

**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*

March 25, 2021

**PROPOSED INT. NO. 1671-A:** By Council Members Adams, Van Bramer, Brannan, Cornegy, Chin, Salamanca, Rosenthal, Miller, Constantinides, Kallos, Louis and the Public Advocate (Mr. Williams) (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 report on traffic encounters

**ADMINISTRATIVE CODE:** Adds § 14-191

**PROPOSED INT. NO. 2220-A:** By Council Member Levin, Rosenthal,

Kallos, Van Bramer, Koslowitz, Constantinides, Ampry-Samuel, Louis and Chin

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a right of security against unreasonable search and seizure, and against excessive force regardless of whether such force is used in connection with a search or seizure, that is enforceable by civil action and requiring the law department to post online certain information regarding such civil actions.

**ADMINISTRATIVE CODE:** Adds Ch. 8 to Title 8, amends § 7-114

**PROPOSED RES. NO. 1538-A:** By Council Members Cumbo, Levin,

Rosenthal, Van Bramer, Kallos, Miller and Koslowitz

**TITLE:**  Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner’s exclusive authority over police discipline.

**RES. NO. 1547:** By Council Members Moya, Kallos, Constantinides, Louis, Chin and Rosenthal

**TITLE:**  Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City.

**PRECONSIDERED RES. NO. 1584**

**TITLE:**  Resolution adopting a plan pursuant to State Executive Order Number 203.

1. **INTRODUCTION**

On March 25, 2021, the Committee on Public Safety (“Committee”), chaired by Council Member Adrienne Adams, will hold a vote on:

* Proposed Int. No. 1671-A, in relation to requiring the police department to report on traffic encounters;
* Proposed Int. No. 2220-A, in relation to creating a right of security against unreasonable search and seizure, and against excessive force regardless of whether such force is used in connection with a search or seizure, that is enforceable by civil action and requiring the law department to post online certain information regarding such civil actions;
* Proposed Res. No. 1538-A, a resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner’s exclusive authority over police discipline;
* Res. No. 1547, a resolution calling upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City; and
* Preconsidered Res. No. 1584, a resolution adopting a plan pursuant to State Executive Order Number 203.

This is the second hearing on these items, except for Presconsidered Res. No. 1584. The first hearing on the other items was held on February 16, 2021, at which the Committee heard testimony from the New York City Police Department (“NYPD”), advocates, and members of the public. The Committee heard testimony regarding the plan required pursuant to Executive Order Number 203 on January 11, 2021 and March 16, 2021, at which time the Committee heard testimony from the NYPD, the First Deputy Mayor’s Office, the Mayor’s Office of Criminal Justice (“MOCJ”), the Civilian Complaint Review Board (“CCRB”), advocates, and members of the public

1. **BACKGROUND**

**Proposed Int. No. 1671-A**

**Racial Bias in Traffic Stops**

The NYPD Patrol Guide (“Patrol Guide”) contains specific policies to ensure that police officers conducting stops are doing so in a lawful and unbiased manner.[[1]](#footnote-1) In the Patrol Guide, the NYPD explicitly prohibits the use of racial and bias-based profiling in law enforcement actions.[[2]](#footnote-2) Race, color, ethnicity, or national origin cannot be used as a motivating factor for initiating police enforcement action.[[3]](#footnote-3) Further, individuals cannot be targeted for any enforcement action because they are members of a racial or ethnic group that appears more frequently in local crime suspect data; race, color, ethnicity, or national origin may only be considered when a stop is based on a specific and reliable suspect description that includes additional identifying information.[[4]](#footnote-4)

National data shows evidence that there is racial bias in how traffic stops are conducted. Researchers at Stanford University conducted a study of traffic stops made by 21 state patrol agencies and 35 municipal police departments from 2001 to 2018.[[5]](#footnote-5) They looked at how time of day and visibility of the driver impacted the race of the person stopped. Their report concluded that, during daylight hours (before 7 p.m.) on average, Black drivers are 20% more likely than white drivers to be pulled over; however, after 7 p.m., during what they call a “veil of darkness” period, Black drivers are much less likely to be stopped since their race is concealed.[[6]](#footnote-6) Researchers also found that, once pulled over, Black and Hispanic drivers were more likely to have their vehicles searched than white drivers.[[7]](#footnote-7) In Washington and Colorado, where marijuana is legal, there were fewer searches overall, yet Black and Hispanic drivers were still more likely to have their vehicles searched than white drivers who had been pulled over.[[8]](#footnote-8)

Traffic stops began being turned into criminal patrols in the 1980s as part of the War on Drugs.[[9]](#footnote-9) Today, traffic stops continue to be used as a method of searching for drugs or paraphernalia.[[10]](#footnote-10) When a police officer observes a traffic or moving violation and pulls a vehicle over, the officer can use this as an opportunity to do a field interview and even search the car.[[11]](#footnote-11) The Supreme Court ruled on this matter in 1996, holding that if an officer can determine a moving or traffic violation, searching that vehicle does not violate the Fourth Amendment’s protection against unreasonable search and seizure.[[12]](#footnote-12)

Based on recent traffic stop data from North Carolina, researchers found that Black drivers are more than twice as likely to be pulled over and four times as likely to be searched once pulled over than white drivers.[[13]](#footnote-13) Interestingly, researchers found that white drivers, once searched, were more likely to have been found with “contraband” than Black and Hispanic drivers.[[14]](#footnote-14) Researchers noted that it becomes very difficult to argue that searches are based on perceived criminality when a particular demographic is in fact less likely to have illegal paraphernalia.[[15]](#footnote-15)

Perceived and documented bias in traffic stops further erodes the public’s trust in police.[[16]](#footnote-16) Researchers at Yale University have found that Black drivers are significantly less likely than white drivers to believe they were stopped for legitimate reasons and that people subject to a traffic stop in the last year were less likely to go to the police when they needed police intervention.[[17]](#footnote-17)

Currently, the NYPD publishes monthly the number and the type of moving violation summonses issued by borough and precinct.[[18]](#footnote-18) The data does not include demographic information of the person the summons was issued to nor does the NYPD report on the number of traffic stops.

**Proposed Int. No. 2220-A**

**Applicability of Qualified Immunity to Police Officers**

In 2020, the United States of America (“U.S.”) began to undergo a period of reckoning regarding race. The broadcasted May 25, 2020 killing of George Floyd, after a Minneapolis police officer kneeled on his neck for more than eight minutes, along with the deaths of hundreds of other Black civilians, sparked months of widespread street protests against racism, bias, and brutality in the country’s law enforcement practices and criminal justice system.[[19]](#footnote-19) This popular unrest has raised questions regarding the regulation of the conduct of police officers.[[20]](#footnote-20) One issue that has risen to the forefront of public discourse and consciousness is qualified immunity, a doctrine created by courts that shields public officials who are performing discretionary functions from civil liability.[[21]](#footnote-21)

Police officers comprise a category of public official that the Supreme Court of the U.S. (“Supreme Court”) has determined possesses qualified immunity.[[22]](#footnote-22) In contrast, the concept of absolute immunity, which courts have not extended to police officers, is the complete and unqualified protection from liability while acting within the scope of official duties.[[23]](#footnote-23) The New York State (“State”) Court of Appeals has held in the same vein that qualified, not absolute, immunity, is appropriately afforded to police officers, “who ordinarily have neither the duty nor the authority to exert control or discipline over the people in society at large, where the right of the individual to be free from unwarranted police regulation and interference is fundamental.”[[24]](#footnote-24)

Law enforcement and courts have presented rationales for the utility of qualified immunity doctrine. Police leaders claim that qualified immunity is necessary to allow officers to respond to situations and make split-second decisions, while victims of police brutality and their families often encounter qualified immunity as an obstacle to obtaining financial or other damages.[[25]](#footnote-25) The Supreme Court has held that qualified immunity “balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.”[[26]](#footnote-26) The State Court of Appeals has described immunity, whether absolute or qualified, as reflecting a “value judgment that… the broader interest in having government officers and employees free to exercise judgment and discretion in their official functions, unhampered by fear or second-guessing and retaliatory lawsuits, outweighs the benefits to be had from imposing liability for that injury.”[[27]](#footnote-27)

**Development of Federal Qualified Immunity Doctrine**

 The federal statute that provides the basis for qualified immunity doctrine is 42 U.S. Code § 1983 (“Section 1983”), which provides in relevant part that

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress….

This provision, which provides a federal cause of action, was originally part of the 1871 Ku Klux Klan Act, passed by the U.S. Congress to combat violations of constitutional and civil rights, especially in the southern states of the U.S. during the post-Civil War period.[[28]](#footnote-28) A high-profile example of a deprivation of a constitutional right under Section 1983 is the use of “excessive force,” which the federal Second Circuit Court of Appeals (“Second Circuit”) has characterized as an unreasonable “seizure” of a person and thus a violation of the Fourth Amendment that is actionable under Section 1983.[[29]](#footnote-29)

While Section 1983 itself does not present “immunity” as a defense for a person who subjects another person to the deprivation of a constitutional or civil right, the Supreme Court has interpreted immunity to be such a defense, meaning that immunity is purely judicial, or judge-made, doctrine.[[30]](#footnote-30) From 1871 until the 1960s, government actors did not enjoy qualified immunity as a defense for violating rights.[[31]](#footnote-31) In 1961, the Supreme Court made its first foray into immunity doctrine (although no question of immunity was actually presented or decided) in *Monroe v. Pape*; it interpreted the Section 1983 phrase “under color of law” to apply to “those who carry a badge of authority of a State and represent it in some capacity,” including police officers of the city of Chicago.[[32]](#footnote-32) The Supreme Court then made a critical immunity doctrine development in the 1967 case *Pierson v. Ray*. Focusing on police officers, the Supreme Court declared that the common law (custom and judicial precedent) has never granted them absolute immunity, but based on the background of common law tort liability in false arrest and imprisonment actions, police officers are afforded the defense of “good faith and probable cause” in Section 1983 actions.[[33]](#footnote-33)

Fifteen years later, the Supreme Court established modern qualified immunity doctrine in the 1982 case *Harlow v. Fitzgerald*, rejecting a defense based on subjective evaluations of intent and instead embracing one based on public policy. At the outset of its opinion in *Harlow*, the Supreme Court distinguished two kinds of immunity defenses: (i) absolute immunity for officials like legislators in their legislative functions, judges in their judicial functions, and certain officials of the executive branch (such as prosecutors, executive officers engaged in adjudicative functions, and the U.S. President); and (ii) qualified immunity as “the norm” for “executive officials in general.”[[34]](#footnote-34) Broadly speaking, police departments are agencies of the executive branch of government, making police officers executive officials. The Supreme Court then presented a new definition of qualified immunity. Government officials performing “discretionary functions” are protected against liability for civil damages as long as their conduct does not violate “clearly established statutory or constitutional rights” of which a “reasonable person” would have known.[[35]](#footnote-35)

In rejecting an assessment of the “subjective good faith of government officials” in *Harlow*, the Supreme Court cited the substantial costs of that kind of litigation: duty-based costs such as the distraction of officials from their responsibilities, the “inhibition of discretionary action,” and the “deterrence of able people from public service;” and practical costs such as “no clear end to the relevant evidence” and “broad-ranging discovery and the deposing of numerous persons” which can be “peculiarly disruptive of effective government.”[[36]](#footnote-36) The Supreme Court instead decided to hinge the qualified immunity defense on the supposed “objective reasonableness” of an official’s conduct.[[37]](#footnote-37)

**Development of New York Qualified Immunity Doctrine**

According to the Second Circuit, the federal “qualified immunity” doctrine only protects officials from liability arising under a federal cause of action (Section 1983), but “a similar doctrine exists under New York common-law” based on tort immunities, such that if officials “were entitled to qualified immunity under federal law, summary judgment would be similarly appropriate [under State law]….”[[38]](#footnote-38)

State courts have generated their own version of qualified immunity doctrine based in the common law of tort, sometimes calling it by different names and setting forth a qualified immunity standard that seems somewhat similar to the one ultimately established by the Supreme Court. For the most part, State courts seem to have titled qualified immunity as “governmental immunity”[[39]](#footnote-39) or “governmental function immunity.”[[40]](#footnote-40) In the 2011 case *Valdez v. City of New York*, the State Court of Appeals set forth the governmental immunity/governmental function immunity defense as follows: “… [A] defense… is potentially available to the City—the governmental function immunity defense. The common-law doctrine of governmental immunity continues to shield public entities from liability for discretionary acts taken during the performance of governmental functions….”[[41]](#footnote-41) Citing previous holdings, the State Court of Appeals emphasized that the term “discretionary acts” means “conduct involving the exercise of reasoned judgment”[[42]](#footnote-42) which could “typically produce different acceptable results.”[[43]](#footnote-43) The key to this defense is whether the official committed a “discretionary act” (and actually exercised discretion[[44]](#footnote-44)), for which the official would be protected from liability, as opposed to a “ministerial act,” which “envisions direct adherence to a governing rule or standard with a compulsory result” for which the official would not be protected from liability.[[45]](#footnote-45) The State Court of Appeals has held that the “provision of police protection” is “the most complex governmental function,”[[46]](#footnote-46) making clear that the governmental immunity/governmental function immunity defense is available to police officers.

