.pdf>.

20. In Washington, D.C., the district court recently barred the city from dismissing a lawsuit alleging police response to mental health emergencies violates the Americans with Disabilities Act (ADA). See Minute Order, *Bread for the City v. D.C.*, No. 1:23-cv-01945 (D.D.C. Sept. 10, 2024). A similar lawsuit is also underway in Washington County, Oregon, advancing the theory that municipalities fail to provide people with disabilities equal access to and opportunity to benefit from the government’s emergency response system by sending police as first responders to mental health emergencies. See Compl., *Disability Rts. Oregon v. Washington Cnty.*, Oregon, No. 3:24-cv-00235, 2024 WL 477591 (D.Or. Feb. 5, 2024).

21. See New York State Office of the Attorney General, Office of Special Investigation Fifth Annual Report (Oct. 1, 2025), <https://ag.ny.gov/sites/default/files/reports/20251001-2025-osi-annual-report.pdf>.

Many local governments, recognizing issues from relying on police as default first responders to mental health crises, are turning to co-responder models (where civilian specialists pair with police responders) or alternative first responder models (where armed police are not involved in the response).<sup>22</sup> As of September 2025, researchers at the Community Safety Workgroup have documented over 130 alternative crisis response units operating in the United States.<sup>23</sup>

Cities developing new alternative crisis response models have achieved early successes. Eugene, Oregon, a pioneer of non-police response to mental health emergencies, adopted Crisis Assistance Helping Out on the Streets (CAHOOTS) in 1989, which led to responders requiring police backup in only 1% of mental health calls.<sup>24</sup> The city dispatches two-person teams of crisis workers and medics from Eugene's White Bird Clinic to respond to 911 calls involving an individual in behavior health crisis.<sup>25</sup> As of 2019, the CAHOOTS team answered approximately 17% of the city's police department calls and was estimated to save the city approximately \$8.5 million in public safety spending annually.<sup>26</sup> In Durham, North Carolina, following the implementation of the Holistic Empathetic Assistance Response Team (HEART), a 2022 study documented a 34% drop in low-level crime in neighborhoods where the mental health responders operated in Denver, compared to neighborhoods that did not yet have responders.<sup>27</sup>

In 2021, the New Jersey Office of the Attorney General, in conjunction with New Jersey State Police and in consultation with the Department of Human Services, piloted an initiative called Alternative Responses to Reduce Instances of Violence and Escalation (ARRIVE) Together. The program paired State Troopers, who were trained in crisis intervention and de-escalation techniques, with a certified mental health screener and crisis specialist to respond to 911 calls involving behavioral health incidents.<sup>28</sup> A March 2023 report from the Brookings Institution evaluated data from ARRIVE's first 14 months and found that the program reduced use of force, arrests, and racial disparities in the outcomes of behavioral health calls.<sup>29</sup> Of the 342 police service case calls evaluated in the report, 3% resulted in a use of force and seven incidents ended with an arrest. The use of social services also increased following the implementation of ARRIVE. Following a successful pilot, ARRIVE has been implemented

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22. See Ashley Krider et al., *Responding to Individuals in Behavioral Health Crisis via Co-Responder Models: The Role of Cities, Counties, Law Enforcement, and Providers*, Policy Research Inc. & National League of Cities (Jan. 2020), <https://www.nlc.org/resource/responding-to-individuals-in-behavioral-health-crisis-via-co-responder-models-the-roles-of-cities-counties-law-enforcement-and-providers/>; Amy C. Watson et al., *Crisis Response Services for People with mental Illnesses or Intellectual and Developmental Disabilities: A Review of the Literature on Police-based and Other First Response Models*, Vera Institute of Justice (Oct. 2019), <https://www.vera.org/downloads/publications/crisis-response-services-for-people-with-mental-illnesses-or-intellectual-and-developmental-disabilities.pdf>

23. See Cmty. Safety Workgroup, *Directory of Alternative Crisis Response Programs* (Sept. 10, 2025), <https://drive.google.com/file/d/18KBgQGeuiSfc3UeIfYMLuZCC-OBHOqe5/view> (providing city-by-city snapshots of alternative response programs).

24. See Christie Thompson, *Sending Unarmed Responders Instead of Police: What We've Learned*, The Marshall Project (July 25, 2024), <https://www.themarshallproject.org/2024/07/25/police-mental-health-alternative-911>.

25. Jackson Beck, Melissa Reuland, & Leah Pope, *Behavioral Health Crisis Alternatives Case Study: CAHOOTS*, Vera Inst. (Nov. 2020), <https://www.vera.org/behavioral-health-crisis-alternatives/cahoots>.

26. White Bird Clinic, *Crisis Assistance Helping Out On The Streets* (2020), <https://whitebirdclinic.org/wp-content/uploads/2020/07/CAHOOTS-Media.pdf>.

27. Thomas S. Dee, *A Community Response Approach to Mental Health and Substance Abuse Crises Reduced Crime*, Science Advances (Jun 8, 2022), <https://www.science.org/doi/10.1126/sciadv.abm2106>.

28. See ARRIVE Together, Office of the New Jersey Attorney General (2025), <https://www.njoag.gov/programs/arrive-together>.

