Committee on Public Safety

Joshua Kingsley, *Legislative Counsel*

Matthew Thompson, *Policy Analyst*

Nevin Singh, *Financial Analyst*

Jack Storey, *Financial Analyst*



**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE JUSTICE DIVISION**

**Jeffrey Baker, Legislative Director**

**COMMITTEE ON PUBLIC SAFETY**

**Hon. Adrienne E. Adams, Chair**

**November 22, 2021**

**int. no. 1883:** By Council Members Adams, Louis, Gibson, Gjonaj and Miller(by request of the Queens Borough President)

**title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to conduct an annual security assessment at each New York city housing authority building

**administrative code:** Adds section 14-183

**Int. No. 2297:** By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Member Louis

**title:** A Local Law to amend the administrative code of the city of New York, in relation to qualification for service with the police department

**administrative code:** Amends section 14-109

**int. no. 2440:** By Council Members Adams, Louis and Cumbo (by the request of the Mayor)

**title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints

**new york city charter:** Amends section 440

**administrative code:** Amends section 14-109

**reso. no. 1782:** By Council Members Adams, Louis and Cumbo

**title:** Resolution calling on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction

1. **introduction:**

On November 22, 2021 the Committee on Public Safety, chaired by Council Member Adrienne E. Adams, will hold a hearing on: Int. No. 1883, in relation to requiring the Police Department to perform an annual security assessment for each New York City Housing Authority (“NYCHA”) building; Int. No. 2297, in relation to qualification for service with the police department; Int. No. 2440, in relation to authorizing the civilian complaint review board to initiate complaints; and Reso. No. 1782, a resolution calling on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction. Among those expected to testify include representatives from the New York City Police Department (“NYPD” or “the Department), the Civilian Complaint Review Board (“CCRB”), public defender offices, public housing residents, advocates and members of the public.

1. **background:**

**A. NYPD-NYCHA Coordination**

In 1995, the NYPD and NYCHA entered into a memorandum of understanding (“MOU”) which merged the Housing Authority Police Department (“HAPD”) and the NYPD.[[1]](#footnote-1) As a result, the NYPD undertook responsibility for providing all police services in NYCHA-operated housing facilities and established an NYPD Housing Bureau to “oversee, direct, and command housing police operations”.[[2]](#footnote-2) The NYPD also has an obligation under the NYCHA-NYPD MOU to evaluate, advise, and coordinate with NYCHA management security reviews of physical configurations in public housing facilities.[[3]](#footnote-3)

According to the NYPD, the Housing Bureau is responsible for the safety of nearly half-million residents, employees, and visitors of NYCHA developments and works closely with resident patrols, community groups, and development managers to reduce crime and target violations and quality of life concerns.[[4]](#footnote-4) The Housing Bureau is comprised of 9 Police Service Areas (“PSA”), which serve several NYCHA housing developments within the confines of specific precincts.

*Security Infrastructure Deficiencies at NYCHA*

In October 2018, the New York City Comptroller’s Office released an investigative survey of NYCHA doors.[[5]](#footnote-5) The Comptroller’s team visited 299 NYCHA developments, and found that 195 developments (65%) had unsecured doors. Sixty-one developments were deemed “severely vulnerable” as over half of their entrance doors were unlocked. Across all inspected developments, the survey revealed hundreds of broken latches, busted locks, and doors held open by chains and rope.[[6]](#footnote-6) Additionally, 47% of all front entrances were not equipped with security cameras.[[7]](#footnote-7)

The Comptroller’s Office shared the results of the survey with NYCHA, and informed NYCHA that developments with nonfunctioning locking mechanisms may be in violation of the Rules of the City of New York.[[8]](#footnote-8) The Comptroller additionally called upon NYCHA to: (1) conduct a comprehensive review of its security and maintenance systems and procedures; (2) regularly inspect all exterior doors and maintain all doors and locks in good working order; (3) repair or replace all damaged exterior doors identified in the survey and equip them with sturdy, functional hardware; and (4) ensure that security cameras are operational and located at all publicly accessible entrances and exits.[[9]](#footnote-9)