**Significant Deficiencies of Qualified Immunity Doctrine**

*Difficulties for Plaintiffs*

The further evolution of qualified immunity doctrine in the federal and State courts has resulted in significant struggles for plaintiffs alleging violations of Section 1983 and bringing common law tort actions against police officers.

Federal courts resolving qualified immunity claims have made it increasingly difficult for plaintiffs to show, and have not been consistent with holding, that a particular right is “clearly established.”[[47]](#footnote-47) Relatedly, in the 2009 case *Pearson v. Callahan*, the Supreme Court determined that a court addressing a qualified immunity claim does not need to first determine whether the facts alleged or shown by the plaintiff make out a violation of a constitutional right; the court can simply evaluate the qualified immunity defense and resolve on those grounds.[[48]](#footnote-48) The Supreme Court held so based on the “substantial expenditure of scarce judicial resources on difficult questions that have no effect on the outcome of the case” and the wasting of parties’ resources.[[49]](#footnote-49) The consequence of this opinion is that there are fewer federal court decisions on the merits, meaning that there are fewer judicial opportunities to “clearly establish” the law.

Thus, federal qualified immunity doctrine in its current state may have reduced Section 1983 to a less effective tool for allowing plaintiffs to recover for constitutional and civil violations.[[50]](#footnote-50) Supreme Court Justice Sonia Sotomayor went further in a 2015 dissenting opinion, arguing that application of the qualified immunity doctrine “renders the protections of the Fourth Amendment hollow.”[[51]](#footnote-51) Illustrating this phenomenon, a 2020 Reuters report indicates that in a study of 252 appellate cases from 2015 to 2019 involving police officers accused of using excessive force, the courts granted qualified immunity to police officers in more than half of the cases during this period.[[52]](#footnote-52)

Under State qualified immunity doctrine, discretionary acts by public entities are protected. However, acts are discretionary if there is no State statute or court decision requiring the official to act as they did; and there are only a few statutes or decisions requiring so, as most sources of law broadly set forth what the government must do in contrast with setting forth how exactly it must do it.[[53]](#footnote-53) This means that a police officer can ostensibly secure a qualified immunity defense simply by pointing out that there is no State statute or court decision setting forth steps for an officer’s action – a likely situation.[[54]](#footnote-54)

*Failure of Doctrine to Achieve Its Original Policy Goals*

As discussed above, the Supreme Court succinctly articulated the policy objectives of qualified immunity doctrine in *Harlow*, stating that claims against public officials come with certain social costs:

… the expenses of litigation, the diversion of official energy from pressing public issues, and the deterrence of able citizens from acceptance of public office. Finally, there is the danger that fear of being sued will dampen the ardor of all but the most resolute… in the unflinching discharge of their duties.[[55]](#footnote-55)

However, research seems to show that qualified immunity doctrine does not provide protection against these supposed social costs. Qualified immunity is likely unnecessary to protect law enforcement officers from the financial burdens of being sued because they are almost always indemnified and accordingly do not have to contribute to judgments and settlements against them.[[56]](#footnote-56) A detailed study of 81 state and local law enforcement agencies by University of California, Los Angeles law professor Joanna C. Schwartz, who has studied qualified immunity doctrine in depth,[[57]](#footnote-57) revealed that police officers across the U.S. are “virtually always indemnified” by governments who “almost always satisfy settlements and judgments in full.”[[58]](#footnote-58) Supreme Court Justice Stephen Breyer has argued that an increased likelihood of employee indemnification “reduces the employment-discouraging fear of unwarranted liability.”[[59]](#footnote-59)

 Furthermore, the Supreme Court highlighted in its 2009 case *Ashcroft v. Iqbal* that the “basic thrust of the qualified-immunity doctrine is to free officials from the concerns of litigations, including ‘avoidance of disruptive discovery.’”[[60]](#footnote-60) However, Schwartz concluded that qualified immunity does not necessarily shield a public official from the burdens of participating in discovery and trial, finding in part that there are cases in which qualified immunity was granted through motions to dismiss or for summary judgment but the cases were not dismissed because there were additional claims or additional defendants in the case.[[61]](#footnote-61) Schwartz also found that when defendants raised qualified immunity in summary judgment motions, courts “more often than not granted those motions on other grounds.”[[62]](#footnote-62)

Additionally, Schwartz has posited based on various studies that the threat of being sued does not play a meaningful role in law enforcement officers’ decisions to apply for jobs or their professional activity.[[63]](#footnote-63) Schwartz has cited criminal justice professor Arthur H. Garrison, who concluded on the basis of a 1995 survey of 50 police officers that police officers as a whole do not think about being sued on a daily basis.[[64]](#footnote-64)

**Recent Movement to Limit Qualified Immunity**

*Colorado Statute*

 In June 2020, the Colorado General Assembly passed[[65]](#footnote-65) and Colorado Governor Jared Polis signed into law the Enhance Law Enforcement Integrity Act (SB20-217).[[66]](#footnote-66) Through addition of a new section 13-21-131 to the Colorado Revised Statutes, this Act created a new civil action that allows a person to sue a “peace officer, as defined in section 24-31-901(3) [of the Colorado Revised Statutes]” for damages in state court if that peace officer subjects such person or causes such person to be subjected to a violation of the Colorado Constitution’s bill of rights.[[67]](#footnote-67) This Act explicitly states that “qualified immunity is not a defense to liability” and additionally exempts claims brought under this section from the Colorado Governmental Immunity Act.[[68]](#footnote-68) The Colorado General Assembly also toyed with the reach of indemnification, generally requiring indemnification of peace officers for claims arising under the section, but holding such officers personally liable for 5% of the judgment or settlement or $25,000 (whichever is less) if the officer’s employer “determines that the officer did not act upon a good faith and reasonable belief that the action was lawful.”[[69]](#footnote-69) Through passage of this Act, Colorado became the first state to enact legislation that prohibits qualified immunity as a defense to state constitutional claims.[[70]](#footnote-70)

*Connecticut Statute*

 In July 2020, the Connecticut General Assembly passed and Connecticut governor Ned Lamont signed into law An Act Concerning Police Accountability (H.B. No. 6004).[[71]](#footnote-71) This Act, like Colorado’s Act, created a new civil action that allows a person to sue a “police officer,” as defined in section 7-294a of the Connecticut General Statutes, for damages in Connecticut Superior Court if that police officer deprives such person of a right guaranteed under the Connecticut Constitution’s bill of rights.[[72]](#footnote-72) However, this Act does not completely prohibit qualified immunity as a defense. Rather, it provides that “governmental immunity” is only allowed as a defense to a damages claim when the police officer “had an objectively good faith belief that such officer’s conduct did not violate the law,” and that “governmental immunity” is totally prohibited as a defense in a civil action brought only for equitable relief.[[73]](#footnote-73) This Act requires Connecticut municipalities and law enforcement units (as defined in section 7-294a of the Connecticut General Statutes) to indemnify police officers and pay for their legal defense for claims arising out of this kind of action; but if a court has determined that a police officer’s act was “malicious, wanton or willful,” the police officer must reimburse the municipality for defense expenses and the municipality will not be held liable for financial losses or expenses resulting from the act.[[74]](#footnote-74) Upon passing this Act, Connecticut became the second state to limit qualified immunity as a defense to state constitutional claims.[[75]](#footnote-75)

*New York Bills*

In the summer of 2020, State Senator Zellnor Myrie introduced Senate Bill 8669, or “The Restoring Accountability and Civil Equity Act,” which is currently in the State Senate Rules Committee.[[76]](#footnote-76) This bill seeks to create a new article 3-A in the State Civil Rights Law that would allow a person to bring a civil action in State court against “any person who, under the color of any statute, ordinance, regulation, custom, or usage, of this state or any of its political subdivisions” deprived the person bringing the action of a right guaranteed under the State Constitution.[[77]](#footnote-77) The bill does not explicitly refer to “qualified immunity,” “governmental immunity,” or “governmental function immunity.” The bill justification states that the bill is “intended to operate independently of federal law and the federal doctrine of qualified immunity to the extent that a staff official or officials are acting under the color of the state constitution and the law of the state,” and the bill allows a unique “exemption” defense.[[78]](#footnote-78) The bill also does not broach the subjects of indemnification and personal liability.

During the same summer, State Senator Robert Jackson introduced Senate Bill 8668, which is Senate Bill 1991 in the current 2021-2022 State legislative session (“S1991).[[79]](#footnote-79) S1991 is currently in the State Senate Investigations and Government Operations Committee.[[80]](#footnote-80) S1991 seeks to create a new section 79-Q in the Civil Rights Law and would provide a private civil right of action for deprivation of rights, privileges, or immunities secured by the U.S. or State Constitution or laws caused by “a person or public entity acting under color of law.”[[81]](#footnote-81) Specifically, it would prohibit a qualified immunity defense by providing that “shall not be a defense or immunity… that such defendant was acting in good faith, or that the defendant believed, reasonably or otherwise, that their conduct was lawful at the time such conduct was committed” or that rights “were not clearly established at the time of their deprivation by the defendant, or that the state of law was otherwise such that the defendant could not reasonably have been expected to know whether their conduct was lawful.”[[82]](#footnote-82) This bill would not permit indemnification of a public employee for liability if the employee was convicted of a criminal violation for conduct alleged in a claim arising under the section.[[83]](#footnote-83) Under S1991, the State Attorney General would be authorized to bring a civil action for relief on behalf of the State and the injured party.[[84]](#footnote-84)

*Federal Bills*

In June 2020, now former U.S. Representative for Michigan’s 3rd Congressional District, Justin Amash, a Republican, introduced a federal bill titled the “Ending Qualified Immunity Act.”[[85]](#footnote-85) This bill proposes the amendment of Section 1983 by adding language intended to make clear that qualified immunity is not a defense to any action brought under Section 1983.[[86]](#footnote-86) Specifically, the added language would provide that it would not be a defense that (i) the defendant was acting in good faith or that the defendant believed (reasonably or otherwise) that the defendant’s conduct was lawful or that (ii) constitutional or legal rights were not clearly established at the time of their deprivation by the defendant or that the state of the law was otherwise such that the defendant could not reasonably have been expected to know whether the defendant’s conduct was lawful.[[87]](#footnote-87)

In February 2021, U.S. Representative Karen Bass introduced a federal bill titled the “George Floyd Justice in Policing Act of 2021.”[[88]](#footnote-88) The bill passed in the House of Representatives on March 3, 2021.[[89]](#footnote-89) It would provide in part that it shall not be a defense or immunity in any action brought under Section 1983 against a “local law enforcement officer” or against a “Federal investigative or law enforcement officer” that (i) the defendant was acting in good faith, or that the defendant believed, reasonably or otherwise, that the defendant’s conduct was lawful at the time when the conduct was committed; or (ii) the rights, privileges, or immunities secured by the U.S. Constitution and laws were not clearly established at the time of their deprivation by the defendant, or that at such time, the state of the law was otherwise such that the defendant could not reasonably have been expected to know whether the defendant’s conduct was lawful.[[90]](#footnote-90)

**Proposed Res. No. 1538-A**

**The New York City Police Commissioner’s Disciplinary Authority**

 The Police Commissioner has the exclusive authority to determine the final disposition of all disciplinary matters concerning members of the NYPD and to impose penalties.[[91]](#footnote-91) This includes such authority over cases investigated internally, most notably by the NYPD’s Internal Affairs Bureau (“IAB”), as well as over cases investigated by the “CCRB”, an independent body consisting of appointees of the Mayor, the Police Commissioner, the Council, and the Public Advocate. The CCRB investigates civilian complaints involving excessive use of force, abuse of authority, discourtesy, and offensive language (sometimes referred to as “FADO”).[[92]](#footnote-92)

 The most serious cases, known as Charges and Specifications, are adjudicated in a departmental trial before the NYPD Deputy (or Assistant Deputy) Commissioner for Trials (“DCT”), during which the NYPD Department Advocate’s Office, in IAB cases, or the CCRB’s Administrative Prosecution Unit (“APU”), in CCRB cases, prosecutes the case. The APU’s role is governed by a Memorandum of Understanding between the NYPD and the CCRB.[[93]](#footnote-93) The DCT’s decision and recommended penalty, which can include loss of vacation days, suspension without pay, or termination, is ultimately forwarded to the Police Commissioner for a final determination.

