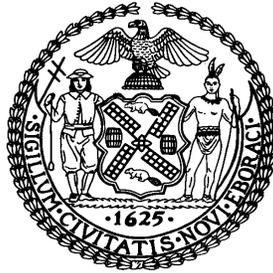


Staff: Committee on Public Safety  
Carmine J. Guiga, Counsel  
Peggy Chan, Counsel  
Salvador Arrona, Policy Analyst



## **THE COUNCIL**

### **Report of the Governmental Affairs Division**

Robert Newman, Legislative Director  
Alix Pustilnik, Deputy Director

### **COMMITTEE ON PUBLIC SAFETY**

Hon. Vanessa L. Gibson, Chair

**February 4, 2014**

**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 February 4, 2014 the Council will meet to vote whether to re-pass, notwithstanding the objections of the Mayor, Introduction No. (“Intro.”) 859-A: 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. The Council will also consider whether the Mayor’s veto message, M-0006-2014, should be filed.

On May 15, 2012, Intro. 859 was introduced and referred to the Committee on Public Safety. Thereafter, on November 22, 2013, the Committee on Public Safety held a hearing on the bill. At that time, the Committee received testimony from union representatives and advocacy groups in support of the legislation.<sup>1</sup> On December 16, 2013, the Committee held a hearing to vote on Proposed Int. 859-A, an amended version of the bill. The proposed amended introduction passed out of committee by a vote of four in the affirmative, zero in the negative, with zero abstentions. The legislation was then passed by the Council on December 19, 2013 by a vote of 51 in the affirmative and zero in the negative. On December 27, 2013, the Mayor issued a message of disapproval for Intro. 859-A. The Mayor’s veto message, M-0006-2014 (attached hereto as Appendix A), was formally accepted by the Council and referred to the Committee on Public Safety at the Council’s stated meeting held on January 8, 2014. On January 29, 2014, the Committee on Public Safety voted to recommend the Mayor’s veto of Intro. 859-A be overridden and that the Mayor’s veto message, M-0006-2014, should be filed by a vote of eleven in the affirmative, zero in the negative, with zero abstentions.

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<sup>1</sup> The Committee did not receive testimony from the Administration at the November 22, 2013 hearing. The Committee was, however, aware of the Administration’s opposition to Proposed Intro. 859-A, for the reasons set forth in the Mayor’s veto message (*See* Appendix A).

The question before the Council today is whether Intro. 859-A should be re-passed notwithstanding the objections of the Mayor, and whether the Mayor's veto message, M-0006-2014, should be filed.

## **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.<sup>2</sup> 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 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.”<sup>3</sup>

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

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<sup>2</sup> The Central Park Precinct is the 22<sup>nd</sup> Police Precinct.

<sup>3</sup> See Local Law 114 of 2005.

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.<sup>4</sup>

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.”<sup>5</sup> 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 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 22<sup>nd</sup> Precinct. Specifically, in addition to the initial 20 parks listed above, the NYPD began reporting on the following 10 parks in 2008:

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<sup>4</sup>See Administrative Code of the City of New York §14-150(a)(4).

<sup>5</sup> *Id.*

- |                           |                                     |
|---------------------------|-------------------------------------|
| 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 <sup>6</sup>  |

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.<sup>7</sup> 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].”<sup>8</sup>

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:

“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

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<sup>6</sup> Data available on file with the Committee on Public Safety.

<sup>7</sup> Letter on file with the Committee on Public Safety.

<sup>8</sup> Letter on file with the Committee on Public Safety.

opposed to outside the park. So the technological limitations of our database and the way in which we report crime is still so limited.”<sup>9</sup>

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.<sup>10</sup> 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.

### **III. INTRO. NO. 859-A**

In order to achieve the original objectives of Local Law 114, today the Council will be deciding whether Intro. 859-A should be re-passed notwithstanding the objections of the Mayor, and whether the Mayor’s veto message, M-0006-2014, should be filed.

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<sup>9</sup> 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.

<sup>10</sup> Data on file with Committee on Public Safety.

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.

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 recreation. 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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# **APPENDIX A**

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NYC COUNCIL

2013 DEC 27 P 4: 51

SPEAKER'S OFFICE



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

RECEIVED - MANHATTAN  
OFFICE OF THE CITY CLERK

2013 DEC 27 P 3: 11

December 27, 2013

Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 859-A, which would amend paragraph (4) of subdivision (a) of section 14-150 of the New York City Administrative Code to expand the current requirement that the New York City Police Department ("NYPD") provide quarterly reports to the City Council regarding major felony crime in the City's parks.

