

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 70

Introduced by Council Members Williams, Lander, the Speaker (Council Member Quinn), Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield and Halloran.

A LOCAL LAW

To amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

Be it enacted by the Council as follows:

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision c, relettering current subdivisions c through e as new subdivisions d through f, and amending relettered subdivision d to read as follows:

c. 1. The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations.

2. Not later than ninety days after the effective date of the local law that added this subdivision, the commissioner shall report to the council regarding the identity and qualifications

of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, the number of personnel assigned to assist that individual, and the details of the management structure covering them. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, shall be provided to the council.

3. The Mayor, in consultation with the department and the new york city police department, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The Mayor shall provide the Council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) undercover operations; (c) the identity of confidential sources, including protected witnesses; (d) intelligence or counterintelligence matters; or (e) other matters the disclosure of which would constitute a serious threat to national security or to the safety of the people of the city of New York.

4. The executive director of the civilian complaint review board and the chief of the new york city police department's internal affairs bureau shall report to the commissioner any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices that he or she has reason to believe would adversely affect the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force, and that would be relevant to the duties of the

commissioner as described in paragraph 1 of this subdivision.

5. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for his or her making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken under paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against for making such complaint to, disclosing such information to, or responding to such queries from the commissioner may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.

6. The department's website shall provide a link for individuals to report any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices. Individuals making such reports shall not be required to provide personally identifying information.

d[c]. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that [the] any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board[of ethics].

2. For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police commissioner shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph shall be completed and delivered to the mayor, the

council, and the police commissioner on April 1, 2015 and every April 1 thereafter.

e[d]. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

f[e]. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York City charter is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, *including, but not limited to, complaints about any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices.*

§ 3. This local law shall take effect on January 1, 2014.

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 June 26, 2013, disapproved by the Mayor on July 23, 2013 and repassed by the Council on August 22, 2013 and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 70 of 2013, Council Int No. 1079 of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.