 The rate at which the Police Commissioner departs from the recommended penalty, especially in CCRB cases, has been pointed out many times over the years and, by any measure, such departure is not infrequent. As noted in Proposed Res. No. 1538-A, an analysis published by *The New York Times* in November 2020 found that the NYPD “regularly ignored the [CCRB’s] recommendations, overruled them or downgraded the punishments, even when police officials confirmed that the officers had violated regulations,” and also found that this “pattern of lenient punishment holds true for about 71 percent of the 6,900 misconduct charges over the last two decades in which the [CCRB] recommended the highest level of discipline and a final outcome was recorded.”[[94]](#footnote-94) In January 2019, the Independent Panel on the Disciplinary System of the NYPD (“Panel”) asserted that both the number of departures from the recommended discipline and the lack of detailed explanations for those departures “may undermine the legitimacy of the trial process.”[[95]](#footnote-95) The Panel also pointed out that the CCRB is, in general, significantly more transparent regarding its cases than the NYPD is, regularly publishing reports that include statistical data about disciplinary outcomes.[[96]](#footnote-96)

**Res. No. 1547**

**NYPD Residency Requirements**

 Most City employees, including civilian employees of the NYPD, are required to live in New York City during their first two years of employment, after which they are also allowed to reside in Nassau, Suffolk, Rockland, Westchester, Putnam, and Orange counties.[[97]](#footnote-97) Uniformed NYPD officers, on the other hand, can live in one of those surrounding counties from the beginning of their employment, as can firefighters and correction officers.[[98]](#footnote-98) City Department of Education employees are not subject to any residency requirements.[[99]](#footnote-99) Police officers are also not allowed to live in the police precinct to which they are assigned.[[100]](#footnote-100) As of August 2020, 49% of uniformed police officers lived in the City, down from 58% in 2016.[[101]](#footnote-101) A June 2020 *USA Today* analysis found a wide variety of views among advocates and experts regarding the benefits and drawbacks of police officer residency requirements.[[102]](#footnote-102)

**Presconsidered Res. No. 1584**

**Background**

 On June 12, 2020, following massive protests against police brutality and systemic racism in the wake of the murder of George Floyd by a police officer in Minnesota, Governor Andrew Cuomo issued Executive Order No. 203, directing each local government in the State to create a plan to reform and reinvent their police force.[[103]](#footnote-103) The reform process mandated by the Executive Order, known as the New York State Police Reform and Reinvention Collaborative, was designed to help rebuild police-community relations through an inclusive process that involves a wide array of stakeholders throughout the development and adoption of the plan.[[104]](#footnote-104) If a plan is not adopted by the Council by April 1, 2021, the State Director of the Division of the Budget is authorized to deny New York City future State funding.[[105]](#footnote-105)

**Executive Order No. 203**

 Executive Order No. 203 sets the overarching goals for the policing reform process, the strategies that must be considered, the collaboration that must occur, and a number of procedural requirements. First, the City must “perform a comprehensive review of current [NYPD] deployments, strategies, policies, procedures, and practices,” then “develop a plan to improve such deployments, strategies, policies, procedures, and practices.” That plan must address community needs, “promote community engagement to foster trust, fairness, and legitimacy,” and “address any racial bias and disproportionate policing of communities of color.”[[106]](#footnote-106)

Once a draft plan is developed, it must be offered for public comment. The City must consider those comments before submitting a plan to the Council. The Council then has until April 1, 2021 to approve a plan.

**State Guidance**

 On August 17, 2020, the Governor released a 117-page guidance on running a Police Reform and Reinvention Collaborative for localities.[[107]](#footnote-107) The guidance contains detailed information on suggested “key questions and insights” to consider during the Collaborative. Four areas are highlighted: 1) what functions should the police perform; 2) employing smart and effective policing standards and strategies; 3) fostering community-oriented leadership, culture and accountability; and 4) recruiting and supporting excellent personnel.[[108]](#footnote-108) For these areas, the guidance offers questions to ask to help determine whether the locality should explore further reforms in that area, issues to consider in determining potential reforms, examples of reforms implemented in other jurisdictions, relevant legal standards, and relevant research.[[109]](#footnote-109)

 The guidance also contains information to help localities design their reform process, including suggested key organizing principles for designing the Collaborative and a timeline.[[110]](#footnote-110) Transparency throughout the process is strongly suggested, including:

* making planning and deliberation meetings public;
* polling and surveying the public for their views on specific issues, if feasible;
* providing periodic updates as the planning process moves forward;
* engaging local media;
* making all research materials public; and
* having a plan to incorporate public comment feedback in the final plan.[[111]](#footnote-111)

The proposed timeline breaks the Collaborative into four phases, with key objectives for each and community engagement throughout, beginning in August 2020:[[112]](#footnote-112)

* August to September: Planning
	+ Create an operations plan, identify staff, and gather information
	+ Coordinate with neighboring localities
	+ Convene key stakeholders
	+ Assess where you are now
* September to October: Listening and learning
	+ Conduct listening sessions
	+ Engage experts
	+ Request comments and information
* November to December: Draft a plan
	+ Identify areas of focus
	+ Identify measurable goals
	+ Draft a reform and reinvention plan
	+ Keep the public engaged
* January to March: Public comment and ratification
	+ Release draft plan for public comment
	+ Educate the public
	+ Revise the plan to incorporate public comment
	+ Ratify the plan
	+ Certify with New York State

**New York City’s Reform Process**

The City did not formally begin its reform process until five months after the issuance of Executive Order No. 203 and is now four months behind on fulfilling its timeline for the plan’s ratification. On October 13, 2020, the City announced a partnership with Jennifer Jones Austin, CEO and Executive Director of the Federation of Protestant Welfare Agencies; Arva Rice, President and CEO of the New York Urban League; and Wes Moore, CEO of Robin Hood, to engage communities on policing and serve as “key advisors” to Police Commissioner Dermot Shea.[[113]](#footnote-113) In addition, the NYPD announced that it would host a series of eight “listening sessions” on policing throughout the five boroughs that began the following day.[[114]](#footnote-114) A ninth session was added in December to accommodate those with limited English proficiency.[[115]](#footnote-115)

On March 5, 2021, the City released the initial version of the New York City Police Reform and Reinvention Collaborative draft plan[[116]](#footnote-116) four months after its planned release in December.[[117]](#footnote-117) The plan outlined the following 36 reforms: [[118]](#footnote-118)

1. Transparency and Accountability to the People of New York City
	* Hold police officers accountable for misconduct through internal NYPD disciplinary decisions that are transparent, consistent, and fair
	* Strengthening the CCRB via the David Dinkins Plan
	* Consolidate NYPD oversight by expanding the authority of CCRB to include the powers of the NYPD OIG and the CCPC
	* Supporting a change in State law to give CCRB access to sealed PD records for purposes of investigations, especially biased-policing investigations
	* Public and comprehensive reporting on key police reform metrics
2. Community Representation and Partnership
	* Working with communities to implement a Joint Force to End Gun Violence
	* Incorporate direct community participation in the selection of Precinct Commanders
	* Involving the community in training and education by expanding the People’s Police Academy
	* Immersing officers in the neighborhoods they serve
	* Elevate the feedback of the community through CompStat and Enhanced Neighborhood Policing
	* Launching the Neighborhood Policing App and expanding training
	* Improving policing of citywide demonstrations
	* Expanding the Precinct Commander’s Advisory Councils
	* Expanding Pop Up with a Cop
	* Supporting and expanding the Citizen’s Police Academy
	* Enhancing Youth Leadership Councils
	* Expanding the Law Enforcement Explorers Program.
	* Transforming public space to improve community safety
3. Recognition and Continual Examination of Historical and Modern-Day Racialized Policing in New York City
	* Acknowledging the experiences of communities of color in New York City and begin reconciliation
	* Eliminating the use of unnecessary force by changing culture through policy, training, accountability, and transparency
	* Augmenting racial bias training for NYPD leadership
	* Comprehensive restorative justice training for NYPD leadership and NCOs to repair relationships with communities.
	* Train all officers on Active Bystandership in Law Enforcement (ABLE) by the end of this year
	* Enhancing positive reinforcement, formally and informally, to change culture
	* Consistently assessing practices and policies through accreditation.
4. The Decriminalization of Poverty
* Consistently assessing practices and policies through accreditation.
* Developing a health-centered response to mental health crises
* New approaches to safety, outreach and regulation through civilian agencies
* Interrupt violence through expanded community-based interventions
* Expanding the successful Brownsville pilot via the community solutions program
* Consolidating all crime victim services within MOCJ to support survivors
* Strengthening community partnerships with domestic and gender-based violence providers
1. A Diverse, Resilient, and Supportive NYPD
	* Recruiting officers who reflect the communities they serve, with a commitment to recruit and retain more people of color and women
	* Reform the discretionary promotions process to improve equity and inclusion
	* Expanding mental health support for officers
	* Supporting professional development through the Commander’s Course and leadership development programs
	* Updating the patrol guide so it is more user friendly and less complex for officer and transparent to the public

According to the March 5th report, the Reform and Reinvention Collaborative hosted “over 85 meetings—public listening sessions, town halls, and roundtable discussions—with a range of groups and organizations.”[[119]](#footnote-119) The report’s appendix includes a list of 63 meetings held between October 2020 and February 2021, most of which were described in very general terms (e.g., “Muslim Community Leaders” and “Community Activists”). [[120]](#footnote-120) Five of the 63 meetings were held during December with “impacted communities,” but the report fails to include any detail on how the City defined an “impacted community,” who participated, or how the City solicited those participants.[[121]](#footnote-121) Eleven of the 63 meetings appear to have been held exclusively with members of the NYPD.[[122]](#footnote-122)

The report itself and 147-page appendix provide little insight into the research or data that informed the City’s recommendations and instead primarily republishes materials that are already available to the public, such as the text of Executive Order No. 203 and various NYPD reports, dashboards, and presentations.[[123]](#footnote-123) Though the appendix of the report includes the NYPD Precinct Public Feedback Survey Questions, the report does not appear to include any consideration or summary of New Yorkers’ survey responses.[[124]](#footnote-124) In lieu of survey data, research citations, copies of public testimony, meeting transcripts or summaries, or information about meeting participants, the report instead includes 27 unattributed quotes from New Yorkers’ public testimony that align to the report’s recommendations.[[125]](#footnote-125)

The small scope of the City’s engagement process and lack of information about the City’s research methodology is notably lacking when compared with the reports and appendices produced by other cities in New York State in response to Executive Order No. 203. For instance, Albany, a City whose population is about one percent of New York City’s, also completed 63 meetings on top of its 14 hours of public comment periods.[[126]](#footnote-126) Albany’s amended final draft report includes a full list of working group participants, participant biographies, detailed reports from each working group, and the full text of the articles and research that informed its recommendations.[[127]](#footnote-127) Ithaca/Tompkins County made public a detailed report on the City’s findings from its qualitative data and community input process, including the total number of participants for each source of community input, demographic targets for focus groups, a description of the researchers’ methodology for data analysis, a detailed report on key findings, and a discussion of the limitations of the City’s community input process and recruitment efforts.[[128]](#footnote-128)

Executive Order No. 203 requires the City to offer the draft plan for public comment to “all citizens” in the locality. The City’s press release indicates that the draft plan will now “move through a public comment period where it will undergo further revision based on the feedback of the public and through a process with the Council.”[[129]](#footnote-129) The press release then links to a new City website dedicated to the Police Reform and Reinvention Collaborative, which directs New Yorkers to fill out a general form to “contact the police reform and reinvention collaborative.”[[130]](#footnote-130) Neither the Collaborative’s website nor the draft report articulate a timeline or deadline for public comment submissions – and there is no indication that the City intends to engage in any additional outreach about the draft plan to solicit additional feedback or increase the diversity of participants.

One week later, on March 12, 2021, the City released “part two” of that plan, which outlined 27 additional recommendations.[[131]](#footnote-131) The report does not provide any indication of the City’s process or rationale for these additions, such as the City’s review of public comments or further stakeholder engagement.[[132]](#footnote-132) The additional recommendations are as follows: [[133]](#footnote-133)

1. The Decriminalization of Poverty.
	1. The City will systematically examine and end policies that lead to over-policing lower-income and people of color communities, perpetuating the cycle of impoverishment and incarceration.
	2. The City prioritizes principles of budget justice and will provide key services to support low-income individuals, families, and communities, and reduce the likelihood of justice involvement.
	3. To break the school to prison pipeline, the City will prioritize the health and wellbeing of youth while minimizing potential exposure to trauma in City schools through the investment in human resources and trauma-informed practices, mobbing school safety agents from NYPD to the Department of Education and retraining them, and revising policies that govern school safety.
	4. The City supports adopting important new public health approaches to reducing overdoses.
	5. The City will develop new policies and approaches to combatting sex trafficking which focus on the traffickers and do not entangle victims or those selling sex in the criminal justice system.
	6. The City will improve support for victims of domestic, gender-based and family violence through access to critical resources and customized training for officers.
	7. The City will enhance community-based approaches to combatting bias and hate crimes.
2. Recognition and Continual Examination of Historical and Modern-Day Racialized Policing in New York City.
	1. The City will create a dedicated process to acknowledge, address, and repair past and present injustices and trauma caused by the practice of racialized policing.
	2. The NYPD will participate in a comprehensive, independent review to identify and assess persistent structures of racism within the Department.
	3. NYPD will require supervisors to proactively monitor discretionary officer activity for indications of biased-based policing and take corrective measures immediately.
3. Transparency and Accountability to the People of New York City.
	1. NYPD will ensure that at-risk officers are identified, and that swift, appropriate interventions occur.
	2. NYPD will continually review the Disciplinary Matrix and take other measures to ensure that members of service that engage in misconduct, cause harm, and violate policy are held accountable.
	3. NYPD must be transparent about the personal data that is collected and how it is used, which is critical to earning and maintaining the trust of the community.
	4. NYPD policy changes that are identified as having a potential public impact and that aren’t otherwise statutorily mandated will be subjected to public comment.
	5. CCRB occupies a critical role in the accountability system, which should be evaluated for potential further expansion to additional NYPD employees.
	6. In certain egregious cases, the City should have the ability to impose suspensions without pay for longer than 30 days while the disciplinary process is underway.
	7. Pension forfeiture must be a more meaningful and use disciplinary penalty for the most egregious instances of misconduct.
	8. The City must hold officers accountable for “failure to take police action.”
	9. The City will create a citywide policy to strengthen transparency and accountability in the use of biometric technology.
	10. The City will equip NYC Sherriff’s Deputies with Body-Worn Cameras.
4. Community Representation and Partnership.
	1. The NYPD will consistently solicit real-time feedback from members of the community related to both positive and negative experiences and interactions and will work to implement programs that enhance precinct-based customer experiences.
	2. The NYPD will invest in enhancing productive partnerships with community members and organizations and increasing officers’ cultural competence.
	3. The NYPD will ensure that the composition of its workforce is reflective of the community it serves at all levels of the organization.
	4. The NYPD will work with the Mayor’s Office for People with Disabilities to expand the reach and scope of services provided by the NYPD Disability Services Facilitator.
	5. NYPD will take important steps to improve relationships with NYC’s immigrant communities.
	6. The City will pilot the Advance Peace Model, a new approach to helping youth who are at risk for involvement with gun violence.
5. A Diverse, Resilient, and Supported NYPD.
	1. The City will make residence in New York City a more significant factor in hiring police officers.

