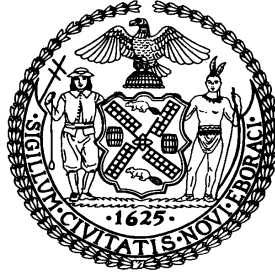


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THE COUNCIL

Report of the Governmental Affairs Division

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COMMITTEE ON PUBLIC SAFETY

Hon. Peter F. Vallone Jr., Chair

December 16, 2013

PROPOSED INT. NO. 859-A:

By Council Members Vallone, Comrie, Eugene, Ferreras, Fidler, Gentile, Jackson, James, Koppell, Lander, Mendez, Recchia, Rose, Williams, Wills, Rodriguez, Halloran, Oddo and Ulrich

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of crime in all parks and playgrounds within the City that are greater than one acre in size.

ADMINISTRATIVE CODE:

Amends paragraph 4 of subdivision a of section 14-150 of the Administrative Code of the city of New York.

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I. INTRODUCTION

On December 16, 2013, the Committee on Public Safety, chaired by Council Member Peter F. Vallone, Jr. will hold a hearing to vote on Proposed Int. No. 859-A, which would amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of crime in all parks and playgrounds within the City that are greater than one acre in size. On November 22, 2013, the Committee on Public Safety held a hearing to consider Introduction No. 859. At that time the Committee heard testimony from union representatives and advocacy groups in support of the legislation.

II. BACKGROUND

The New York City Police Department's ("NYPD") computerized crime-tracking system, COMPSTAT, is used to analyze crime patterns by precinct. This by itself, however, is an imperfect method for tracking crimes in parks due to the fact that many of the city-run parks fall within the geographic regions encompassed by more than one NYPD precinct – under this system, the only park-specific data available is for Central Park, which has its own police precinct.¹ To address this issue, the Committee on Public Safety held numerous hearings in 2005 to discuss proposed legislation that sought to mandate that the NYPD issue quarterly reports to the Council that include the total number of major felony crime complaints for the 20 largest parks, as determined by acreage, under the jurisdiction of the Department of Parks and Recreation. The Council passed the proposed legislation and it was signed into law by the Mayor on December 29, 2005, becoming Local Law 114 of 2005. The Council explained in its legislative intent that city parks “provide an oasis for residents and visitors, and it is vitally

¹ The Central Park Precinct is the 22nd Police Precinct.

important that just as precinct crime information is sent to the council on a quarterly basis, data about the safety of parks should also be provided to the council.”²

Local Law 114 went into effect on February 1, 2006, and at that time the 20 parks initially covered were as follows:

1. Alley Pond Park	6. Ferry Point	11. Great Kills Park	16. Pelham Bay
2. Bronx Park	7. Flushing Meadows	12. Inwood Hill	17. Prospect Park
3. Cunningham Park	8. Forest Park	13. La Tourette Park	18. Randall's Island
4. Dyker Beach	9. Fort Washington	14. Marine Park	19. Riverside Park
5. FDR/Midland	10. Fresh Kills	15. Paerdegat Basin Park	20. Van Cortland Park

Local Law 114 also required the NYPD to submit to the Council the total number of major felony crime complaints for all parks, one acre or greater in size, under the jurisdiction of the Department of Parks and Recreation pursuant to the following timetable:

1. By one year after enactment, the one hundred largest parks, as determined by acreage;
2. By two years after enactment, the two hundred largest parks, as determined by acreage; and
3. By three years after enactment, all parks one acre or greater in size.³

At the hearings held in 2005, the NYPD informed the Committee on Public Safety that there are some resource and technology issues impeding its ability to report this additional park-specific data. Accordingly, to avoid imposing undue hardship on the NYPD, Local Law 114 specifically provided that the NYPD would report additional park data “subject to the availability of resources and the introduction of the necessary technology.”⁴ Therefore, it was the intention of Local Law 114 that the NYPD report major felony crime complaint data for all City parks one acre or greater in size – a total of 870 parks – by the year 2008, if the resources and technology allowed. Unfortunately, between 2006 and 2009 the NYPD alleged that it did not have the requisite resources to report data on all parks one acre or greater in size. As a result, the City

² See Local Law 114 of 2005.

³ See Administrative Code of the City of New York §14-150(a)(4).

⁴ *Id.*

Council was not provided with the data for all 870 parks by 2008. Instead, in 2008, the NYPD expanded its reporting of crime data from 20 parks to 30 of the largest city-run parks, and included the major felonies happening in Central Park’s 22nd Precinct. Specifically, in addition to the initial 20 parks listed above, the NYPD began reporting on the following 10 parks in 2008:

- | | |
|---------------------------|-------------------------------------|
| 1. Blue Heron Park | 6. Kissena Park |
| 2. Canarsie Park | 7. Rockaway Community/Edgemere Park |
| 3. Crotona Park | 8. Soundview Park |
| 4. Highbridge Park | 9. Wards Island Park |
| 5. Joseph T. McGuire Park | 10. Wolfe's Pond Park ⁵ |