Two months later, in December 2018, NYCHA announced that seven developments across Manhattan would receive $13 million in safety and security upgrades.[[10]](#footnote-10) The planned upgrades were to include exterior LED lighting, and closed-circuit television (“CCTV”) surveillance systems.[[11]](#footnote-11) Although some residents are wary of security cameras generally and police surveillance specifically,[[12]](#footnote-12) others cite the absence of security cameras and security guards at their buildings as risk factors for crime.[[13]](#footnote-13)

In Fiscal Year 2021, Council Members allotted $3.15 million in discretionary funds to different NYCHA developments for security upgrades.[[14]](#footnote-14) Fiscal Year 2022 saw those appropriation rise to over $7.4 million. Additionally, the Council-Administration Borough-Based Jails Points of Agreement designated $13 million to fund NYCHA security improvements.[[15]](#footnote-15)

**B. Police Officer Qualifications**

In April 2020, The Yale Law Journal published "The Wandering Officer,"[[16]](#footnote-16) a study that examined the occurrence of law enforcement officers being fired, or forced to resign, due to allegations of misconduct, who are then later hired by a police department in another jurisdiction. Since data was not available for all jurisdictions, the study examined the practice in select states; finding, for example, that in Florida alone about three percent of active police officers had previously been discharged from another department due to allegations of misconduct.[[17]](#footnote-17) Moreover, the data indicated that such wandering officers are substantially more likely to commit further acts of misconduct than those who were never previously discharged.[[18]](#footnote-18)

Currently, neither New York City or State law explicitly disqualifies an individual from appointment as a police officer if such person had previously been discharged from a police department in another jurisdiction. However, New York State Civil Service Law does authorize the NYS Civil Service Department and municipal commissions to refuse to provide a civil service exam to: (1) any person who has been dismissed from a permanent public service position due to incompetency or misconduct; or (2) any person who has resigned or was otherwise terminated from a position in public service where an investigation found that such resignation or termination resulted from incompetency or misconduct, if such resignation or termination was due to incompetency and the applicant is applying for a similar position for which the applicant was found incompetent.[[19]](#footnote-19) Further, the New York City Administrative Code provides that “Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed;,”[[20]](#footnote-20) which prohibits the city from rehiring a police officer who was previously dismissed from the NYPD; however there is no provision state or local law that would explicitly prohibit the city from hiring a police officer who was dismissed from a different police force.

**C. Civilian Complaint Review Board**

The Civilian Complaint Review Board (“CCRB” or “the Board”) is an independent agency with the power to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging: (1) the use of excessive or unnecessary force, (2) abuse of authority, (3) discourtesy, or (4) the use of offensive language.[[21]](#footnote-21) Staffed entirely by civilian employees, the CCRB is responsible for receiving public complaints, investigating and substantiating allegations, and making non-binding disciplinary recommendations that are referred to for final disciplinary determinations to be made by the Police Commissioner.

In recent years, the CCRB headcount and budget have consistently expanded, as has the agencies mandate. In Fiscal Year 2020, CCRB received budget allocations for the hiring of 24 additional investigators to support increases in the number and complexity of complaints. [[22]](#footnote-22) Additionally, a ballot measure approved by voters in November 2019 amended the City Charter to tie CCRB headcount to 0.65% of the NYPD’s uniform headcount, resulting in an increase of 17 positions in Fiscal Year 2021.[[23]](#footnote-23) For Fiscal Year 2022, CCRB will add 33 new positions to help support CCRB’s expanded mandate to investigate incidents of bias-based policing and racial profiling complaints made by the public.[[24]](#footnote-24) With the addition of the 33 new positions, CCRB’s total headcount will increase to 262.[[25]](#footnote-25)

1. legislative Analysis

Int. No. 1883

This bill requires that the NYPD conduct an annual security assessment for each building located in a NYCHA public housing development. The security assessment would include an examination of the following at each such building: the presence of broken doors, locks, or lights; the presence of interior and exterior security camera installation and whether such cameras function properly; and reporting on the need for additional security cameras, door locks or other security measures recommended for that specific building by the NYPD. The results of such assessment must then be submitted by NYPD to the Chair of NYCHA, and the property manager of the development in which the building is located. Finally, a public report would be required demonstrating the NYPD’s compliance in conduct required security assessments of each NYCHA building.