In addition to the above recommendations, the March 12th report supplemented the March 5th report’s initial recommendation on reforming the NYPD’s promotion process to include additional language on “systematically” incorporating accountability measures into the decision-making process before a member of service is promoted, with a commitment to codify how experience, tenure, performance history, positive attributes, as well as disciplinary history all factor into consideration for assignments and promotions.[[134]](#footnote-134) In addition, the March 12th report committed to implementing “systemic checks” within the discretionary and civil service promotion process to identify disparities in which members of service are eligible for consideration, including assessments of the composition of promoted candidates compared to the “broader makeup” of the applicable candidate pool, as well as the Department as a whole.[[135]](#footnote-135)

 Prior to its finalization, the Council amended the Plan to focus on prospective goals and policies, to add deadlines and responsible parties for fulfilling requirements in the plan, to enhance public transparency, public notice, and stakeholder engagement requirements in its implementation, and included integral funding commitments totaling in over $72 million put towards existing and new initiatives to support and expand public safety alternatives to policing and incarceration and ensure that the City lives up to its commitments. The Council’s programmatic and budgetary additions include, but are not limited to:

* At least $30 million for the Department of Education to ensure that every school can effectively support students’ social emotional and behavioral needs with a trauma-informed approach.
* $15 million toward the Council’s critical anti-violence, social safety net, and hate violence prevention initiatives.
* $14.5 million to fund a new mental health case management program, CONNECT2T, to provide 850 people with mobile and site-based intensive, ongoing case management services.
* $25 million in funding for the City’s Cure Violence programs starting in Summer 2022 and a commitment to triple the City’s Cure Violence program workforce, increasing the City’s current budget for this program by more than $7 million.
* An additional $4.4 million to double FY2021’s available funds for Intensive Mobile Treatment (IMT) Teams, which serve those with recent and frequent contact with the mental health, criminal justice, and homeless services systems, recent behavior that is unsafe and escalating, and those who were poorly served by traditional treatment models.
* $1.28 million for the Department of Social Services Homebase budget for the creation of a two-year pilot program to expand prevention services to families with children experiencing chronic school absenteeism or justice-system involvement and at risk of homelessness.
* The expansion of Summer Youth Employment through the addition of 5,000 new spots in summer 2021 for CUNY students.
* The restoration of funding for vital agencies that are critical to the social and emotional well-being of New Yorkers, including the Department of Parks and Recreation and the Department of Youth and Community Development.

In addition to the above budgetary commitments, the amended Plan now includes a commitment to increase the transparency of the NYPD’s budget by making public a more particularized breakdown of the agency’s spending during the FY 2022 Executive Budget. The Council also added explicit reference to the Mayor’s support for and the Council’s commitment to pass the following legislative proposals:

* Int. No 2118 to move press credentialing services from the NYPD to the Mayor’s Office of Media and Entertainment.
* Int. No. 2224 to establish a crash investigation and analysis unit within the Department of Transportation.
* Int. No. 1671 to require the NYPD to report specific information on all vehicle encounters, including the demographic information of the driver.
* Int. No. 2212 to give CCRB the authority to investigate allegations of racial profiling and biased policing.
* Int. No. 2220 to ensure that officers who violate Constitutional rights in the course of a search and seizure or by the use of excessive force are not entitled to Qualified Immunity.
* Int. No. 66 to codify and strengthen the Mayor’s Office to Prevent Gun Violence.

With respect to disciplinary reforms, the Council added a requirement for the NYPD to make public “deviation letters” that set out the Police Commissioner’s specific rationale for exercising his discretion to deviate from guidelines set by the NYPD’s new disciplinary matrix. The Council’s additions also require the City to assess and ameliorate the impacts of the militarization of the NYPD and to complete an independent review of the NYPD’s Special Victims Division’s policies and procedures for investigating sexual assault to ensure alignment with best practices, particularly focusing on a victim-centered and trauma-informed techniques.

The Council’s amended Plan notably eliminated several of the Administration’s draft recommendations where the Council found such recommendations would unnecessarily increase the NYPD’s footprint and budget or would otherwise fail to achieve Executive Order 203’s core goal to “reform and reinvent” the City’s police force. Eliminated proposals include the expansion of the Citizen’s Police Academy and Law Enforcement Explorers Program, among other NYPD-run programs and initiatives that the City’s draft Plan proposed for creation or enhancement.

Finally, the Council’s amendments removed recommendations and language from the Administration’s initial drafts where the City described existing initiatives, previously announced commitments, or progress toward reform but was unwilling to make any additional substantive commitments to expand or improve those initiatives moving forward (i.e., “The NYPD will eliminate the use of unnecessary force by changing culture through policy, training, accountability, and transparency”). With these deletions, the Plan now exclusively outlines the commitments made in response to Executive Order No. 203, to ensure greater transparency and lay the groundwork for rigorous public and Council oversight of the City’s implementation of the Plan in coming months.

1. **ANALYSIS**

**Analysis of Proposed Int. No. 1671-A**

Bill section one of Proposed Int. No. 1671-A would amend title 14 of the Administrative Code of the City of New York (“Administrative Code”) by adding a new section 14-191.

Subdivision a of new section 14-191 would state that no later than April 30, 2022, and no later than 30 days after the end of each quarter thereafter, the Police Commissioner must submit a report to the Speaker of the Council and the Mayor and post on the NYPD’s website a report. The report would contain the following information for the previous quarter:

1. The total number of traffic stops conducted by officers;

2. The total number of vehicles stopped by officers at roadblocks or checkpoints except those established due to an emergency, such as a crime scene, fire, building collapse or damage caused by extreme weather conditions or other natural disasters;

3. the total number of summonses issued in connection with a vehicle stop, roadblock stop, or checkpoint stop;

4. the total number of arrests made in connection with a vehicle stop, roadblock stop, or checkpoint stop;

5. the total number of vehicle stops, roadblock stops, and checkpoint stops;

6. the total number of vehicles stopped that were vehicles licensed by the Taxi and Limousine Commission, were cars or sports utility vehicles, and were trucks or busses, motorcycles, or bicycles;

7. the total number of summonses issued, disaggregated by whether civil or criminal offenses were charged;

8. the total number of arrests made and the top offenses charged;

9. the total number of vehicles seized as the result of a vehicle stop, a roadblock or checkpoint;

10. the total number of searches of vehicles, disaggregated by whether consent was provided for such searches; and

11. total number of use of force incidents that occurred in connection with a vehicle stop, a roadblock or checkpoint.

Subdivision b would require that the information required by subdivision a be disaggregated by precinct and the apparent race/ethnicity, gender and age of the driver.

Subdivision c would mandate that the information required by this new section be stored permanently and be accessible from the NYPD’s website and be provided in a format that permits automated processing. Further, each report would be required to include a comparison of the current reporting period to the prior four reporting periods after such information becomes available.

Bill section two of Proposed Int. No. 1671-A specifies that this local law would take effect immediately.

**Analysis of Proposed Int. No. 2220-A**

Proposed Int. No. ­­­2220-A would create a right of security against unreasonable search and seizure, and against the use of excessive force regardless of whether such force is used in connection with a search or seizure, enforceable by civil action. It would explicitly prohibit qualified immunity, or any substantially equivalent immunity, as a defense to such an action. It would also require the City Law Department to post online certain information about such civil actions.

Bill section one would add a new chapter 8 to title 8 of the Administrative Code:

Proposed section 8-801 would define for the chapter the term “covered individual,” meaning an employee of the NYPD or a person appointed by the Police Commissioner as a special patrolman pursuant to subdivision c or e of section 14-106 of the Administrative Code. This section would also define the terms “person aggrieved” and “state” for the chapter; and it would define the term “prevailing plaintiff,” by reference to subdivision g of section 8-502 of the Administrative Code, as a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement, or as a result of a judgment in the plaintiff’s favor.

Proposed section 8-802 would establish a local civil right of natural persons to have security against unreasonable searches and seizures, and against the use of excessive force regardless of whether such force is used in connection with a search or seizure.

Proposed section 8-803 would create a civil action for deprivation of a right established by proposed section 8-802. Under subdivision a, a “covered individual,” who, under color of any law, ordinance, rule, regulation, custom or usage, violates (including through failure to intervene) a person’s right under proposed section 8-802 would be liable to such person for legal or equitable relief, or any other appropriate relief. Under subdivision b, the employer of such covered individual would also be liable, based upon the conduct of such covered individual, to such person for such relief. Under subdivision c, such person would be able to make a claim of deprivation of a right under proposed section 8-802 in court by filing a complaint detailing facts pertaining to such deprivation and requesting relief. Subdivision d provides that proposed section 8-803 would not limit or abolish any claim or cause of action that such person has under common law or pursuant to any other law or rule. Even if there is an alternative remedy available under common law or pursuant to another law or rule, such person would be able to maintain a private right of action under proposed section 8-803. Such person would not be required to exhaust other administrative remedies before commencing a civil action under proposed section 8-803. Such person would not be limited to the remedies provided by the proposed chapter.

Proposed section 8-804 makes clear that qualified immunity, or any other substantially equivalent immunity, would not be available as a defense to liability under proposed chapter 8, including to a “covered individual” and the employer of such covered individual subject to a civil action brought under proposed section 8-803.

Subdivision a of proposed section 8-805 would impose requirements on a court addressing a civil action involving a claim made under proposed section 8-803 to follow, with discretion: (1) (i) award compensatory damages, and punitive damages at the court’s discretion, to the plaintiff or (ii) $1,000 in damages if the plaintiff alternatively chooses; (2) award reasonable attorney’s fees and court costs to the plaintiff; and (3) issue a restraining order against the covered individual from engaging in further conduct in violation of proposed section 8-803. Subdivision b would require such court, when choosing to factor an hourly rate into calculation of an attorney’s fee award, to use the hourly rate charged by attorneys of similar skill and experience litigating similar cases.

Proposed section 8-806 would require a person who wishes to bring a claim under proposed section 8-803 to do so within three years after the alleged deprivation of a right established by proposed section 8-802.

Proposed section 8-807 would require that the right of security against unreasonable search and seizure established by proposed section 8-802, including against excessive force used in connection with a search or seizure, be interpreted in the same manner as such right established by the Fourth Amendment of the United States Constitution, section 12 of article I of the State Constitution, and section 8 of the State Civil Rights Law. The section would also require that the right of security against the use of excessive force, other than excessive force used in connection with a search or seizure, be interpreted in the same manner as such right established by the Fourteenth Amendment of the United States Constitution and section 6 of article I of the State Constitution. These two requirements would apply except as otherwise provided in the proposed chapter and despite any language to the contrary in section 8-130 of the Administrative Code (construction of title 8 of the Administrative Code).

Bill section two would amend section 7-114 of the Administrative Code, which concerns civil actions regarding the NYPD. It would provide that the section also applies to civil actions regarding “covered individuals.” Subdivision a of such section would be amended to define the term “covered individual” for the section with reference to proposed section 8-801 of the Administrative Code. This bill section would move the existing language in current subdivision a into a new subdivision b. New subdivision b would require the City Law Department to post on its website, and provide notice of the posting to the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the City Charter, the City Comptroller, the NYPD, the Civilian Complaint Review Board, and the Commission to Combat Police Corruption, certain information regarding civil actions filed in local, State, or federal court against covered individuals resulting from allegations of deprivation of a right under proposed chapter 8 of title 8 of the Administrative Code. The City Law Department is already required to post online (and provide notification) regarding civil actions filed in State or federal court against the NYPD resulting from allegations of improper police conduct.