29. Rashawn Ray, *New Jersey ARRIVE Together Program Could Reform Policing As We Know It*, The Brookings Institution (2024), <https://www.brookings.edu/articles/new-jersey-arrive-together-program-could-reform-policing-as-we-know-it/>.

in all 21 of New Jersey's counties, with specific local implementation being tailored to the needs and resources of each community. Models include co-response, non-law enforcement response, law enforcement-assisted telehealth, and mental health professional follow-up subsequent to law enforcement response. From January 1 to November 3, 2025, ARRIVE teams responded to over 5,500 behavioral health calls throughout New Jersey, with only 1% of calls resulting in arrest and 33% resulting in a link to social services with the subject remaining in their community.

In New York, the Daniel's Law Task Force, established by state law in 2023 and charged with examining crisis response and identifying critical areas for improvement, published a detailed report in December 2024 that recommended (1) the development of a defined response protocol for behavioral health crises, including that health-led response teams should include mental health workers (including peers with lived experience), and that law enforcement should be deployed only where there is a threat of violence, and (2) the establishment of a Behavioral Crisis Technical Assistance Center that would develop standardized protocols, provide training and technical assistance to localities, and track and analyze data, and which would be guided by an advisory council of stakeholders that includes people with lived experience of the crisis response system.<sup>30</sup> So far, some localities in New York State already have started to develop alternative response programs, but assistance from the state will be crucial to expanding these efforts and providing funding and technical assistance.<sup>31</sup>

Accordingly, we strongly recommend legislation to help localities establish specialized mental health units that are specifically trained and equipped to provide assistance to those in mental health crisis, including by providing funding and technical support, consistent with the Daniel's Law Task Force report. Such legislation should also require training for emergency dispatchers, create state and regional mental health councils to provide structure and oversight to local responses, and involve people with lived experience with behavioral health crises. For example, Daniel's Law (named for Daniel Prude, who was experiencing a mental health crisis when he lost his life following an interaction with Rochester Police in March 2020), would create a statewide emergency and crisis response council to work in conjunction with the commissioners of mental health and addiction services to jointly approve emergency and crisis services plans submitted by local governments, as well as provide operational and financial support for emergency and crisis services provided to persons experiencing a mental health, alcohol use, or substance use crisis.<sup>32</sup>

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30. Daniel's Law Task Force New York State Behavioral Health Crisis Response Report, New York State Office of Mental Health Daniel's Law Task Force (2024), <https://omh.ny.gov/omhweb/daniels-law-task-force/dltf-final-report.pdf>.

31. New York City's Behavioral Health Emergency Assistance Response Division (B-HEARD), a co-response program, was piloted in 2021. Albany launched the Albany County Crisis Officials Responding and Diverting (ACCORD) Program in 2021 as a pilot in Hilltowns, with plans to expand to Albany by 2025. The City of Rochester has also experimented with a Person in Crisis team, but received early criticism for its inconsistent early implementation.

32. Daniel's Law is currently in committee with both the New York State Senate (<https://www.nysenate.gov/legislation/bills/2025/S3670>) and Assembly (<https://www.nysenate.gov/legislation/bills/2025/A4617>).

The success of New Jersey's ARRIVE Together program indicates that the implementation of statewide, community-tailored behavioral crisis response outlined in Daniel's Law and the Daniel's Law Task Force report is both possible and scalable for all of New York.

In addition, in 2025, New York enacted Executive Law § 840(8), which tasks the state Municipal Police Training Council (MPTC) and the Division of Criminal Justice Services (DCJS) with developing written policies for law enforcement agencies across New York State regarding response to situations involving individuals in behavioral health crisis who present a risk of harm to themselves or others, including techniques for de-escalation, minimizing use of force, and identifying alternatives to the criminal justice system. To ensure the successful implementation of these policies by covered agencies, the state should help agencies fund the improved level of training now required by Executive Law § 840(8), as recommended by OAG's Office of Special Investigation.<sup>33</sup>

While the passage of Executive Law § 840(8) is a positive step, legislation that would help develop non-law enforcement responses to people with mental or behavioral health conditions has the potential to better allocate resources towards helping people in need of assistance and decrease the risk of harm from police encounters.

## **B. Pass legislation that increases transparency and bans profiling**

Law enforcement officers are empowered with broad authority to stop people, conduct searches, make arrests, and use force to do so. Yet despite these sensitive and sometimes dangerous activities, community members have limited access to data concerning interactions between law enforcement and the public.

While New York has taken initial steps to improve law enforcement transparency, our laws do not cover many important indicators. With hundreds of law enforcement agencies in New York, to the extent that individual agencies separately collect and track data, the data is often inconsistent and hard to access.<sup>34</sup> As a result, the public and the state and local governments that represent them may be left in the dark when it comes to key information about policing and its impact.<sup>35</sup>

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33. See New York State Office of the Attorney General, Office of Special Investigation Fifth Annual Report (Oct. 1, 2025), <https://ag.ny.gov/sites/default/files/reports/20251001-2025-osi-annual-report.pdf>.

34. See, e.g., Empire Justice Center, Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color (Jan. 2023), available at <https://empirejustice.org/wp-content/uploads/2023/04/Stop-the-Stops-Empire-Justices-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf> ("Because there is no required conformity in data collection between states, counties, towns, cities, and villages, we have no way of comparing the racial disparities in police stops and searches between jurisdictions. While New York State Police collect data, many county, city, town and village police departments in New York, either do not, or do not make it transparent and available.").

