



Legislation Text

File #: Int 1391-2019, Version: *

Int. No. 1391

By The Speaker (Council Member Johnson) and Council Members Lander, Ampry-Samuel and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to publish the department's disciplinary guidelines and the number of officers disciplined each year, and to provide a disciplinary action report directly to the Council

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§14-181 Officer discipline.

a. Definitions. As used in this section, the following terms have the following meanings: Discipline guidelines. The term “discipline guidelines” means guidelines used to impose disciplinary sanctions on an officer that has committed a violation. Discipline guidelines shall include: 1. The departmental rules and regulations, and local, state and federal laws for which officers are subject to discipline; 2. A description of the types of discipline imposed on an officer including but not limited to: reprimand, command discipline, command level training, formalized training, loss of vacation time, modified duty, removal of firearm, dismissal probation, suspension, or termination; 3. The range of sanctions or punishments permitted for each type of discipline; 4. Mitigating and aggravating factors considered in imposing discipline; and 5. The timeframe within which disciplinary decisions must be reached.

Violation. The term “violation” means any violation of a department rule, policy, or procedure, or any local, state, or federal law that would subject an officer to discipline.

Disciplinary Action. The term “disciplinary action” means any single proceeding undertaken by the

department against an officer in which any penalty or discipline may be imposed on the officer for one or more violations of one or more departmental rule or regulation, or any local, state or federal laws.

b. Discipline guideline report. No later than April 1, 2019, the department shall post on its website and deliver to the council the department's discipline guidelines. The department shall update the report within 24 hours of any amendments to the discipline guidelines.

c. Officer discipline report. No later than April 1 1, 2019, and every January 1 thereafter, the department shall post on its website and deliver to the council a report that includes the following information for the prior year:

1. The number of officers subject to disciplinary action, excluding officers that have been terminated, in each precinct, in total and disaggregated by the departmental rule, regulation, state law or federal law the officer was determined to have violated, and further disaggregated by the type of discipline received, including the loss of vacation days in the following categories: 1-9 days, 10-19 days, 20-29 days, 30-49 days, and more than 50 days.

2. The number of officers terminated from the department disaggregated by precinct, and further disaggregated by the departmental rule(s), regulation (s), local law(s), state law(s) or federal law(s) the officer was determined to have violated.

3. The number of officers charged with violations that have not reached disposition and the mean and median periods of time such disciplinary actions have been pending, in total and disaggregated by precinct.

4. The number and percentage of instances in which the commissioner issued a lesser penalty than recommended by the deputy commissioner of trials, the civilian complaint review board, or any other disciplinary body, in total and disaggregated by precinct.

5. The number and percentage of instances in which the commissioner issued a greater penalty than recommended by the deputy commissioner of trials, the civilian complaint review board, or any other disciplinary body, in total and disaggregated by precinct.

d. Disciplinary Action Report

1. No later than April 1, 2019, the department shall deliver to the council a report of all disciplinary actions in which such actions commenced within the preceding three years, disaggregated by the departmental rules, regulations, local laws, state laws or federal laws violated, and including for each disciplinary action: a unique serial case identification number, the date of charges, a description of the officer's conduct, the officer's command precinct, whether the alleged conduct occurred while such officer was on duty, the recommendation of any disciplinary body, the findings of the commissioner, any penalty or discipline imposed by the department, and the date of disposition if any.

2. No later than April 1, 2019, and every April 1 thereafter, the department shall deliver an updated report including the information required by paragraph 1 of this subdivision for disciplinary actions commenced during the preceding year and for disciplinary actions concluded during the previous year.

3. Nothing in this subdivision shall require the department to divulge the name, shield number, Tax ID, or any other information identifying the name of an officer.

§ 2. This local law takes effect immediately.

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LS 3759
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