Paragraph 1 of proposed subdivision b of section 7-114 of the Administrative Code would require the City Law Department to post (and provide notification of such posting) a list of civil actions filed against a covered individual during the five-year period before each January 1 or July 1 immediately preceding each posting. Paragraph 2 of proposed subdivision b would require the City Law Department to post the identities of the plaintiffs and defendants for each action filed against the NYPD or a covered individual. Paragraph 2 of proposed subdivision b would also require the City Law Department to post, for an action filed against a covered individual, the court in which the action was filed, the name of the law firm representing the plaintiff, the name of the law firm or agency representing each defendant, the date the action was filed, and whether the plaintiff alleged improper police conduct, including deprivation of a right under proposed chapter 8 of title 8 of the Administrative Code. Paragraph 3 of proposed subdivision b would require the City Law Department to post, if an action against a covered individual 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 the City, the covered individual, or an employer or other person paying on behalf of a covered individual making a payment to the plaintiff, as well as the amount of any such payment.

Bill section three provides that this local law would take effect immediately, and that it would apply to deprivation of rights established by this local law that occur on and after the effective date.

Proposed Int. No. 1671-A

By Council Members Adams, Van Bramer, Brannan, Cornegy, Chin, Salamanca, Rosenthal and the Public Advocate (Mr. Williams) (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 report on traffic encounters

..Body

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-191 to read as follows:

§ 14-191 Vehicle encounter reports. a. No later than April 30, 2022 and no later than 30 days after the end of each quarter thereafter, the commissioner shall submit to the speaker of the council and the mayor and post on the department’s website a report containing the following information for the previous quarter:

1. the total number of vehicle stops conducted by officers;

2. the total number of vehicles stopped by officers at roadblocks or checkpoints except those established due to an emergency, such as a crime scene, fire, building collapse or damage caused by extreme weather conditions or other natural disaster events;

3. the total number of summonses issued in connection with a vehicle stop, roadblock stop, or checkpoint stop;

4. the total number of arrests made in connection with a vehicle stop, roadblock stop, or checkpoint stop;

5. the total number of vehicle stops, roadblock stops, and checkpoint stops;

6. the total number of vehicles stopped that were vehicles licensed by the taxi and limousine commission, were cars or sports utility vehicles, and were trucks or busses, motorcycles, or bicycles;

7. the total number of summonses issued, disaggregated by whether civil or criminal offenses were charged;

8. the total number of arrests made and the top offenses charged;

9. the total number of vehicles seized as the result of a vehicle stop, a roadblock or checkpoint;

10. the total number of searches of vehicles, disaggregated by whether consent was provided for such searches; and

11. total number of use of force incidents, as defined in section 14-158, that occurred in connection with a vehicle stop, a roadblock or checkpoint.

b. The information required by subdivision a of this section shall be disaggregated by precinct and the apparent race/ethnicity, gender and age of the driver.

c. The information required by this section shall be stored permanently; accessible from the department’s website; and provided in a format that permits automated processing. Each report shall include, once such information is available, a comparison of the current reporting period with reports from the prior four reporting periods.

§ 2. This local law takes effect immediately.

AM

LS #9749

3/17/21 5:22PM

Proposed Int. No. 2220-A

By Council Members Levin, Rosenthal, Kallos, Van Bramer, Koslowitz, Constantinides, Ampry-Samuel, Louis and Chin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating a right of security against unreasonable search and seizure, and against excessive force regardless of whether such force is used in connection with a search or seizure, that is enforceable by civil action and requiring the law department to post online certain information regarding such civil actions

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

CHAPTER 8

THE RIGHT OF SECURITY AGAINST UNREASONABLE SEARCH AND SEIZURE AND AGAINST EXCESSIVE FORCE REGARDLESS OF WHETHER SUCH FORCE IS USED IN CONNECTION WITH A SEARCH OR SEIZURE

§ 8-801 Definitions.

§ 8-802 Right of security against unreasonable search and seizure and against excessive force regardless of whether such force is used in connection with a search or seizure.

§ 8-803 Civil action for deprivation of rights.

§ 8-804 Immunity not a defense.

§ 8-805 Relief.

§ 8-806 Statute of limitations.

§ 8-807 Construction.

§ 8-801 Definitions. For purposes of this chapter, the following terms have the following meanings:

Covered individual. The term “covered individual” means (i) an employee of the police department or (ii) a person who is appointed by the police commissioner as a special patrolman pursuant to subdivision c or e of section 14-106.

Person aggrieved. The term “person aggrieved” means a natural person who is allegedly subjected to, or allegedly caused to be subjected to, the deprivation of a right created, granted or protected by section 8-802 by a covered individual even if the only injury allegedly suffered by such natural person is the deprivation of such right.

Prevailing plaintiff. The term “prevailing plaintiff” has the meaning ascribed to such term in subdivision g of section 8-502.

State. The term “state” means the state of New York.

§ 8-802 Right of security against unreasonable search and seizure and against excessive force regardless of whether such force is used in connection with a search or seizure. The right of natural persons to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure, shall not be violated; and no warrants shall be issued but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§ 8-803 Civil action for deprivation of rights. a. A covered individual who, under color of any law, ordinance, rule, regulation, custom or usage, subjects or causes to be subjected, including through failure to intervene, any other natural person to the deprivation of any right that is created, granted or protected by section 8-802 is liable to the person aggrieved for legal or equitable relief or any other appropriate relief.

b. The employer of a covered individual who, under color of any law, ordinance, rule, regulation, custom or usage, subjects or causes to be subjected, including through failure to intervene, any other natural person to the deprivation of any right that is created, granted or protected by section 8-802 is liable, based upon the conduct of such covered individual, to the person aggrieved for legal or equitable relief or any other appropriate relief.

c. A person aggrieved may make a claim pursuant to subdivision a of this section in a civil action in any court of competent jurisdiction by filing a complaint setting forth facts pertaining to the deprivation of any right created, granted or protected by section 8-802 and requesting such relief as such person aggrieved considers necessary to insure the full enjoyment of such right.

d. This section does not limit or abrogate any claim or cause of action a person aggrieved has under common law or pursuant to any other law or rule. Despite the availability of an alternative remedy under common law or pursuant to any other law or rule, the person aggrieved has and maintains a private right of action pursuant to this section. Exhaustion of any administrative remedies is not required for a person aggrieved to commence a civil action pursuant to this section. The remedies provided by this chapter are in addition to any other remedies that may be provided for under common law or pursuant to any other law or rule.

§ 8-804 Immunity not a defense. It is not a defense to liability pursuant to this chapter that a covered individual has qualified immunity or any other substantially equivalent immunity.

§ 8-805 Relief. a. In any civil action involving a claim made pursuant to section 8-803 against a covered individual or an employer thereof, a court shall, in addition to awarding any other relief, including injunctive or other equitable relief, as such court determines to be appropriate:

1. Award to a prevailing plaintiff on such claim (i) compensatory damages and, in such court’s discretion, punitive damages or (ii) at the election of such plaintiff, damages of $1,000;

2. Award to such plaintiff reasonable attorney’s fees and court costs; and

3. Issue an order restraining such covered individual from engaging in further conduct in violation of such section.

b. The court shall apply the hourly rate charged by attorneys of similar skill and experience litigating similar cases when it chooses to factor the hourly rate into an attorney’s fee award.

§ 8-806 Statute of limitations. Notwithstanding any provision to the contrary in section 50-k of the general municipal law or any other provision of law, a person aggrieved must make a claim pursuant to section 8-803 in a civil action within 3 years after the alleged deprivation of a right created, granted or protected by section 8-802 occurred.

§ 8-807 Construction. Except as otherwise provided in this chapter and notwithstanding section 8-130, (i) the right against unreasonable search and seizure, including excessive force used in connection with a search or seizure, created, granted or protected by section 8-802 shall be construed in the same manner as the right against unreasonable search and seizure, including excessive force used in connection with a search or seizure, created, granted or protected by the fourth amendment of the federal constitution, section 12 of article I of the state constitution and section 8 of the civil rights law and (ii) the right against excessive force, other than excessive force used in connection with a search or seizure, created, granted or protected by section 8-802 shall be construed in the same manner as the right against excessive force, other than excessive force used in connection with a search or seizure, created, granted or protected by the fourteenth amendment of the federal constitution and section 6 of article I of the state constitution.

§ 2. Section 7-114 of the administrative code of the city of New York, as added by local law number 166 for the year 2017, is amended to read as follows:

§ 7-114 Civil actions regarding the police department and covered individuals. a. For purposes of this section, the term “covered individual” has the meaning ascribed to such term in section 8-801.

b. 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 local, state or federal court against the police department or [individual police officers] a covered individual, 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, or deprivation of a right pursuant to chapter 8 of title 8:

1. a list of civil actions filed against the police department or [individual police officers] a covered individual, 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 identities of the plaintiffs and defendants; (ii) the court in which the action was filed; [(ii)] (iii) the name of the law firm representing the plaintiff; [(iii)] (iv) the name of the law firm or agency representing each defendant; [(iv)] (v) the date the action was filed; and [(v)] (vi) 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, or deprivation of a right pursuant to chapter 8 of title 8; 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, or by a covered individual or an employer or other person paying on behalf of a covered individual, and, if so, the amount of such payment.

§ 3. This local law takes effect immediately, and applies to deprivations of rights created, granted or protected by this local law that occur on and after its effective date.

JJ

LS #15280

03/17/2021 3:08PM

Proposed Res. No. 1538-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner’s exclusive authority over police discipline.

By Council Members Cumbo, Levin, Rosenthal, Van Bramer, Kallos, Miller and Koslowitz

Whereas, The Civilian Complaint Review Board (CCRB) is a police oversight body made up of appointees from the Mayor, the Police Commissioner, the City Council, and the Public Advocate; and

Whereas, The CCRB is responsible for receiving, investigating, hearing, making findings, and recommending actions regarding complaints against members of the New York City Police Department (NYPD) alleging excessive use of force, abuse of authority, discourtesy, or use of offensive language; and

Whereas, While the CCRB can recommend discipline against officers, the Police Commissioner has final authority over discipline and can choose to disregard these recommendations and may impose lesser or greater discipline, or no discipline at all; and

Whereas, The CCRB tracks the rate at which the Police Commissioner follows the CCRB’s recommendations, which is known as the “concurrence rate”; and

Whereas, According to the CCRB’s most recent annual report, the concurrence rate was only 51 percent in 2019, and for the most serious cases-those where “charges and specifications” are recommended by the CCRB for prosecution at an administrative trial-the concurrence rate was only 32 percent; and

Whereas, An analysis published by *The* *New York Times* in November 2020 found that the NYPD “regularly ignored the [CCRB’s] recommendations, overruled them or downgraded the punishments, even when police officials confirmed that the officers had violated regulations,” and found this “pattern of lenient punishment holds true for about 71 percent of the 6,900 misconduct charges over the last two decades in which the [CCRB] recommended the highest level of discipline and a final outcome was recorded”; and

Whereas, That same analysis “shows that since [Mayor] de Blasio took office in 2014, the [NYPD] has overruled the [CCRB’s] recommendations in more than half of the cases in which the [CCRB] sought the most severe discipline”; and

Whereas, Removing the Police Commissioner’s exclusive authority over police discipline and allowing the CCRB to impose discipline in certain cases would increase accountability and public trust in the NYPD; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner’s exclusive authority over police discipline.

LS # 9759

1/27/21 11:00AM

Res. No. 1547

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City

By Council Members Moya, Kallos, Constantinides, Louis, Chin and Rosenthal

Whereas, S2984/A1951, sponsored by State Senator Kevin Parker and Assembly Member Catalina Cruz, were introduced in the New York State Senate to establish a residency requirement for police officers in cities with a population of one million or more residents, which includes New York City; and

Whereas, S2984/A1951, if passed, would require newly hired New York Police Department (NYPD) officers to live within one of the five boroughs of New York City within a year of appointment; and

Whereas, According to the NYPD Patrol Guide, NYPD officers are currently allowed to live in the five boroughs or the counties of Nassau, Suffolk, Rockland, Westchester, Putnam, or Orange, unlike NYPD’s own civilian staff and other City agency staff who are subject to a two year New York City residency requirement; and

Whereas, Data from the NYPD shows that a majority of uniformed officers—51%—currently live outside of New York City, which is a decline from 2016 when 58% of officers lived in New York City; and

Whereas, A city residency requirement for NYPD officers has the potential to improve community-police relations, with officers having more of a stake in the city they patrol, and would increase the likelihood New York City taxpayer dollars, which pay for officers’ salaries, remain in the communities served by the NYPD; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City.

LS #15914

3/25/2021 11:31 AM

M.T.

Preconsidered Res. No. 1584

By the Committee on Public Safety (by request of the Mayor)..Title

Resolution adopting a plan pursuant to State Executive Order Number 203

..Body

Whereas, On June 12, 2020, Governor Andrew Cuomo issued Executive Order No. 203, directing each local government in the State to create a plan to reform and reinvent their police force; and

Whereas, If a plan is not adopted by the Council by April 1, 2021, the State Director of the Division of the Budget is authorized to withhold future appropriated State or federal funds for which New York City would otherwise be eligible; and

Whereas, The Mayor released part one of the Administration’s draft plan on March 5, 2021 and part two on March 12, 2021; and

Whereas, A final, revised Police Reform and Reinvention Collaborative Plan is attached as an Appendix; now, therefore, be it

 Resolved, That the Council of the City of New York adopts a plan pursuant to State Executive Order Number 203.