35. While there has been progress in New York, it has often come piecemeal and at times due to litigation rather than legislation. For example, in 2023, Suffolk County entered into a settlement agreement after years of class action litigation alleging racially discriminatory policing that will require the Suffolk County Police Department to collect data about traffic and pedestrian stops. See *Plaintiffs 1-21 v. Suffolk County Police Department*, 2:15-cv-02431 Docket #443 (E.D.N.Y. July 14, 2023); see also LatinoJustice, Press Release: Federal Judge Approves Settlement in Lawsuit Against Suffolk County Police for Racial Discrimination (July 14, 2023), <https://www.latinojjustice.org/en/press/federal-judge-approves-settlement-lawsuit-against-suffolk-county-police-racial-discrimination>.



The data that is available, both in New York state and across the country, suggests that enforcement often disproportionately falls on people of color.<sup>36</sup>

There is a growing movement towards transparency, with nearly half of U.S. states now requiring data collection when an individual is stopped by law enforcement and most states prohibiting bias-based profiling.<sup>37</sup> New York should join these states by mandating uniform statewide data collection and by banning bias-based profiling by law enforcement.

One important component of such legislation would be to prohibit agencies from relying on race and other protected characteristics in initiating or determining the scope of law enforcement action, including pedestrian and traffic stops, searches, and arrests. This prohibition not only would bring New York in line with most other states, but also would permit New York to access a federal funding program to help support the collection and analysis of police traffic stop data as a means of reducing profiling.<sup>38</sup> To provide just a few examples, states like California,<sup>39</sup> Connecticut,<sup>40</sup> and Kansas<sup>41</sup> have all banned bias-based profiling in this manner.<sup>42</sup>

In addition, law enforcement agencies should track and report a standardized set of data on traffic and pedestrian stops including the duration and location of each encounter, the reason the encounter was initiated and its result, the perceived race, gender, and age of the person stopped, and actions taken by the officer during the encounter such as ordering a person out of a vehicle, handcuffing, searching people and vehicles, seizing property, making arrests, and using force.<sup>43</sup>

Law enforcement agencies should also make their policies publicly available online, except for policies that, if disclosed, would substantially undermine ongoing investigations or endanger officers or members of the public. They also should be required to publish collective bargaining agreements and disclose the amount they spend on settlements relating to alleged misconduct.

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36. See, e.g., NYCLU, NYPD Traffic Stop Data, *available at* <https://www.nyclu.org/en/nypd-traffic-stops-data> (analyzing NYPD stops and searches by race, outcome, and location).

37. See National Conference of State Legislatures, Traffic Stop Data, *available at* <https://www.ncsl.org/civil-and-criminal-justice/traffic-stop-data>.

38. See Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. No. 109-59, 119 Stat. 1144, §1906 Grant Program to Prohibit Racial Profiling (2005) (providing resources to states that ban bias-based profiling to collect, maintain, and analyze data on traffic stops).

39. See Cal. Penal Code § 13519.4.

40. See Alvin W. Penn Racial Profiling Prohibition Act, Conn. Gen. Stat. Ann. § 54-1l, § 54-1m.

41. See Kan. Stat. Ann. § 22-460E6, § 22-4609, § 22-4610, § 22-461l.

42. Recently, Louisiana passed HB 89, requiring the state police to collect & report traffic stop data, and Minneapolis entered a settlement with the state of Minnesota to reduce discriminatory policing, including a requirement that the city record and publish pedestrian and traffic stop data, including officer name, perceived race of the pedestrian, duration of stop, whether a weapons frisk occurred, whether a search was conducted, the type of search, whether weapons were found, and the outcome of the stop.

43. Statewide data transparency legislation should set a baseline, but should not impose limits on additional data that any localities wish to track and make public.

Given the logistical challenges involved, data collection should be facilitated by a centralized state agency such as DCJS. DCJS would also periodically collect and publish key data reported by law enforcement agencies. These efforts could be supported by the federal funding that would be made available by the anti-profiling provision of the legislation.

Data collection and reporting systems have been implemented in states such as New Jersey<sup>44</sup> and California<sup>45</sup> and were recommended for police departments in the 2015 Final Report of the President's Task Force on 21st Century Policing.<sup>46</sup>

In sum, legislation that bans profiling and requires agencies to track and publicize important data and policies would advance accountability and transparency, help agencies manage and evaluate their own performance, and further LEMIO's statutory mission to enhance the effectiveness of law enforcement and protect civil liberties and civil rights.<sup>47</sup>

## C. Facilitate civilian oversight of law enforcement

Legislation to remove obstacles to strong independent civilian oversight could improve accountability and help prevent misconduct, particularly in the wake of the Court of Appeals' recent ruling in *Rochester Police Locust Club, Inc. v. City of Rochester*.<sup>48</sup>

In 2020, Rochester residents voted to create a civilian Police Accountability Board ("PAB") authorized, among other things, to discipline Rochester police officers for misconduct. In the *Rochester Police Locust Club* ruling, the Court of Appeals stripped the PAB of its disciplinary authority, holding that a 1985 change to municipal law in Rochester meant that, from that point forward, the discipline for Rochester police would be subject to collective bargaining with the local police union, regardless of any future municipal law-making or referenda. This ruling