Int. No. 2297

This bill amends existing qualification requirements for New York City police officers. Specifically, an individual would be disqualified from being appointed as police officer by the NYPD, if such person had previously been a police officer in another jurisdiction and had been dismissed from that position due to misconduct or resigned while under investigation pursuant to a charge of misconduct.

Int. No. 2440

Currently, CCRB may only conduct investigations in response to complaints filed by members of the public or final determinations by certain governmental entities. This bill grants CCRB the power to initiate its own complaints against members of the NYPD that allege misconduct involving excessive use of force, abuse of authority—including bias-based policing and racial profiling, discourtesy, or use of offensive language.

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Int. No. 1883

By Council Members Adams, Louis, Gibson, Gjonaj and Miller (by request of the Queens Borough President)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to conduct an annual security assessment at each New York city housing authority building..Body

Be it enacted by Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-183 to read as follows:

§ 14-183 New York city housing authority building security assessments. a. Annual building assessments. Each year, the department shall provide an assessment of security for each building in a public housing development of the New York city housing authority to the chair of the New York city housing authority and the property manager of the development in which the assessed building is located. Such assessments shall be provided within 15 days of the completion of such assessment. Each assessment shall include, but need not be limited to, the date such assessment was conducted and the following information:

1. The number and location of broken doors or locks on the ground floor of the building;

2. The number and location of broken lights within 20 feet of the exterior of the building;

3. The number and location of broken lights in any public area in the interior of the building;

4. The number and location of security cameras in the building and whether such cameras are functioning properly;

5. The number and location of security cameras within 20 feet of the exterior of the building and whether such cameras are functioning properly;

6. Any locations on the interior or exterior of the building for which the addition of a security camera would benefit the safety of residents of the building;

7. Any locations on the interior or exterior of the building for which additional lighting would benefit the safety of residents of the building; and

8. Any additional security issues observed during the assessment.

b. Quarterly reports. Beginning April 1, 2020, and quarterly thereafter, the department shall submit to the mayor, the speaker of the council and the chair of the New York city housing authority a report on the number of annual building assessments, as required by subdivision a, the department completed in the prior quarter. Such reports shall be permanently posted on the department’s website, and shall include, but need not be limited to, the following information for each annual building assessment completed:

1. The address of the building;

2. The name of the development in which the building is located;

3. The date the assessment was conducted; and

4. The date the department provided the assessment to the New York city housing authority.

§ 2. This local law takes effect immediately.

Int. No. 2297

By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Member Louis

..Title

A Local Law to amend the administrative code of the city of New York, in relation to qualification for service with the police department

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-109 of chapter 1 of title 14 of the administrative code of the city of New York, as amended by local law 23 for the year 1998, is amended to read as follows:

a. Only persons shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who are citizens of the United and who have never been convicted of a felony, and who can read and write understandably the English language. Skilled officers of experience may be appointed for temporary detective duty who are not residents of the city. Only persons shall be appointed police officers who shall be at the date of the filing of an application for civil service examination less than thirty-five years of age, except, that every person who, as of the fifteenth day of April 1997, satisfied all other requirements for admission to the New York city police department academy shall be admitted to such academy and shall be eligible for appointment as a police officer, subject to the provisions of the civil service law and any applicable provisions of the charter, notwithstanding that such person was thirty-five years of age or older on the fifteenth day of April 1997. Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed. A person who has been a member of any police force shall not be appointed as a member of the force if such person was dismissed therefrom due to misconduct or resigned while being investigated pursuant to a charge of misconduct. Persons who are appointed as police trainees, after examination in accordance with the civil service law and the rules of the commissioner of citywide administrative services and who have satisfactorily completed service as such trainees, may likewise be appointed as police officers without further written examination, provided that they shall have passed a medical examination at the end of their required trainee period. Persons appointed as police trainees shall not be considered members of the uniformed force of the department.