 **APPENDIX**

New York City Police Reform and Reinvention Collaborative Plan

This plan, which is responsive to New York State Executive Order 203, has been informed by the full community and stakeholder engagement process as well as public comments received from Part 1, issues on March 5th, and Part 2, issued on March 12th, as well as feedback from City Council.

**Developing the New York City Police Reform and Reinvention Collaborative**

The City’s Reform and Reinvention Collaborative was convened by the Mayor, and led by the First Deputy Mayor working in partnership with the Police Commissioner, leaders across City Hall, the Mayor’s Office of Criminal Justice, Community Affairs Unit, Legislative Affairs Unit, and the Law Department.

Listening to New Yorkers

The New York City Police Reform and Reinvention Collaborative held more than 85 meetings and town halls, including nine public listening sessions, over several months to get testimony and feedback from a broad range of New Yorkers.

There were meetings with external stakeholders including CBOs, advocacy groups, clergy, racial justice advocates, cure violence providers, youth groups and youth voices, ethnic and religious organizations, BIDs and small business owners, non-profits, LGBTQIA+ community leaders, the deaf and hard-of-hearing community, people with disabilities, tenants’ associations, shelter-based and affordable housing communities and providers, people involved in the justice system, crime victims, policy experts, prosecutors, oversight bodies, elected officials, academic leaders, and many others.

The New York City Police Reform and Reinvention Collaborative hosted meetings with uniform and civilian members of the NYPD. These meetings paralleled the community meetings, focusing on members assigned to work in the very same highly policed neighborhoods as the residents who offered testimony. Uniform and civilian members of all ranks, ages, races, genders, orientations, ethnic backgrounds, and assignments participated, along with leaders from the NYPD’s police unions and 36 different fraternal organizations.

Following the submission of the second part of the plan, the Council reviewed and revised the plan based on feedback from advocates, stakeholders, and Council Members.

**The New York City Police Reform and Reinvention Collaborative Plan**

All initiatives in this plan will be launched, and many fully implemented, in 2021. By May 1, 2021, the City will publish a commitments tracker that includes implementation timelines, implementation status, and metrics for all the following proposals.

The City’s plan focuses on five goals:

1. The Decriminalization of Poverty.
2. Recognition and Continual Examination of Historical and Modern-Day Racialized Policing in New York City.
3. Transparency and Accountability to the People of New York City.
4. Community Representation and Partnership.
5. A Diverse, Resilient, and Supportive NYPD.

**I. The Decriminalization of Poverty.**

For far too many New Yorkers, there is an inescapable cycle of disadvantage and criminal justice involvement. We need a coordinated response to analyze and interrupt this painful cycle. Following the death of George Floyd, there were widespread calls – including during the listening sessions and focus groups as a part of this process – to reimagine community safety infrastructure. As the responsibilities of law enforcement officers have ballooned over the past few decades, social issues such as homelessness, mental illness, substance abuse, and access to transportation, have been addressed with criminal justice responses, ultimately criminalizing poverty.

The role of police when responding to non-emergency and non-crime situations must be critically and vigorously reassessed. The City must address this for the communities that have been harmed by current practices, and for our police officers who are put in situations they are not adequately or appropriately trained to handle. This reality puts community members and law enforcement in an impossible situation that has too often had deadly consequences. Alternative programs and models must be reimagined, developed, piloted, and established to better assist and support individuals, families and communities in crises that are not criminal in nature.

Police have become the default “front door” for many complex social, emotional, and behavioral situations in our society, in part because they are the fastest to arrive and because they simply must respond when called. This pattern is particularly true in low-income and communities of color, which had experienced decades of under-investment in critical services. This unnecessary entanglement with the criminal justice system has created a poverty-to-prison pipeline for too many people.

True police reform must also be paired with comprehensive, radical economic justice, and budget justice. The City will combat the unemployment crisis in communities of color by directly supporting small businesses with new tax credits and loans, grant more contracts to minority- and women-owned businesses, expand access to apprenticeship programs, and push forward community hiring requirements that guarantee jobs in low-income communities. The City will also continue to use its regulatory power, procurement power, budgeting, and convening power to fight for economic justice in the private sector and civil society. This is the social and economic justice required to build an inclusive city.

As we invest in building neighborhood resilience, we must constantly examine how safety is created. Police play an essential role in keeping our communities safe, but they cannot do it alone. Communities must be co-creators of public safety along with police. Together, residents and police officers can determine their preferred strategies for reinforcing neighborhood policing, preventing crime, and partnering with community organizations.

**The City will systematically examine and end policies that lead to over-policing lower-income and people of color communities, perpetuating the cycle of impoverishment and incarceration. These assessments will focus on disparities in enforcement, as well as the disparate impact these policies have on these communities.**

1. The Mayor’s Office of Criminal Justice will assess current summons practices to determine if and how they are disproportionately affecting low-income and/or minority communities and make all data used in this analysis public. Any changes to City policies resulting from this assessment will undergo a notice and comment period to ensure in the input of stakeholders and impacted communities.
2. The Mayor’s Office of Criminal Justice will assess disparities in the use and impact of different enforcement tools such as warnings, summonses, arrests, and desk appearance tickets, among others, for comparable offenses. This assessment will also include review of the practices of the District Attorneys’ Offices. All data used in this analysis will be made public. Any changes to City policies resulting from this assessment will undergo a notice and comment period to ensure in the input of stakeholders and impacted communities.
3. The Mayor’s Office of Criminal Justice will systematically examine policies that affect low-income New Yorkers’ access to public transportation and may result in contacts with the criminal justice system.
4. The City has abolished all fees and mandatory surcharges associated with supervision and diversion programs and will work with Council to pass legislation that ensures that no such fees are charged.
5. The City supports legislation to amend the Administrative Code, in relation to prohibiting housing discrimination based on arrest or criminal record.
6. The City supports the reimagination of State parole supervision via the passage of the Less is More: Community Supervision Revocation Reform Act, which eliminates reincarceration for most minor non-criminal violations, requires prompt judicial review of parole warrants, caps revocation sanctions, and incentives parole compliance by shortening supervision terms based on good behavior.
7. The Mayor’s Office of Criminal Justice will analyze the collateral consequences of drug-related arrests or convictions, including City agency policies regarding findings of drug use or to discovery of drug convictions or arrests.

**The City will expand SYEP by adding 5,000 new spots this summer for CUNY Students.**

The City will dedicate an additional 5,000 slots within the Summer Youth Employment Program (SYEP) to high-need CUNY students. DYCD and CUNY will recruit CUNY students from Taskforce neighborhoods and NYCHA developments. Students will be placed in summer jobs that support City’s economic recovery and racial equity and inclusion goals.

**The City prioritizes principles of budget justice and will provide key services to support low-income individuals, families, and communities, and reduce the likelihood of justice involvement.**

1. Starting June 1, 2021 the City will create an Ending Poverty to Prison Pipeline initiative to prevent and reduce justice system contact and connect low-income and justice-involved clients and their families with streamlined services. The initiative will:
* Analyze and map the pathways between poverty and the criminal justice system. Develop or deepen available programming to prevent communities afflicted with poverty from ending up on these pathways.
* Coordinate and streamline care across City agencies and use experiences of low-income and justice system affected individuals to create recommendations.
* Develop service-coordination strategies and build continuums of care in consultation with affected individuals, as well as stakeholders, including community-based health and social providers and people with past justice involvement.
* Establish formal agreements among health and human services agencies to coordinate care for justice-involved individuals and families.
* Develop opportunities for faith leaders and other allied professionals to connect low-income and justice-involved individuals and families with health and human services.
1. The Mayor will issue an Executive Order requiring City agencies to establish service plans to ensure access to health and human services for individuals and families affected by the criminal justice system, similar to the City mandated Language Access Plan for health and human services agencies. The Executive Order, which will be signed by July 1, 2021, will:
* Require health and human services agencies to develop service plans to identify and respond to the acute needs of those affected by the justice system.
* Support the implementation of service plans by requiring dedicated systems navigation staff within each health and human services City agency to troubleshoot service provision issues and coordinate access to services.
* The City will explore structural opportunities to ensure that health and human services are provided in a supportive, and client-centric manner, and develop an alternative model with funding for responding to and addressing these behaviors and activities at the individual and community level. Realigning funding and ownership of these services from criminal justice agencies, the health and human services sector would streamline and more efficiently connect clients to a full range of supportive health and human services.
* The City will examine whether health and human services Requests for Proposals could include score components that support best practices for serving justice-system affected families and individuals.
1. The City will standardize service entry-points to develop a “no wrong door” approach. Currently, many health and human services are specialized and siloed, requiring that clients seek out services at multiple agencies to address the full extent of their needs. This process is made worse by time consuming, redundant, and stressful intake practices and conditions that discourage client engagement, and lack of cross-agency collaboration and communication. This standardization will include:
* Removal of administrative barriers to care.
* Standardized intake practices and data-sharing across City agencies.
* Ensuring that agencies provide consistent information about available resources for low-income and justice system affected individuals and families.
* Collaborations between City agencies, faith leaders, and academic institutions to create accessible and consistently available resources for low-income and justice system affected individuals.
1. The City will build a trauma-informed health and human services sector to prevent justice system contact due to trauma-related mental health and/or substance use issues, support mental and long-term physical health outcomes, and address trauma experienced by low-income and justice-involved individuals and families.
2. The City will commit $15 million to allow the Council to fund programs to fund critical anti-violence, social safety net, and hate violence prevention programming.
3. The Administration, working with the City Council, will restore funding for vital agencies that are critical to the social and emotional well-being of New Yorkers, including the Department of Parks and Recreation and the Department of Youth and Community Development.

**To break the school to prison pipeline, the City will prioritize the health and wellbeing of youth while minimizing potential exposure to trauma in City schools through the investment in human resources and trauma-informed practices, moving school safety agents from the NYPD to the Department of Education and retraining them, and revising policies that govern school safety.**

1. The City will invest at least $30 million to ensure that every school can effectively support students’ social emotional and behavioral needs with a trauma-informed approach. This may include investing in staff trained and coached in providing direct services to students, such as social workers, behavioral specialists, trauma-informed de-escalation staff, conflict resolution specialists, peacemakers, and school climate and restorative justice staff.
2. The City will redesign the role of school safety agents and prioritize the specific needs of the school community. The Transition Team will work with students, parents, administrators, educators, advocates, labor and others to develop critical aspects of this two-year transition. Outreach to an initial cohort of advocates will begin this week and will end in about a month. This will include outreach to many of our longstanding partners on school climate and school safety environment issues as well as groups focused on students with disabilities. The City will engage with this group throughout the transition process to ensure a smooth and just transition.
3. Following the transition of school safety agents to the Department of Education, the City and Department of Education will critically review all policies related to school safety officers’ use of physical interventions on students, including metal handcuffs for students 16 and older, to ensure they are trauma-informed, guided by best practices, and ultimately reduce existing racial disparities.

**The City will develop a health-centered response to mental health crises.**

In November 2020, the City announced that for the first time we will be launching a health only response to 911 mental health calls in high need communities. B-HEARD (the Behavioral Health Emergency Assistance Response Division) will be a critical step forward in the City’s commitment to treat mental health crises as public-health not public-safety issues.

Currently, the NYPD officers and FDNY Emergency Medical Services Emergency Medical Technicians (EMTs) respond to nearly all mental health 911 calls, regardless of the severity of health needs, whether a crime is involved, or whether there is an imminent risk of violence. Beginning in Spring 2021 in Northern Manhattan (the 32nd, 25th and 28th precincts in Harlem and East Harlem), the new Mental Health Teams of social workers and FDNY/EMS emergency medical technicians will be the new default response to mental health emergencies. In situations involving a weapon or imminent risk of harm, the NYPD and EMS will respond.

B-HEARD teams will have the experience and expertise to de-escalate crisis situations and respond to a range of behavioral health problems, such as suicidal thinking, substance misuse, and serious mental illness, as well as physical health problems, which can be exacerbated by or mask mental health problems.

The overall number of mental health 911 calls fell by over 8,000 in 2019 and by nearly 10,000 in 2020, the first decline following a decade in which 911 mental health calls increased every year and in every precinct in the city. This decline follows a concerted effort to strengthen how the City prevents and responds to mental health crises, including the introduction of new mobile intervention and treatment teams over the last several years and other strategies developed by the NYC Crisis Prevention and Response Task Force. B-HEARD will be a critical component of this work. The City looks forward to significantly and rapidly expanding this program, laying the groundwork for it to become a citywide initiative.

The City will also commit to eliminating the disparities in access to mental health care. As part of the plan, the City will fund:

* The launch of a new intensive case management program, in underserved communities, called CONNEC2T to provide both mobile and site-based care based on intensive, ongoing engagement. With a new $14.5 million investment, the City can fund intensive case management services for 850 people. These clients are similar to those served by Assertive Community Treatment (ACT) Teams, though there is a State Medicaid cap that precludes further expansion of those teams.
* Expansion of Intensive Mobile Treatment (IMT) Teams to serve those with recent and frequent contact with the mental health, criminal justice, and homeless services systems, recent behavior that is unsafe and escalating, and who were poorly served by traditional treatment model. The City provided $4.4 million in FY 2021 for four IMT Teams. The City will double this investment for FY 2022.