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44. New Jersey law requires that the Office of the Attorney General publish aggregate data regarding N.J. State Police motor vehicle stops, including the reason for the stop, the actions the trooper took during and after the stop, the driver's race, and whether any evidence was seized. This information is available on a database that is updated every 6 months and includes a public feedback mechanism. See N.J.S.A. 52:17B-222 et seq., "The Law Enforcement Professional Standards Act of 2009"; see also New Jersey Office of the Attorney General, *State Police Traffic Stop Dashboard*, <https://www.njoag.gov/trafficstops>. The N.J. A.G. also promulgated a new Use of Force policy requiring covered law enforcement agencies to report involved officers' names, the age, race, and gender of the victim of each use of force, whether injuries were sustained, the underlying circumstances of the incident, and the kind of force used, within 24 hours of the incident. See Office of the Attorney General, *Use of Force Policy*, Dec. 2020, <https://www.nj.gov/oag/force/docs/UOF-2020-1221-Use-of-Force-Policy.pdf>.

45. See Cal. Gov't Code § 12525 (use of force data), § 12525.2 (deaths in custody and arrest-related deaths), § 12525.5 (stops), Cal. Pen. Code § 13010-13012 and § 13020-13021 (arrests), and Cal. Pen. Code § 13012(a)(5) (civilian complaints against peace officers). All of this data and more, including crimes and clearances and officer staffing, are publicly downloadable and viewable on regularly updated dashboards at California Department of Justice "Open Justice Data Portal," <https://openjustice.doj.ca.gov/data>. See also Cal. Sen. B. 16 (2020-2021), Chapter 402 (Cal. Stat. 2021).

46. President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, (2015), <https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo64136/pdf/GOVPUB-J36-PURL-gpo64136.pdf>.

47. In addition to mandating data collection for traffic and pedestrian stops, New York should consider requiring data transparency for local jails, requiring agencies to track and publish data including but not limited to assaults occurring in jails against people in custody and staff; demographic information related to those placed in solitary confinement; daily prisoner population segmented by charge type, race, sex, and mental health diagnosis; mean and median length of stay; as well as lists and descriptions of all programs available to incarcerated people and completion rates.

48. *Rochester Police Locust Club, Inc. v. City of Rochester*, 41 N.Y.3d 156 (2023).

followed other Court of Appeals decisions in which the Court had concluded that the specific local legislative history of other municipalities (in particular, New York City, Schenectady, and Wallkill) meant that those other municipalities, unlike Rochester, retain control over discipline without union approval.<sup>49</sup> Several justices dissented from the *Rochester Police Locust Club* ruling, and both the majority and dissent noted that the ultimate resolution of these complex issues rests with the state legislature.<sup>50</sup>

Over the past several decades, many jurisdictions have established external civilian-led entities designed to provide independent oversight of law enforcement agencies.<sup>51</sup> The development of these civilian oversight entities generally has resulted from concerns over inadequate internal accountability processes and resulting breaches of public trust. Recently, prompted by increased scrutiny in the wake of high-profile incidents of law enforcement misconduct, civilian oversight entities have expanded—both in number and in the extent of their authority—in New York and across the country.<sup>52</sup>

As the ruling in *Rochester Police Locust Club* makes clear, despite the trend towards local civilian oversight, certain state laws have had the unintended consequence of restricting the development of civilian oversight entities. The civil service laws at issue in *Rochester Police Locust Club* are one example. As another example, Unconsolidated Law § 891 has been interpreted to prevent non-police personnel from presiding over police disciplinary hearings, unlike disciplinary hearings for other municipal employees.<sup>53</sup>

In the coming session, the legislature should address these issues and, more generally, facilitate civilian oversight by removing restrictions that prevent localities from determining the best way to establish police oversight and accountability mechanisms that serve the needs of their communities.<sup>54</sup>

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49. See *City of Schenectady v. New York State Pub. Empl. Relations Bd.*, 30 N.Y.3d 109 (2017); *Town of Walkill v. Civil Serv. Empls. Ass'n*, 19 N.Y.3d 1066 (2012); *Patrolmen's Benevolent Ass'n of City of N.Y. v. New York State Pub. Empl. Relations Bd.*, 6 N.Y. 3d 563 (2006).

50. *Rochester Police Locust Club*, 41 N.Y.3d at 167-68 (explaining that “[t]he Legislature may therefore act to articulate a public policy that would prevail over the ‘strong and sweeping’ one favoring collective bargaining that it has already adopted in the Taylor Law”); see also *id.* at 185 (Chief Justice Wilson, stating in dissent that “[f]ortunately, the legislature has the power to break the cycle.... If Rochester’s desire to establish an independent disciplinary commission is in fact consistent with state policy, the legislature may easily correct our error”).

51. See generally, Michael Vitoroulis, Cameron McElhiney, & Liana Perez, *The Evolution and Growth of Civilian Oversight: Key Principles and Practices for Effectiveness and Sustainability*, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (2021); Michael Vitoroulis, Cameron McElhiney, & Liana Perez, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (2021).

52. See, e.g., Cheryl Corley, *Across The Country, Voters Approve More Civilian Oversight for Police*, NPR, Nov. 7 2020, <https://www.npr.org/2020/11/07/931806105/across-the-country-voters-approve-more-civilian-oversight-for-police>; Sharon R. Fairley, *Survey Says?: U.S. Cities Double Down On Civilian Oversight of Police Despite Challenges and Controversy*, CARDOZO L. REV. DE NOVO (2020).