§ 2. This local law takes effect 30 days after it becomes law.

Int. No. 2440

By Council Members Adams, Louis and Cumbo (by request of the Mayor)

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints..Body

Be it enacted by the Council as follows:

Section 1. Paragraphs 1, 2 and 5 of subdivision c of section 440 of the New York city charter, paragraph 1 as amended by a local law for the year 2021 amending the New York city charter and the administrative code of the city of New York, relating to the investigatory powers of the New York city civilian complaint review board and requiring the police department to engage an external consultant to review certain past work done by the police department’s equal employment opportunity division, as proposed in introduction number 2212, and paragraphs 2 and 5 as amended by a vote of the electors on November 5, 2019, are amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public or complaints initiated by the board against members of the police department that allege misconduct involving excessive use of force, abuse of authority including bias-based policing and racial profiling, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received or initiated by the board, if such statement was made during the course of and in relation to the board’s resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which, [a] when a member of the public is the complainant, such member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of matters within the board’s jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed by the mayor.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers, including but not limited to the power to initiate complaints in accordance with paragraph 1 of this subdivision, and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

§ 2. Paragraph ii of subdivision a of section 14-190 of the administrative code of the city of New York, as amended by a local law for the year 2021 amending the New York city charter and the administrative code of the city of New York, relating to the investigatory powers of the New York city civilian complaint review board and requiring the police department to engage an external consultant to review certain past work done by the police department’s equal employment opportunity division, as proposed in introduction number 2212, is amended to read as follows:

(ii) complaints received and initiated by, and results of investigations based on such complaints conducted by, the civilian complaint review board pursuant to section 440 of the charter;

§ 3. This local law takes effect immediately.

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Res. No. 1782

..Title

Resolution calling on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction.

..Body

By Council Members Adams, Louis and Cumbo

Whereas, A 2020 article published in the Yale Law Journal by Ben Grunwald and John Rappaport entitled “The Wandering Officer,” details how law enforcement officers fired by one department, sometimes for serious misconduct, often find work at another law enforcement agency; and

Whereas, Grunwald and Rappaport conducted a systemic investigation of wandering officers and found such individuals were more likely than other officers to be fired from their next job or to receive a complaint for a “moral character violation;” and

Whereas, Grunwald and Rappaport suggest that wandering officers pose serious risks to the public, particularly given how unusual it is for a police officer to be fired for misconduct; and

Whereas, As an example of the prevalence of this issue, Grunwald and Rappaport found as many as 3 percent of the personnel employed by Florida law enforcement agencies are wandering officers; and

Whereas, New York Attorney General Letitia James has recommended the creation of a decertification process for police officers in New York who have been found guilty of misconduct to ensure such individuals cannot be rehired by another law enforcement agency in the state; and

Whereas, According to the New York Times, police killings in the United States have been undercounted by more than half over the past four decades, further underscoring the need to enhance police accountability; and

Whereas, On May 3, 2020, Assemblymember Ramos and then-Senator Brian Benjamin introduced A7284/S6489, known as the Wandering Officer Act, to prohibit appointing a person as a police officer if such person has previously been fired as a police officer from any jurisdiction within or outside of the state; and

Whereas, A7284/S6489, the Wandering Officer Act, would also ban the hiring of a police officer who resigned while being the subject of a disciplinary action that could result in termination; and

Whereas, New Jersey, Connecticut and Pennsylvania have already approved similar measures to prohibit the hiring of wandering officers; and

Whereas, According to Patrick Lynch, President of the Police Benevolent Association of the City of New York, “NYPD officers aren't interested in serving alongside a cop whose conduct got him fired someplace else," reflecting the across the board concern for the need to protect the public from police misconduct; and

Whereas, Officers who have engaged in misconduct so significant as to be fired pose a threat to public safety and this legislation would reinforce disciplinary actions for police by preventing these officers from entering new jurisdictions and continuing to threaten the safety of our communities; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction.