**The City supports adopting important new public health approaches to reducing overdoses.**

The City renews its call for New York State to allow the Overdose Prevention Center pilot, which use safe injection as a strategy to reduce opioid overdose and public injection. Overdose Prevention Centers will save the lives of New Yorkers, and we can’t wait any longer. The City is committed to a public health approach to reducing overdose including harm reduction practices, as shown through investments made in HealingNYC. intervention and treatment teams over the last several years and other strategies developed by the New York City Crisis Prevention and Response Task Force. B-HEARD will be a critical component of this work. The City looks forward to significantly and rapidly expanding this program, laying the groundwork for it to become a citywide initiative.

**The City is pursuing new approaches to outreach and regulation through civilian agencies.** The City has identified several important areas of daily life, where outreach and regulatory functions should be handled by non-law-enforcement personnel and is in the process of completing these changes.

1. Homeless outreach: The City has been shifting primary responsibility for homeless outreach efforts from the NYPD to the Department of Homeless Services (DHS), with the NYPD moving to a more supportive role. DHS and contracted not-for-profit organizations are conducting outreach to individuals experiencing street homelessness without a police presence.
2. Street Vending: On January 15, 2021, enforcement of street vending moved to the Department of Consumer and Worker Protection (DCWP). DCWP is the coordinating agency for all street vending activity, working with other agencies to provide community support, equitable enforcement, and access to resources.
3. Press Credentialing: Press credentialing is an important process in which journalists receive identification to cross police lines to cover important events. This process is currently run by the NYPD. The Council will vote on Int. No. 2118 (sponsored by Council Member Powers), which removes this service from NYPD and transition it to the Mayor’s Office of Media and Entertainment, which is better suited to perform this role, and will ensure the credentialing process is efficient, transparent, and fair. The Mayor is supportive of this bill.

**The Council will vote on legislation to establish a crash investigation and analysis unit within the Department of Transportation.**

It is the City’s duty to ensure that our streets are safe for pedestrians, cyclists, and drivers. This means going beyond a law-enforcement-focused approach and further examining safety from a transportation-focused viewpoint. Int. No. 2224 (sponsored by Council Members Ydanis Rodriguez and Speaker Corey Johnson) centers DOT as the agency responsible for ensuring street safety in New York City by expanding their role in serious traffic crashes, while allowing NYPD to maintain its role in criminal investigations that result from traffic crashes. The Mayor is supportive of this bill.

**The City will develop new policies and approaches to combatting sex trafficking that focus on the traffickers, and do not entangle victims or those selling sex in the criminal justice system.**

1. The City supports changes in State Law that would expand the number of crimes that will cause a victim of sex or labor trafficking to have their conviction vacated as a way of supporting victims of these crimes. Victims of sex trafficking often commit crimes at the direction of their trafficker. This has especially harmful consequences for immigrants for whom criminal convictions can have immigration consequences.
2. The City will formalize the Task Force on Health and Safety Needs of Sex Workers to expand supportive community-based services for sex workers. Initially launched in 2018, the Task Force includes representatives from the NYPD, the Office of the First Lady of New York City, Department of Health and Mental Hygiene, the Department of Social Services, Law Department, Department of Youth and Community Development, Commission on Human Rights, the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV), the Mayor’s Office of Immigrant Affairs, the Administration for Children’s Services, the Unity Project, and the Mayor’s Office of Criminal Justice.

The Task Force will consult with community groups and the advocacy community as well those with lived experiences, including survivors of gender-based violence, survivors of labor and sexual trafficking, those involved in the sex trade and sex workers.

This Task Force will explore and recommend proposals related to sex work programming, services, and decriminalization including new partnerships outside of law enforcement. Through this group, that will be launched by May 1, the City will:

* Explore and refine proposals related to sex work programs and services, especially sex worker-led health, employment, and safety programs.
* Identify and support new partnerships outside of law enforcement that focus on labor exploitation and trafficking as well as supporting affected communities.
* Create strategies to address racialized policing of sex work. Only 8% of individuals arrested for patronizing a prostitute in 2019 were White, while 37% of individuals arrested were Black, 39% were Hispanic, and 13% were Asian.
* Review what efforts are being made to identify where labor exploitation may be contributing to or occurring in trafficking cases and will establish procedures including referrals to labor rights and immigration services.
1. The City will develop new strategies to combat trafficking while working to eliminate arrests for selling sex. Although there has been a reduction in arrests for prostitution, arrests for selling sex do continue (376 in 2019 compared to 1790 in 2014) as does the threat of arrest, potentially resulting in coercive practices. These arrests are driven by complaints, but racial disparities persist. In 2019, approx. 7% of those arrested on all prostitution-related charges were White, compared to 31% Asian, 33% Black and 29% Hispanic.
2. The NYPD will review policies and procedures for identifying and investigating human trafficking to develop alternative methods that focus on arresting traffickers without further criminalizing and harming those directly involved in the sex trade. The NYPD will collaborate with other agencies to maximize their ability to arrest and prosecute traffickers and violent offenders without collateral trauma to people engaged in consensual sex work or victims of exploitation. This will build on progress made in this Administration to drastically reduce the arrests of sex workers.
3. The NYPD, ENDGBV, the Unity Project, and other experts will support officer training on identifying people who are being trafficked or exploited as well as improving engagement with members of the sex work community to mitigate the impact of law enforcement actions and ensure those who want services have full and fair information and access to them.
4. The NYPD also commits to working with the above partners on improving communication and creating information sharing structures where police can provide more information on enforcement actions and receive feedback from stakeholders and on-the-ground community members to inform enforcement strategies. These conversations can facilitate reporting of violence and exploitation, improve the ability to police trafficking, and ensure both victims and sex workers who should feel safe reaching out to law enforcement for help. In addition, any changes to City policies stemming from this work will undergo a notice and comment period to ensure in the input of stakeholders and impacted communities.

**The City will create a pilot program to assist families with children at risk of homelessness earlier in the housing instability spectrum, before their housing situation reaches a crisis point.**

The City will fund $1.28 million for the Department of Social Services Homebase budget for a two-year pilot to expand prevention services to families with children experiencing chronic school absenteeism or justice-system involvement and at risk of homelessness, with the number of families to be served determined through the development of the pilot and with an evaluation to determine the effectiveness of the pilot and whether it should be expanded.

**II. Recognition and Continual Examination of the Historical and Modern-Day Racialized Policing in New York City.**

Racialized policing in New York City has existed since the Department’s inception and persists through contemporary police policies and practices. Testimony from New Yorkers gave voice to the legacy of disparate enforcement, aggressive stop and frisk, and over-policing in Black, Brown, and immigrant communities.

Addressing the legacy and harm of racialized policing in New York required a recognition and public acknowledgement of the Department’s troubled history and current challenges with race. The City commits to a critical examination of all City policies and practices that perpetuate structural and institutional racism.

We must conduct a critical examination of the policies and practices that perpetuate structural and institutional racism. Race remains the defining characteristic and predictor of heightened police interactions.

Because of the disproportionate enforcement experienced in communities of color, the effects of use of force are also predominantly felt in these communities. Therefore, a true reckoning with racialized policing requires addressing the harms of force and reducing its use.

All police practices, and particularly those that allow for high levels of discretion, must be assessed for explicit and implicit bias, and for unintended consequences that may reinforce structures of racism and produce racially disparate outcomes. Members of the public made at least 2,495 complaints of bias policing since the “Racial Profiling and Bias Based Policing” complaint category was created in 2014; the majority (68%) of these complaints included allegations of discriminatory policing based on race, ethnicity, color, or national origin.

**The City will create a dedicated process to acknowledge, address, and repair past and present injustices and trauma caused by the practice of racialized policing.**

1. The City will work with reconciliation and restorative justice scholars and practitioners to devise and execute an authentic, participatory acknowledgment and reconciliation process at the city and local levels. This will include engagement of New York City residents selected by community stakeholders and will focus on NYPD practices at the Citywide and precinct levels.
2. The City will produce a comprehensive report documenting the past and present history of racialized policing in New York City, incorporating findings and testimony from the reconciliation and restorative justice process.
3. The City will work with the NYPD to ensure that past harms brought to light during the reconciliation process are not only acknowledged but can be investigated and subjected to accountability measures.
4. The City will work with relevant stakeholders to explore, develop, and champion a reparative justice policies in response to the legacy of racially motivated policing. This includes identifying community reparative justice responses that most directly address the racialized policies and practices that have harmed New Yorkers.
5. The Department of Education will develop and implement educational materials based on the findings of the reconciliation and restorative justice process. These materials will be used to educate City school students on the history, effect, and legacy of racialized policing in New York City. These educational resources will be provided to every public-school student.
6. The NYPD will also develop and implement training materials to educate new recruit classes of officers on the history, effect, and legacy of racialized policing in New York City.

**City Hall will conduct a comprehensive, independent review to identify and assess persistent structures of racism within the Department.**

City Hall will contract an independent entity by July 1, 2021, to conduct a top to bottom review of:

* public-facing NYPD policies, and practices to identify areas in which structures of racism affect New Yorkers (e.g., unintended consequences of crime fighting strategies), and;
* internal systems, policies, and practices within the NYPD to identify areas in which structural racism affects the Department and its employees.

This process will include a robust community engagement effort, building upon the one employed as part of the Joint Remedial Process undertaken as part of the federal monitorship in the *Floyd v. City of New York* litigation.

**The City will require reporting on traffic stops**.

Int. No. 1671 (sponsored by Council Member Adrienne Adams), which is part of this plan, requires the NYPD to report specific information on all vehicle encounters, including the demographic information of the driver. The resulting reports would allow us to clearly see if the NYPD is unfairly targeting certain communities for disparate enforcement. The Mayor is supportive of this bill.

**The NYPD will require supervisors to proactively monitor discretionary officer activity for indications of biased-based policing and take corrective measures immediately.**

The NYPD Disciplinary Matrix will be updated to clarify that failure to report biased-motivated or prejudiced policing are subject to applicable progressive discipline. Currently the Patrol Guide defines a failure to report corruption, misconduct, or allegations of corruption or misconduct, and notes that conduct designed to cover up corruption will be charged as obstruction of justice or other criminal act. However, there is no defined penalty in the current discipline matrix, and this will be remedied.

**The NYPD will augment racial bias training for NYPD leadership.**

In 2018, the NYPD began training all sworn personnel on implicit biases, including racial biases. This training was completed in 2020 and all recruits are now trained while they are in the Academy. Each training specifically addresses how unlawful biased practices, especially racially biased practices, damage NYPD’s ability to build trust. The NYPD is now in the process of providing implicit bias training for all civilian members.

Additionally, the Department will explore providing additional racial bias trainings for all executives in the rank of Captain and above focused on their specific role, in concert with community experts.

**The NYPD will educate NYPD leadership and Neighborhood Coordination Officers on restorative justice processes, and design processes to repair relationships with communities.**

The NYPD has worked with the New York Peace Institute to train Neighborhood Coordination Officers (NCOs) in mediation, de-escalation, and conflict resolution skills. This training will continue to ensure all of our NCOs are trained in these important concepts. The City will go further to ensure principles of Restorative Justice and reconciliation are deeply engrained in policing in New York City. Restorative justice practices allow the harmed party and the party who caused the harm to be restored and reintegrated into the social fabric of the community.

The City will contract with a community-based organization to work with all NCOs, especially those in the most affected communities, to institutionalize restorative justice and reconciliation practices to address the harmful effects of force and build mutual trust between police and those communities.

**The NYPD will enhance positive reinforcement, formally and informally, to change culture.**

In addition to a number of long-standing programs that reflect the NYPD’s commitment to employee recognition, the NYPD is developing a new program called “Shout Out a Co-Worker” which will ask members to nominate a fellow co-worker for recent, outstanding work to receive departmental rewards. The NYPD will also incorporate this recognition into the formal personnel record.

**The NYPD will consistently assess and improve practices and policies through accreditation.**

The NYPD will seek accreditation through CALEA, which is a non-profit that improves law enforcement service by creating a national body of standards, assessing law enforcement agency compliance, and facilitating agencies’ pursuit of professional excellence. CALEA accreditation strengthens agency accountability through a continuum of close to 500 standards that clearly define authority, performance, and responsibilities. With respect to use of force, CALEA standards require policies to emphasize the agency’s core values and intent to meet the public’s expectations on topics including de-escalation, the use of deadly force, the use of less-lethal weapons and policies regarding intervention and rendering aid.

**III. Transparency and Accountability to the People of New York City.**

To earn the trust of all the City’s communities, the NYPD must be transparent while holding members accountable. New York City has an extensive set of internal and external accountability and oversight mechanisms. These include the Commission to Combat Police Corruption (CCPC) to monitor and evaluate anticorruption programs; the Civilian Complaint Review Board (CCRB), to receive, investigate, mediate, hear, make findings and recommend action on complaints against police officers; and the NYPD Inspector General at the Department of Investigation, charged with investigating, reviewing, studying, auditing, and making recommendations related to the NYPD. The plan proposes strengthening some areas and engaging in structural reform of others.