53. See, e.g., *Lynch v. Giuliani*, 301 A.D.2d 351, 359 (1st Dep’t 2003) (holding that Unconsolidated Law § 891 required disciplinary hearings to be conducted by employees of the NYPD Commissioner, rather than the Office of Administrative Hearings and Trials).

54. Resources on police accountability and oversight include *What Does Police Oversight Look Like?*, POLICING PROJECT (2020), <https://www.policingproject.org/oversight#chart>; Udi Ofer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 SETON HALL L. REV. 1033 (2016).

Another way to remove obstacles to strong independent civilian oversight is to improve civilian oversight agencies' access to sealed records. New Yorkers are protected by laws that restrict access to—or “seal”—certain criminal justice records maintained by law enforcement agencies and the courts. These sealing laws serve important functions, but they can unintentionally hinder investigations of law enforcement misconduct. LEMIO and oversight entities such as civilian review boards often require access to sealed criminal justice records to fully investigate allegations of misconduct. For example, investigators may need to review body-worn camera footage, arrest records, and other documents related to incidents involving police interaction with young people or cases in which charges were dismissed—yet access to these records may be blocked by sealing laws (although Executive Law § 75 permits the OAG to access sealed records maintained by covered agencies).

Legislation to address this problem should amend various provisions of the Criminal Procedure Law, Civil Rights Law, and Family Court Act to make clear that the OAG, as well as other agencies investigating law enforcement misconduct, can access sealed records as needed.

## **D. Limit pretextual traffic stops and unnecessary risky pursuits**

Traffic stops may seem commonplace, but they can have serious consequences that range from the financial burdens of tickets to lengthy roadside detentions and searches. Law enforcement officers make more than a million traffic stops each year in New York.<sup>55</sup> These stops may involve speeding and safety-related issues, but many stops are based on Vehicle and Traffic Law (“VTL”) violations that are less critical to safety, such as an expired registration or equipment violations like a broken taillight or tinted windows.

Under current law, these traffic stops can be “pretextual” in nature. In other words, the primary reason for the stop may not be the potential VTL violation, but rather the officer’s hunch—which on its own would not meet the constitutional standard—that stopping the car might lead to evidence of another offense.<sup>56</sup> Given the wide range of potential VTL violations, it is not hard to find a reason to stop a car and hold its owner on the side of the road.

The racial disparities are significant. Black drivers are far more likely to be pulled over than white drivers.<sup>57</sup> While most New York agencies do not track searches and their outcomes, analyses from other states that do track data show that while drivers of color are more likely to be searched, the likelihood of officers finding contraband from those searches is much lower than for white drivers who are searched.<sup>58</sup> And, tragically, some of the high-

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55. While precise data is not available for all New York law enforcement agencies (see Section IV.A above), in 2024, NYPD officers alone made more than 855,000 traffic stops. See NYPD Vehicle Reporting, <https://www.nyc.gov/site/nypd/stats/reports-analysis/vehicle-stop-reports.page>. This was a significant increase compared to the previous two years. See *New York Police Department Traffic Stops Data*, New York Civil Liberties Union (2025), <https://www.nyclu.org/data/nypd-vehicle-stops-data>.

56. See *Whren v. U.S.*, 517 U.S. 806 (1996); *People v. Robinson*, 97 N.Y.2d 341 (2001).

57. See, e.g., *CitiStat*, Buffalo Open Data (2020), <https://data.buffalony.gov/stories/s/ftkr-cpvn> (showing traffic stop data in Buffalo); *New York Police Department Traffic Stops Data*, New York Civil Liberties Union (2025), <https://www.nyclu.org/en/nypd-traffic-stops-data>.

58. See, e.g., Empire Justice Center, *Stop the Stops* (Jan. 2023) at 12-17, <https://empirejustice.org/wp-content/uploads/2023/04/Stop-the-Stops-Empire-Justices-Preliminary-Report-on-Racial-Disparities-in-Pretext-Stops.pdf> (summarizing analyses from several states and municipalities).

profile deaths of individuals at the hands of police over the past decade originated from simple traffic stops that escalated into violence or high-speed pursuits.<sup>59</sup>

Some states and localities have attempted to mitigate the disparities and harmful outcomes from traffic stops by limiting stops for low-level equipment violations, repealing excess fees and implementing voucher programs to help fix equipment issues, and restricting high-speed pursuits to stops involving specific serious offenses. New York should consider legislation that adopts these reforms across the state.

Jurisdictions that have banned police stops for low-level equipment violations include states such as Virginia and Oregon, localities such as Philadelphia, Pittsburgh, and Memphis, and various local police departments across the country.<sup>60</sup> These jurisdictions have had successes: in Philadelphia, Pennsylvania, evidence suggested that officers were able to focus on serious public safety issues and get more guns off the street when they could divert time and resources away from low-level violations that fail to make the roadways safer.<sup>61</sup> Similarly, in Fayetteville, North Carolina, after police stopped conducting stops for certain low-level equipment violations, car accidents decreased and crime was unaffected, while racial disparities in traffic stops were reduced.<sup>62</sup> Components of such legislation include prohibiting police officers from initiating traffic stops for specified low-level equipment and traffic violations, rendering inadmissible in criminal actions any evidence derived from a traffic stop initiated on prohibited grounds, and requiring robust data collection on traffic stop encounters.