Since 2008, the NYPD has not increased the number of parks on which it reports. On April 12, 2011, Council Member Peter Vallone, Jr., Chair of the Committee on Public Safety, sent a letter to Police Commissioner Raymond Kelly requesting a detailed explanation as to why the NYPD has failed to provide the City Council with crime reports data for more than 31 city parks.⁶ In a response letter dated May 30, 2011, Police Commissioner Kelly stated that the NYPD’s “current technological configuration still does not permit the type of reporting” required by Local Law 114. Police Commissioner Kelly also explained that he “instructed his staff to begin an in-depth cost analysis as to the feasibility of re-configuring [NYPD’s] existing infrastructure to accommodate [Local Law 114].”⁷

Thereafter, on January 30, 2012 the Committee on Public Safety and the Committee on Parks and Recreation held a joint oversight hearing entitled “A walk in the park....or is it? Examining Safety in NYC Parks” to discuss certain increases in crime in parks. At that hearing, the issue of the NYPD’s failure to comply with the intention of Local Law 114 was raised by multiple Council Members. In response, the NYPD stated the following:

⁵ Data available on file with the Committee on Public Safety.

⁶ Letter on file with the Committee on Public Safety.

⁷ Letter on file with the Committee on Public Safety.

“In 2005, when we negotiated the terms of the law it was very clear to both the administration and the council that – and we put language in the law to the effect – it was not technologically feasible to do anything but a stick count at that point. And because the fundamental way in which [the NYPD] capture[s] crime data is by street address and/or cross streets, that information cannot be plotted and it cannot be entered in what you would have hoped to be a GPS type system or something that would be able to place a crime within a park as opposed to outside the park. So the technological limitations of our database and the way in which we report crime is still so limited.”⁸

As of the last quarterly report received by the Council on November 18, 2013, which covered the third quarter of 2013, the NYPD continues to report only on the above-referenced 30 city parks, plus Central Park.⁹ While the NYPD is not technically in violation of the language of Local Law 114, it is the Committee on Public Safety’s concern that the NYPD is in violation of the spirit of the law, which was passed over 7 years ago with a gradual phase-in approach. While the law took into consideration the NYPD’s technological concerns, it was for the safety of all New Yorkers who use city parks on a daily basis that the Council intended for the NYPD to provide this information within a reasonable timeframe.

For this reason, the Committee on Public Safety heard testimony on Int. No. 859, which would amend Local Law 114 to create a new timetable for NYPD compliance in order to ensure adequate reporting. As a result of that hearing, Int. No. 859 was amended to modify the timetable so that it provides NYPD with enough time to prepare for the increased reporting and also to ensure that major felony crime complaint data for all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size will also be reported to the Council in the future.

⁸ See Testimony from NYPD Assistant Commissioner Susan Petito at the joint hearing of the Committee on Public Safety and the Committee on Parks and Recreation, January 30, 2012.

⁹ Data on file with Committee on Public Safety.

III. PROPOSED INT. NO. 859-A

In order to achieve the original objectives of Local Law 114, today the Committee will be voting on Proposed Int. No. 859-A.

Section 1 of Proposed Int. No. 859-A amends paragraph 4 of subdivision a of section 14-150 of the Administrative Code of the City of New York. Specifically, the bill requires the NYPD to report the crime complaint data for all properties under the jurisdiction of the Department of Parks and Recreation, pursuant to the following timetable: (1) beginning January 1, 2014, the NYPD must report the data for the thirty largest parks, as determined by acreage; (2) beginning June 1, 2014, the NYPD must report data for the one hundred largest parks, as determined by acreage; (3) beginning January 1, 2015, the NYPD must report the data for the two hundred largest parks, as determined by acreage; (4) beginning January 1, 2016, the NYPD must report the data for the three hundred largest parks, as determined by acreage; (5) beginning January 1, 2017, the NYPD must report data for all parks one acre or greater in size; and (6) beginning January 1, 2018, the NYPD must report data for all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size. In order to ensure compliance with this timetable and with the Council's intention to receive data for all reportable parks, this bill removes the language that makes compliance "subject to the availability of resources and the introduction of the necessary technology."

Additionally, the bill requires the NYPD to conspicuously post all quarterly reports of major felony crime complaints for parks online via the department's website within 5 business days of the department's submission of such reports to the Council.

Section 2 of the bill provides that this law will take effect immediately after its enactment into law.

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Proposed Int. No. 859-A

By Council Members Vallone, Comrie, Eugene, Ferreras, Fidler, Gentile, Jackson, James, Koppell, Lander, Mendez, Recchia, Rose, Williams, Wills, Rodriguez, Halloran, Oddo and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of crime in all parks and playgrounds within the City that are greater than one acre in size.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York, as amended by local law number 114 for the year 2005, is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers

assigned to any command. Such report shall also include the total number of major felony crime complaints for [the twenty largest parks, as determined by acreage,] properties under the jurisdiction of the department of parks and recreation₂[. In addition, the department shall submit to the council, subject to the availability of resources and the introduction of the necessary technology, the total number of major felony crime complaints,] pursuant to the following timetable:[, for parks under the jurisdiction of the department of parks and recreation:]

1. [By one year after enactment of this law] Beginning January first, two thousand fourteen, the [one hundred] thirty largest parks, as determined by acreage;
2. [By two years after enactment of this law] Beginning June first, two thousand fourteen, the one [two] hundred largest parks, as determined by acreage; [and]
3. [By three years after enactment of this law, all parks one acre or greater in size,] Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§2. This local law shall become effective immediately.

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