Administrative Code Section 14-150(a)(4) currently requires the NYPD to produce a quarterly report providing the total number of major felony crime complaints for the twenty largest parks under the jurisdiction of the City's Department of Parks and Recreation. Current law also provides that the number of parks be increased over time, subject to the availability of resources and the introduction of the necessary technology. Introductory Number 859-A would delete the language contained in the law regarding NYPD resources and technology, and instead impose an arbitrary timetable for increasing the number of parks falling within the law's reporting requirement: thirty parks beginning January 1, 2014; one hundred parks beginning June 1, 2014; two hundred parks beginning January 1, 2015; three hundred parks beginning January 1, 2016; and all parks greater than one acre in size beginning January 1, 2017. In addition, beginning January 1, 2018, the reporting would include all public pools, basketball courts, recreation centers and playgrounds not located within parks greater than one acre in size. The bill also contains a new requirement that the quarterly reports be posted on the NYPD's website.

Introductory Number 859-A constitutes the continuation of a pattern, similarly reflected in another bill which I will veto today, Introductory Number 1055-A, in which the Council seeks to build into the Administrative Code reporting requirements which relieve the Council of the responsibility of actually asking for information it is interested in from City agencies, by legislating these requests permanently.

In this case, the original reporting bill concerning park crime was negotiated in good faith by our Administration in 2005, when NYPD representatives made the Council aware that the

reporting of park crime could not be reliably accomplished by extracting data from the Department's criminal complaint database. Since criminal complaints are recorded by street address, it was true in 2005 and is true today that, except for Central Park which constitutes its own precinct, crimes within parks as captured by the Department's database are generally indistinguishable from crimes outside parks, since crimes in parks are recorded according to the parks' street addresses.

Therefore, in order to comply with the Council's reporting mandate, precinct personnel conduct labor-intensive hand counts of crimes in their local parks, which are used by the NYPD's Office of Management Analysis and Planning to compile the quarterly report. In light of the Council's expressed desire for an increase in the number of parks for which crime is reported, it should be noted that, again in good faith and on a voluntary basis, the NYPD increased the number of parks for which it reported data in 2008, from twenty to thirty. It should also be noted that most of the data reported is actually composed of zeroes, since there is consistently no major felony crime occurring in many of the thirty parks subject to reporting each quarter.

The NYPD itself revisited the issue in 2011 and again earlier this year, to determine whether improvements could be made to the complaint reporting system which would allow for accurate reporting of crimes in parks. The limitations which prevented expanded reporting in the years since the original law was enacted remain. Expanding the number of parks as contemplated by Introductory Number 859-A would require the same type of manual counting that is performed presently, but for hundreds of parks. This mandate would be unreasonable and impractical, drawing valuable police resources away from actual police work, especially given the fact that the overwhelming result would be a series of zeroes.

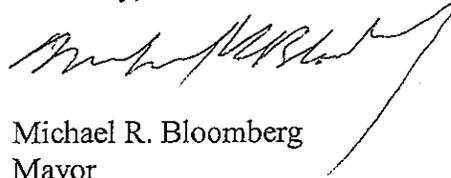
The bill also contains a new element, requiring reporting of major felony crimes in "all public pools, basketball courts, recreation centers and playgrounds not located within parks greater than one acre in size." There is no estimate provided regarding how many locations this set of entities represents, but it is reasonable to assume that there are at least hundreds of such locations, which would have to be identified and would again be subject to manual counting in order to comply.

Police Department representatives have informed the Council that the best source of information regarding parks are local precinct commanders, who are intimately familiar with the crimes and conditions of their local parks, and are in constant contact with elected officials and community members. In this particular case, the current law should remain in place rather than imposing a new and extensive burden of manual collection of data; should technological changes make it possible to extract reliable data from the criminal complaint database, the Department will comply with the additional reporting requirements sought by the Council. Beyond the specific requirements represented by Introductory Number 859-A, the Police Department has consistently advised the Council that it will respond to any reasonable request for information, and if an elected official or community member seeks information about a particular park or parks, the Department will respond to the best of its ability.

Given the cost to City agencies of complying with the types of reporting requirements represented by Introductory Number 859-A, the bill perpetuates a pattern of permanently codifying reporting requirements which should instead be addressed by local police commanders who are best situated to explain and address local concerns.

For the foregoing reasons, I hereby disapprove Introductory Number 859-A.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Bloomberg", with a long, sweeping flourish extending to the right.

Michael R. Bloomberg  
Mayor

Cc: The Honorable Christine C. Quinn