Jurisdictions across New York and the country have also begun to address the financial burdens of fines and fees associated with traffic stops.<sup>63</sup> As a report by the Vera Institute found, even low-level violations come with high financial costs: a single window tint violation can cost \$340 in fines, fees, and surcharges in New York.<sup>64</sup> The cost of multiple traffic tickets can range in the thousands, a cost that many households cannot afford.<sup>65</sup> Some

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59. See, e.g., Elisha Fieldstadt, *Newly aired Sandra Bland cellphone video shows traffic stop from her vantage point: Sandra Bland was pulled over for failing to use her turn signal and was found dead in her Texas jail cell a few days later. Her death was ruled a suicide.*, NBC NEWS (May 7, 2019), <https://www.nbcnews.com/news/us-news/newly-aired-sandra-bland-cellphone-video-shows-traffic-stop-her-n1002756>; Philip Heisel and Jacquellena Carrero, *Philando Castile, Killed By Police During Traffic Stop, Remembered as Gentle Man: Philando Castile was a kitchen supervisor for Saint Paul Public Schools, where those who knew him were shocked and saddened by his death*, NBC NEWS (July 7, 2016), <https://www.nbcnews.com/news/us-news/philando-castile-killed-police-during-traffic-stop-remembered-gentle-man-n605581>.

60. In December 2022, New York passed legislation prohibiting police officers from issuing traffic summonses for two specific traffic violations relating to obstruction of a driver's view of the front and rear windshields.

61. Monroe, Howard, *New Philly Law Takes Weapons off the Streets, Data Shows*, CBS News Philadelphia, Mar. 3, 2023, available at <https://www.cbsnews.com/philadelphia/news/new-philly-law-takes-weapons-off-the-streets-data-shows>.

62. Fliss, M.D., Baumgartner, F., Delamater, P. et al., *Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities*, *Injury Epidemiology* 7, (2020), 3, available at <https://doi.org/10.1186/s40621-019-0227-6>.

63. See End Justice Fees Reform Map: States and Localities That Have Repealed Fees, Fines and Fees Justice Center, available at <https://endjusticefees.org/reform/>. Fines, as opposed to fees, are monetary sanctions prescribed as punishment, while fees and surcharges do not serve the purpose of punishment and are instead intended to fund the justice system and other government services.

64. See Chris Mai and Maria Rafael, *The High Price of Using Fines and Fees to Fund Government in New York*, Vera Institute of Justice (Dec. 2020), 3, available at <https://www.vera.org/downloads/publications/the-high-price-of-using-justice-fines-and-fees-new-york.pdf>.

65. Angela LaScala-Gruenewald, Katie Adamides, and Melissa Toback, *New York's Ferguson Problem*, Fines and Fees Justice Center, No Price on Justice (Sept. 2020), available at [https://nopriceonjustice.org/wp-content/uploads/2020/09/New\\_York\\_Ferguson\\_Problem\\_NPJ\\_Report.pdf](https://nopriceonjustice.org/wp-content/uploads/2020/09/New_York_Ferguson_Problem_NPJ_Report.pdf).

localities in New York, such as Buffalo, have repealed local fees associated with traffic infractions in light of the financial hardship they impose on residents.<sup>66</sup> Several localities across the state have also implemented voucher programs, where community groups, government agencies, or police officers issue vouchers that cover the costs of fixing equipment violations such as broken headlights and taillights, or have implemented programs waiving fines if the driver can show the equipment is fixed.<sup>68</sup> New York should consider legislation that eliminates the use of fees and surcharges imposed on those convicted of offenses under the penal and vehicle and traffic laws, and should consider implementing the issuance of vouchers by community groups and government agencies for low-level equipment violations statewide.

Finally, New York State should join the growing number of municipalities and law enforcement agencies across the country that have begun to address the dangers of high-speed vehicle pursuits. A recent national study found that police pursuits resulted in the death of more than 3,000 people from 2017 to 2022, more than 500 of whom were bystanders, and that the vast majority of police vehicle pursuits were to stop drivers suspected of committing minor vehicle and traffic violations or lower-level crimes.<sup>69</sup> In Buffalo, pursuits are banned where the reason for the attempted stop is a Vehicle and Traffic Law violation, a misdemeanor, or a non-violent felony.<sup>70</sup> In Albany, officers are required to consider several factors before starting a chase, such as the seriousness of the offense for which the person is pursued, the present danger the fleeing person poses to the public, and the possibility of apprehending the person at a later time.<sup>71</sup> As detailed in a recent OAG report, New York law enforcement agencies should be required to track and publish a standardized set of data about traffic pursuits and high speed chases, facilitated by a centralized agency such as the Division of Criminal Justice Services (DCJS).<sup>72</sup> Statewide legislation should also ban high-speed pursuits, with narrow exceptions for situations when a serious or violent felony has been committed, and when the driver's conduct poses an imminent threat of death.

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66. See The Buffalo Reform Agenda, available at <https://policereform.ny.gov/system/files/documents/2021/04/buffalocityprc.pdf>.

