

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 166

Introduced by Council Members Williams, Mendez, Richards, Rosenthal, Reynoso, Dromm, Rodriguez, Menchaca, Lancman and Perkins.

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city charter, in relation to the evaluation of civil actions, claims, complaints, and investigations alleging improper police conduct

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-114 to read as follows:

§ 7-114 Civil actions regarding the police department. a. No later than January 31, 2018 and no later than each July 31 and January 31 thereafter, the law department shall post on its website, and provide notice of such posting to the individual responsible for implementing the duties set forth in paragraph one of subdivision c of section 803 of the charter, the comptroller, the police department, the civilian complaint review board, and the commission to combat police corruption the following information regarding civil actions filed in state or federal court against the police department or individual police officers, or both, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment:

1. a list of civil actions filed against the police department or individual police officers, or both, during the five-year period preceding each January 1 or July 1 immediately preceding each report;

2. for each such action: (i) the court in which the action was filed; (ii) the name of the law firm representing the plaintiff; (iii) the name of the law firm or agency representing each defendant; (iv) the date the action was filed; and (v) whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment; and

3. if an action has been resolved: (i) the date on which it was resolved; (ii) the manner in which it was resolved; and (iii) whether the resolution included a payment to the plaintiff by the city and, if so, the amount of such payment.

§ 2. Chapter 34 of the New York city charter is amended by adding a new section 808 to read as follows:

§ 808. *Evaluation and recommendations.* a. For the purposes of this section, the following terms have the following meanings:

“Actions, claims, complaints, and investigations” means information regarding civil actions reported pursuant to section 7-114 of the administrative code; notices of claim filed against the police department or individual police officers, or both, received by the comptroller; settlements of claims filed against the police department or individual police officers, or both, by the comptroller; complaints received and investigations conducted by the civilian complaint review board; closed investigations conducted by the police department; reviews of police department investigations conducted by the commission to combat police corruption; complaints received

pursuant to section 804; any criminal arrests or closed investigations of individual police officers known to the police department for actions taken while on duty; and claims of bias-based profiling established pursuant to section 14-151 of the code.

“Inspector general for the police department” means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803.

b. The inspector general for the police department shall, working with the law department, the comptroller, the police department, the civilian complaint review board, the commission to combat police corruption, and the commission on human rights collect and evaluate information regarding allegations or findings of improper police conduct and develop recommendations relating to the discipline, training, and monitoring of police officers and related operations, policies, programs, and practices of the police department, including, but not limited to, any system that is used by the police department to identify police officers who may be in need of enhanced training or monitoring. In developing such recommendations, the inspector general for the police department shall consider, at a minimum, the following information:

1. patterns or trends identified by analyzing actions, claims, complaints, and investigations, including, but not limited to, any patterns or trends regarding precincts and commands;

2. comparisons of closed actions reported pursuant to section 7-114 of the administrative code with information concerning any incidents alleged to have given rise to such civil actions contained in other closed actions, claims, complaints, and investigations, as applicable;

3. steps taken by the police department in response to actions, claims, complaints, and investigations, including investigations conducted, disciplinary actions, or changes in its operations, policies, programs, and practices;

4. any recommendations issued by the comptroller, the civilian complaint review board, the commission to combat police corruption, and the commission on human rights related to actions, claims, complaints, and investigations, including, but not limited to, recommendations regarding reporting on civil actions required pursuant to section 7-114 of the administrative code;

5. a review of criteria included in any system that is used by the police department to identify police officers who may be in need of enhanced training or monitoring and outcomes resulting from utilization of such system; and

6. information on collaboration and information sharing procedures of the police department with the law department, the comptroller, the civilian complaint review board, the commission to combat police corruption, and the commission on human rights.

c. Any written evaluations or recommendations developed by the inspector general for the police department pursuant to subdivision b of this section shall be made available on the website of such individual's office by April 30, 2018 and annually thereafter until May 1, 2020, after which such recommendations shall be issued every three years.

d. Nothing in this section shall be construed to limit the authority of either the police commissioner or the commissioner of investigation.

e. All information collected, reviewed, or included in the evaluations or recommendations issued pursuant to this section shall be subject to the protections set forth in paragraph 3 of subdivision c of section 803.

f. Nothing in this section shall be construed to require the police department to provide any information or documents pertaining to an ongoing criminal, civil, or administrative investigation or proceeding, or to disclose information regarding an individual that has requested their identity

remain confidential following a report to the department of improper police conduct by another department officer or employee, concerning such officer or employee's office or employment, except as required by law.

g. This section shall be construed in accordance with all applicable laws, including, but not limited to, section 50-a of the civil rights law.

§ 3. The police department shall complete a study regarding judicial determinations that a police officer's testimony is not credible. Such study shall consider, at a minimum, the following:

(1) information on the availability of such determinations and the ways in which such determinations may be obtained;

(2) the number of such determinations obtained by the department;

(3) the value of such determinations in reducing improper police conduct;

(4) the value of including such determinations in any system that is used by the department to identify police officers who may be in need of enhanced training or monitoring;

(5) the department's current policies for the collection and use of such determinations, including, but not limited to, any enhanced training, monitoring, or discipline that may result from such determinations and any recommended changes to such policies; and

(6) a plan to establish a system for obtaining and reviewing such determinations.

No later than September 1, 2018, such study shall be submitted to the speaker of the council.

§ 4. This local law takes effect immediately.

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 August 24, 2017 and approved by the Mayor on September 8, 2017.

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. 166 of 2017, Council Int. No. 119-D of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.