1. Memorandum of Understanding Between the New York City Housing Authority and the City of New York on Merger of the New York City Housing Authority Police Department and the New York City Police Department [↑](#footnote-ref-1)
2. *Id*. [↑](#footnote-ref-2)
3. *Id*. [↑](#footnote-ref-3)
4. *See* Official Website of the New York City Police Department “Housing Bureau” *available at* <https://www1.nyc.gov/site/nypd/bureaus/transit-housing/housing.page> [↑](#footnote-ref-4)
5. Office of the City Comptroller, “Observations of Building Entrance Doors in NYCHA Developments Located in Manhattan, Brooklyn, Queens, The Bronx, and Staten Island” *available at* <https://comptroller.nyc.gov/wp-content/uploads/documents/NYCHA-Doors-for-web.pdf> [↑](#footnote-ref-5)
6. Office of the City Comptroller, “Stringer Releases Investigative Survey of NYCHA Doors” *available at* <https://comptroller.nyc.gov/newsroom/stringer-releases-investigative-survey-of-nycha-doors/> (October 12, 2018) [↑](#footnote-ref-6)
7. *Id*. [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *Id*. [↑](#footnote-ref-9)
10. NYCHA Press Release, “NYCHA Announces New Safety And Security Upgrades At Manhattan Developments” *available at* <https://www1.nyc.gov/site/nycha/about/press/pr-2018/pr-20181220.page> (December 20, 2018) [↑](#footnote-ref-10)
11. *Id*. [↑](#footnote-ref-11)
12. Jake Bittle and Jasper Craven, “Do NYCHA’s $80 Million Crime-Reducing Lights Actually Reduce Crime?” *available at* <http://gothamist.com/2018/05/14/nycha_bright_lights_crime.php> (May 14, 2018) [↑](#footnote-ref-12)
13. ABC 7 NY, “90-year-old Man Robbed in Manhattan Elevator, Man and Woman Sought,” *available at* <https://abc7ny.com/90-year-old-man-robbed-in-nyc-elevator-man-and-woman-sought/5305045/> (May 17, 2019) [↑](#footnote-ref-13)
14. *See* NYCHA Capital Fiscal 2019.2022 Excel document by New York City Council Finance Division [↑](#footnote-ref-14)
15. *See* Borough-Based Jail Points of Agreement, <http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ_Points_of_Agreement_Rikers.pdf> [↑](#footnote-ref-15)
16. Grunwald, B. G., & Rappaport, J. R. (2020). The Wandering Officer. *The Yale Law Journal*, *129*(6). <https://www.yalelawjournal.org/article/the-wandering-officer> [↑](#footnote-ref-16)
17. *Id.* [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. New York State Civil Service Law § 50(4)(e). [↑](#footnote-ref-19)
20. Administrative Code § 14-109(a). This provision was originally added by state law, L. 1937, Ch. 929. [↑](#footnote-ref-20)
21. *See* Website of the Civilian Complaint Review Board, <https://www1.nyc.gov/site/ccrb/about/about.page> [↑](#footnote-ref-21)
22. *See* New York City Council Preliminary Budget Report Fiscal Year 2020, Civilian Complaint Review Board; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/054-CCRB-2020.pdf>. [↑](#footnote-ref-22)
23. *See* New York City Council Preliminary Budget Fiscal Year 2021, Civilian Complaint Review Board; available*.* <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf> [↑](#footnote-ref-23)
24. *See* New York City Council Preliminary Budget Fiscal Year 2022, Civilian Complaint Review Board; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/05/CCRB-Budget-Note.pdf>*.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)