67. See, e.g., Greg Cergol, *Instead of Tickets for Defective Lights, LI Drivers Will Get Vouchers to Fix Them*, NBC NEWS (Apr 21, 2022), <https://www.nbcnewyork.com/news/local/instead-of-tickets-for-defective-lights-li-drivers-will-get-vouchers-to-get-them-fixed/3657711>.

68. Other important components of legislation to address the burdens of fines and fees include eliminating mandatory minimum fines; requiring an individualized assessment by the court of an individual's ability to pay a fine; vacating existing judgments and warrants arising out of the imposition of court fees and surcharges; and eliminating the use of the funds of an incarcerated person to pay such fees, surcharges, fines or other monetary penalties.

69. See Jennifer Gollan and Susie Neilson, *Police chases are killing more and more Americans. With lax rules, it's no accident*, San Francisco Chronicle (Feb. 27, 2024), <https://www.sfchronicle.com/projects/2024/police-chases>.

70. Ashley Rowe, WKBW, *Did Officers Disobey BPD Rules in City-wide Police Chase?* (Mar. 31, 2022), <https://www.wkbw.com/news/local-news/did-officers-disobey-police-department-rules-in-tuesdays-police-chase-across-buffalo>.

71. Albany Police Department (2015). Albany Police Department General Order No. 3.1.15: Pursuit Situations 1-2.

72. Office of the New York State Attorney General, *Improving Policing and Public Safety: Problems Presented by Vehicle Pursuits* (June 24, 2025), <https://ag.ny.gov/improving-policing-and-public-safety>.

## E. Require transparency regarding use of AI in policing

The capabilities and use of artificial intelligence and machine learning technologies have increased dramatically in recent years. While these technologies are relatively new, law enforcement agencies have started to integrate them into their work. For example, these tools have been used for facial recognition, vehicle surveillance in the form of automatic license plate readers (ALPRs), and audio-based gunshot detection systems.<sup>73</sup> More recently, generative AI tools have been developed to produce audio/video transcriptions and draft police reports.<sup>74</sup>

While AI technologies may have important benefits, the unregulated use of AI and technology-assisted surveillance by law enforcement carries significant risks. For example, advocates have raised privacy concerns with the use of ALPRs to track and analyze the movements of millions of people.<sup>75</sup> The accuracy of facial recognition technology has been found to vary across developers and appears to exhibit gender and skin color biases that disproportionately place women, children, and people of color at risk of false positives.<sup>76</sup> In February 2024, the Innocence Project identified at least seven confirmed cases of misidentification due to the use of facial recognition, six of which involved Black people being wrongfully accused.<sup>77</sup> In January 2024 in Chicago, police opened fire on an underage boy after ShotSpotter, a gunshot detection acoustic surveillance tool, wrongfully identified the boy's fireworks use as the sound of a gunshot.<sup>78</sup> In October 2025, an AI-powered weapons detection system at a Baltimore high school mistakenly identified a student's bag of potato chips as a gun, resulting in police responding to the school and handcuffing the student.<sup>79</sup> The generative AI tools used to produce police reports rely on large language models that are prone to "hallucinations" — unpredictable errors in which the model misrepresents or fabricates facts. Many of these technologies lack mechanisms for auditing their inner workings to understand and evaluate their accuracy and performance.<sup>80</sup> Last month, a federal district judge

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73. How Policing Agencies Use AI, The Policing Project (2024), <https://www.policingproject.org/ai-explained-articles/2024/9/6/how-policing-agencies-use-ai>.

74. Clare Duffy & Emily Williams, "How AI Is Being Used by Police Departments to Help Draft Reports," CNN (Aug. 12, 2025), <https://www.cnn.com/2025/08/12/tech/ai-police-reports-axon>.

75. ALPR Primer, National Association of Criminal Defense Lawyers Fourth Amendment Center (2023), <https://www.nacdl.org/getattachment/49944c94-b295-475e-b575-36bda695286f/alprprimer.pdf>

76. See Patrick Grother, Mei Ngan & Kayee Hanaoka, *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects*, National Institute of Standards and Technology, U.S. Department of Commerce (2019), <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>; Larry Hardesty, *Study Finds Gender and Skin-type Bias in Commercial Artificial-intelligence Systems*, MIT News (2018), <https://news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212>

77. Alyxaundria Sanford, *Artificial Intelligence Is Putting Innocent People at Risk of Being Incarcerated*, The Innocence Project (Feb. 14, 2024), <https://innocenceproject.org/news/artificial-intelligence-is-putting-innocent-people-at-risk-of-being-incarcerated>.

78. Sophie Sherry, *Chicago Cop Responding to Shotspotter Alert Opened Fire on Boy Lighting Fireworks, Oversight Agency Says*, Chicago Sun-Times (Feb. 27, 2024), <https://chicago.suntimes.com/crime/2024/02/27/chicago-police-officer-shotspotter-alert-opened-fire-boy-lighting-fireworks>.

79. Liv McMahon & Imran Rahman-Jones, *Armed Police Handcuff Teen After AI Mistakes Crisp Packet for Gun in US*, BBC News (Oct. 24, 2025), <https://www.bbc.com/news/articles/cgjd1x92lylo>.

