

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1986**

No. 55

f 13-A

Introduced by Council Members Crispino and Ferrer (by request of the Mayor); also Council Members Berman, Foster and Leffler.

A LOCAL LAW

To amend the New York City Charter, in relation to civilian review of police actions.

Be it enacted by the Council as follows:

Section 1. Subdivisions a and c of section four hundred forty of chapter eighteen of the New York city charter, as added by vote of the electors on November eighth, nineteen hundred sixty-six, are amended to read as follows:

(a) Policy. It is hereby declared to be the public policy of the city of New York in order to preserve the independence and integrity of police service, that civilian complaints against members of the police department of the city of New York shall be reviewed fairly and impartially by the review board established in this section and shall be investigated and dealt with fully and fairly by the appropriate officials regularly charged with the governance and discipline of the police department without interference by any person or group of persons not regularly in police service.

(c) Review of civilian complaints. There shall continue to be within the police department a review board, with the power to receive, to investigate, to hear and to recommend action upon civilian complaints against members of the police department. The board shall consist of twelve members, of whom six shall be members of the public selected so that one resident from each of the five boroughs of the city and one citywide representative are members. The public representatives shall be appointed by the mayor for terms of two years with advice and consent of the council in the same manner as is provided in section forty-six of this charter. Six members shall be appointed by the commissioner for terms of two years. Each member appointed by the commissioner must have been, for a period of at least one year prior to his appointment to such board, a regularly appointed, full-time member or full-time administrative employee of the police department. Any such member shall be a member of the board only for such time as he or she is so employed. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as was the member whose position became vacant. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. Neither the mayor, the commissioner, nor any other administrator or officer of the city of New York shall have power to authorize any person, agency, board or group to receive, to investigate, to hear, or to require or recommend action upon civilian complaints against members of the police department except as provided in this section, provided that nothing herein shall limit or impair the authority of the commissioner to discipline members of the force pursuant to law.

§2. Subdivisions d, e and f of section four hundred forty of such charter are relettered to be subdivisions e, f and g and such section is amended by adding a new subdivision, to be subdivision d, as follows:

d. Rules of procedure; staffing. 1. The board shall establish rules of procedure, which may provide for the establishment of panels of the board of not less than three members each, which shall consist of at least one public representative to act on behalf of the board. No panel shall consist entirely of public representatives. Such panels may recommend action on civilian complaints against members of the police department.

2. The commissioner shall assign personnel of the police department to assist the board and conduct investigations on its behalf.

§3. Notwithstanding any provision of this local law to the contrary, any ongoing review of a civilian complaint received prior to the effective date of this local law may continue to be considered by the board as constituted prior to such effective date.

§4. This local law shall take effect ninety days after it shall have become a law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 6, 1986, and approved by the Mayor on November 24, 1986.

CARLOS CUEVAS, City Clerk, Clerk of Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 55 of 1986, Council Int. No. 13-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 6, 1986: 27 for, 7 against.

Was approved by the Mayor on November 24, 1986.

Was returned to the City Clerk on November 24, 1986.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.