80. See ACLU White Paper on Police Departments' Use of AI to Draft Police Reports, (Dec. 10, 2024), <https://www.aclu.org/documents/aclu-on-police-departments-use-of-ai-to-draft-police-reports>; Guariglia, Matthew, Maass, Axon's *Draft One Is Designed to Defy Transparency*, Electronic Frontier Foundation, (July 10, 2025), <https://www.eff.org/deeplinks/2025/07/axons-draft-one-designed-defy-transparency>.



raised concerns regarding the use of generative AI by federal law enforcement in use of force reports, observing that such use may have led to inaccuracies.<sup>81</sup> Based on similar concerns, in 2024, the King County Prosecuting Attorney's Office in Washington circulated a memo informing law enforcement agencies that it would not accept AI-generated reports due to the software's general lack of compliance with federal regulations and unaddressed concerns about the efficacy of the products.<sup>82</sup>

Some states have already passed legislation regulating various AI and technology-assisted surveillance tools, including regulation of facial recognition in Montana and Maryland, and ALPR regulation in Virginia and Minnesota.<sup>83</sup> Other states have required general standards for use of AI systems in law enforcement applications.<sup>84</sup> The New York City Council, in 2020, enacted the Public Oversight of Surveillance Technology (POST) Act, which requires the reporting and evaluation of surveillance technologies used by the NYPD, including facial recognition, license plate readers, and drone usage.<sup>85</sup>

As a first step towards ensuring that AI is responsibly utilized in law enforcement applications at the state level, our office recommends legislation that would require police agencies to conduct an inventory of, and develop a publicly available policy for, any AI used to aid in criminal investigations. Legislation should also require law enforcement agencies to disclose the use of AI in their police reports, which would ensure that prosecutors have access to information about police AI use in order to comply with disclosure obligations to criminal defendants and promote public trust. The Policing Project has drafted a model statute regarding police disclosure of AI to further these goals.<sup>86</sup>

The increased use of AI across all sectors, including law enforcement, appears inevitable. Ultimately, as the use of AI tools expands, more stringent regulation will be needed to ensure the accuracy of these technologies, account for bias, and allow for auditing of their inner workings. In the interim, basic transparency regarding the use of AI and surveillance technology by law enforcement is a crucial first step towards reducing the potential for harm and ensuring they are used responsibly.

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81. See Lauer, Claudia, *Judge's footnote on immigration agents using AI raises accuracy and privacy concerns*, Associated Press (Nov. 26, 2025), <https://apnews.com/article/ice-artificial-intelligence-ai-chicago-law-enforcement-3b7aeb65c982842ce0b6b94436fbff30>.

82. Guariglia, Matthew, *Prosecutors in Washington State Warn Police: Don't Use Gen AI to Write Reports*, Electronic Frontier Foundation (Oct. 17, 2024), <https://www.eff.org/deeplinks/2024/10/prosecutors-washington-state-warn-police-dont-use-gen-ai-write-reports>; email from King County (WA) Prosecuting Attorney's Office Re Axon Draft One, <https://pceinc.org/wp-content/uploads/2025/01/20240920-Email-to-Police-Chiefs-re-Axon-Draft-One-King-County-Prosecuting-Attorney-Dan-Clark.pdf>.

83. Montana Senate Bill No. 397, passed in 2023, [https://archive.legmt.gov/bills/2011/sb0399/SB0397\\_1.pdf](https://archive.legmt.gov/bills/2011/sb0399/SB0397_1.pdf); Maryland General Assembly Bill SB182, passed in 2024, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0182?ys=2024RS>;

Virginia General Assembly Bill HB2724, passed in 2025, <https://lis.virginia.gov/bill-details/2025/HB2724>; Minnesota Statutes § 13.824, passed in 2025, <https://www.revisor.mn.gov/statutes/cite/13.824>.

84. Maryland General Assembly Bill SB0818, passed in 2024, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0818?ys=2024rs>; Texas House of Representatives Bill SB1964, passed in 2025, <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB01964F.pdf#navpanes=0>.

85. New York City Council Int. No. 487-A, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343878&GUID=996ABB2A-9F4C-4A32-B081-D6F24AB954A0>

86. Model Statute: Police Use of AI, The Policing Project, <https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/686be693ec1758311e206557/1751901843879/PP+Inventory+and+Disclosure+Model+Statute.pdf>; see also New York State Assembly bill A9253 (based on model statute), <https://www.nysenate.gov/legislation/bills/2025/A9253>.



## **F. Require the use of body-worn cameras**

Video footage of interactions between law enforcement and the public can promote accountability for misconduct that might otherwise go undetected and protect officers who are wrongly accused. It can also be a helpful management tool for improving performance and training.

The legislature should require by statute that all police and sheriff's departments deploy and use body-worn cameras and dashboard cameras in all encounters with members of the public, as recommended LEMIO's prior annual reports and in the October 1, 2025 Annual Report of OAG's Office of Special Investigation.<sup>87</sup> The statute should provide guidelines for retention of camera footage and permit departments to create exceptions to deployment or use, but any such exceptions must be limited to specific and clearly articulated and justified law enforcement need. Importantly, the state should provide smaller departments with funding as needed for such deployment and training.

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87. See New York State Office of the Attorney General, Office of Special Investigation Fifth Annual Report (Oct. 1, 2025), <https://ag.ny.gov/sites/default/files/reports/20251001-2025-osi-annual-report.pdf>.