**The NYPD will ensure that at-risk officers are identified, and that swift, appropriate interventions occur.**

While the NYPD conducts robust background checks to assess candidates during the hiring process, there are officers who are nonetheless potentially at risk of poor performance, affecting public and officer safety and community trust. It is imperative that the NYPD invest resources, including staffing and technology to automate certain aspects of the Early Intervention Program and prepare a robust analysis of the efficacy of existing interventions. The City will also invest resources to support the amplification of existing interventions and the development of new options for interventions that reduce risks. This enhanced program will (1) identify officers whose performance is sub-optimal at the earliest possible indication of risk, and (2) take timely and impactful steps to improve officer performance, in order to mitigate any and all unnecessary risk to the public, the officer, and fellow members of the service.

In June 2020, the Council passed legislation expanding the categories of information included in its Early Intervention System (EIS) to include information like certain types of arrests made, incidents of excessive force, and ongoing disciplinary proceedings. The NYPD is also now required to increase transparency around its system by regularly reporting on the information included and how it’s utilized.

The NYPD will build upon the Early Intervention Program, initially launched in August of 2020, using a combination of objective threshold criteria and a 360-degree performance review to identify at risk officers who may be eligible for intervention. Interventions range from change in assignment and additional supervision and training, to referrals to the counseling unit, or investigation of potential misconduct by the Internal Affairs Bureau, which may result in discipline up to or including termination.

1. The NYPD will also design new interventions, including amplified re-training and senior leader mentorship programs, to reduce risk to the public, the officer, and the Department.
2. Additionally, precinct and borough commanders with high rates of misconduct among their ranks will be subjected to coaching and intervention, as well as codified accountability processes, that may include removal from their command.
3. When evaluating a supervisor for promotion, evidence of ethical and responsible leadership, including evidence of supervisors actively remedying identified risk factors, will be credited in the supervisor’s favor.

**The City will hold police officers accountable for misconduct through internal NYPD disciplinary decisions that are transparent, consistent, and fair.**

The disciplinary system should be based on five values:

1. Holding officers accountable for misconduct and harm to the public.
2. Keeping a record and recognizing disciplinary actions as vital sources of information about an officer, supervisors, and the department as a whole.
3. Identifying patterns and problems related to policies, training, supervision, and institutional performance rather than mere individual misconduct.
4. Building public trust and community cohesion through timely decision making.
5. Holding the Police Commissioner accountable for the conduct of those who serve in the Department.

In January 2021, following the recommendation of the Independent Panel on the Disciplinary System of the New York City Police Department and Council legislation, the first NYPD Disciplinary System Penalty Guidelines (“Discipline Matrix”), was developed which provides guidelines for discipline in instances of officer misconduct.

 The NYPD and CCRB then signed a Memorandum of Understanding (MOU), formally agreeing to use of the Matrix. Among other provisions, the MOU ensures the CCRB has timely access to the NYPD employment history for its cases. The Matrix outlines penalties that may be adjusted up or down in a set window based on aggravating and mitigating factors. Penalties escalate with repeated offenses. This improves:

* Accountability, via penalties that are fair and proportional.
* Transparency, as both the NYPD and community know what discipline to expect.
* Consistency, with similar actions being treated similarly.

**The City will monitor implementation of the Discipline Matrix and enhance transparency regarding its use.**

1. Both CCRB and the NYPD have formally agreed to follow the Matrix. The discipline matrix currently requires an annual review, according to City legislation and CCRB requirements. The City commits to a more frequent, semi-annual review in the first year. Any changes that result from the review would require a 30-day public comment period, and all reviews will be made public.
2. The NYPD will provide a minimum 30-day public comment period for future changes to the Discipline Matrix. The revised Matrix will be posted by the NYPD on or before the date at which it takes effect.
3. The City will hold officers accountable for “failure to take police action.” The consequences of an officer failing to take police action, a specific category of misconduct, can be potentially devastating. These incidents are also very fact-specific and can result in a very wide range of consequences. Currently, the Discipline Matrix indicates a presumptive penalty of 20 penalty days, with a range of 10 penalty days with mitigating factors and 30 days with aggravating factors. An oversight entity will review these cases to better understand the types of misconduct which fall under this category and its consequences, followed by a determination regarding the appropriateness of this penalty range.
4. NYPD will make public “deviation letters” that set out the Police Commissioner’s specific rationale for exercising his discretion to deviate from guidelines set by the new disciplinary matrix.

**The City will expand and strengthen CCRB.**

The City has announced and the Council will pass legislation giving CCRB authority to investigate instances of biased-based policing. This authority is currently placed with NYPD. The NYPD, similar to law enforcement entities around the country, has been largely unsuccessful in substantiating allegations of bias-based policing due to the natures of these cases and the type of evidence necessary prove them. This is an important step toward building trust and accountability, and ensuring racial bias is eliminated wherever it is found.

Int. No. 2212 (sponsored by Council Member Vanessa Gibson) will give CCRB the authority to investigate allegations of racial profiling and biased policing. The legislation also gives CCRB the authority to examine officer history, should an allegation of biased policing or profiling be substantiated, and make recommendations to NYPD based on those findings. The Mayor is supportive of this bill.

The City will propose legislation to increase CCRB’s authority so it can initiate investigations on its own. Currently, CCRB can investigate cases brought to it through a civilian complaint only.

**The City supports a State law change that would broaden access to sealed records for specified entities, including CCRB, charged with investigating police misconduct, especially biased-policing investigations.**

State law restricts the use of sealed records by entities investigating allegations of police misconduct, including abuses of authority. The proposed change in State law would improve the ability of CCRB in particular to investigate misconduct, especially related to racial profiling and bias-based policing, by permitting appropriate access to and use of relevant documentation or evidence that may be protected by sealing.

**In certain egregious cases,** **the City should have the ability to impose suspensions without pay for longer than 30 days while the disciplinary process is underway.**

The City supports a State Law change to increase the 30-day cap in unpaid suspensions for certain egregious cases of misconduct by police officers (that which resulted in death or serious physical injury which creates substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ), and cases at the Commissioner’s discretion.

Under current State law, a police officer who is suspended from duty, including when termination is pending, may not be paid for the first 30 days of their suspension, but subsequently is entitled to collect their regular pay no matter how long disciplinary proceedings take to resolve. This minimizes the immediate consequences for the officer and removes incentive for the disciplinary process to move forward quickly. This provision in state law should be amended to require that suspensions or terminations based on charges resulting in death or serious injury to the public, or other cases at the Commissioner’s discretion, be unpaid until they are resolved.

**Pension forfeiture must be a more meaningful and used disciplinary penalty for the most egregious instances of misconduct.**

The City supports a State law change to create a pension reduction or forfeiture remedy for the most egregious misconduct cases, for example where there is death or serious physical injury that creates substantial risk of death or that causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**The Council will vote on legislation to ensure that officers who violate Constitutional rights in the course of a search and seizure or by the use of excessive force are not entitled to Qualified Immunity.**

Int. No. 2220 (sponsored by Council Member Levin) creates a new local civil right providing protections against unreasonable search and seizure and excessive force. The Mayor is supportive of the bill.

**The City will create a Citywide policy to strengthen transparency and accountability in the use of biometric technology.**

The Administration will establish a citywide biometric technology policy, by Mayoral Executive Order no later than September 1, 2021, to govern the fair and responsible use of biometric technology by all City agencies. The establishment of a uniform citywide policy on the use of biometric technology by City agencies—several of which, including the NYPD, are already using biometric systems in limited contexts pursuant to agency-specific policies or standards—is a necessary component of the City’s work to promote equity, justice, transparency, and accountability for New Yorkers and our communities.

This policy will establish standards and limits for how and under what circumstances these technologies may be used by City agencies, in a manner consistent with upholding New Yorkers’ rights and privacy, and which protects the security of highly sensitive biometric information collected by or on behalf of the City. A citywide biometric technology policy will require, through centralized oversight, the review of agency use of such types of tools, and agencies’ compliance with new protocols for acquisition, implementation and transparency established by the policy to ensure that any use of this type of data and technology meets the City’s standards for fair and responsible use.

In order to ensure that the goals of equity, justice, transparency, and accountability are achieved, the City will first publish a draft policy and allow for public comment. The City will review and consider all comments before the Mayor issues an Executive Order.

**The City will provide more insight into the NYPD’s budget during the FY 2022 Executive Budget by including a more particularized breakdown of the agency’s spending.**

Making additional details regarding the NYPD’s budget available to Council Members and the public will allow for better oversight and provide a better understanding of how the agency is spending public funds.

**The NYPD policy changes that are identified as having a potential public impact, including those in the Patrol Guide, and that aren’t otherwise statutorily mandated will be subjected to public comment.**

NYPD will develop a policy regarding notice and public comment.

**The City will equip New York City Sheriff’s Deputies with body-worn cameras.**

In the past decade, the Sheriff’s Office has undertaken a significant increase in public safety duties, including enforcing state rules related to managing the COVID-19 pandemic and overseeing the electronic monitoring program. Even before this increase in responsibility, the Sheriff’s Office regularly interacted with the public when enforcing laws relating to certain tax crimes and deed fraud.

To increase transparency, improve interactions between officers and the public, and align the NYC Sheriff’s Office with other law enforcement agencies in New York City, Sheriff’s deputies will be equipped with body-worn cameras in 2021.

**IV. Community Representation and Partnership**

In conversations about community engagement, many New Yorkers discussed: perceptions of the police as an occupying force in their community, rather than a partner; frustration about a lack of representation or knowledge about the local communities within the Department; and a desire to see officers who understood the cultural nuances of their community. Officers’ awareness of cultural differences and recognition of the unique needs and characteristics of New York’s many communities is critical for authentic, productive engagement. Cultural competence and meaningful partnership must be central to the Department’s strategies, and can be bolstered through the focused recruitment, hiring, retention, and promotion of those from the communities most impacted by policing.

The NYPD must prioritize creating the right policies, training, and accountability measures to truly integrate and embed itself in the neighborhood. Officers must feel like genuine engagement and thoughtful problem-solving is their job, and not a distraction or an add-on.

**Codify and strengthen the Mayor’s Office to Prevent Gun Violence.**

The Administration will support Int. No. 66 (Council Member Laurie Cumbo) and work with the New York City Council to enact this bill into law before the end of the term.

**The City will deepen its commitment to interrupting violence through expanded community-based interventions.**

Over the past several years, the de Blasio Administration has tripled the City’s funding for Cure Violence programs and increased their reach significantly. Currently, Cure Violence programs conduct about 5,000 interventions per year, such as street de-escalations, and mediations, and conduct outreach to more 50,000 people per year through community events. These programs also engage young people and community members through direct services such as mentoring, mediation, referrals to mental health services, linkages to jobs, and referrals to legal services.

The City is committed to expanding the impact of this important work by doubling the size of the current Cure Violence workforce by this summer, and further increasing to triple the workforce from today’s figures by Summer 2022, which means the City will provide at least $25 million in funding each year. This funding will also support increased money for the Anti-Gun Violence Youth Employment Program.

**The NYPD will expand the Community Solutions Program.**

This program uses Community Based Organizations, city services and the NYPD responses to improve the physical environment, connect community members to resources, and provide appropriate police response. It is an engagement strategy designed by the Chief of Patrol Juanita Holmes in November 2020. The Brownsville Safety Alliance pilot was one of the first

to take place under the Community Solutions Program, running from December 8 to 12, 2020, bringing together CBOs, NYPD and other City agencies to improve quality-of-life conditions and reduce crime.

While the Brownsville pilot was a success, no two communities are the same. To ensure strategies are developed that are specific to the needs of the neighborhood, the Patrol Services Bureau will employ a Community Solutions approach to listen to and prioritize concerns of communities. Being able to solve local issues in true partnership with the communities we serve is the key to sustainable results that achieve buy-in and trust in the processes that provide for the safety and quality of life for all New Yorkers. These meetings will identify top community concerns using 311/911 data, Compstat data, information from the customer feedback surveys, and other metrics. These issues may range from gun violence to chronic noise but will be decided by the community who will then work together to design and implement formal plans of action to address the identified concerns.

This program does not require a diversion of police response, but focuses on the targeted deployment of external resources that extend beyond traditional policing measures.

**The City will pilot the Advance Peace Model, a new approach to helping youth who are at risk for involvement with gun violence.**

This program, being launched in partnership with New York City Public Advocate Jumaane Williams, creates an effective mentorship connection between violence interrupters and young New Yorkers who are at-risk of engaging in gun violence.

Outreach is conducted to youth who are identified as at-risk for gun violence; these individuals are invited to join the Peacemaker Fellowship. Through the Fellowship, they are connected to Neighborhood Change Agents who mentor them, help with tangible goals like a drivers’ license or a GED. When the youth achieve their goals, they receive a monetary stipend.

**The City will assess and ameliorate the impacts of militarization**

The perception of militarization of police forces around the country, including the NYPD, has led to decreased trust in the police as an occupying force. Building trust and forging partnerships between police and community is paramount. To this end, the City will assess the impacts of practices and commit to ending their unnecessary use.

**The NYPD will consistently solicit real-time feedback from members of the community related to both positive and negative experiences and interactions and will work to implement programs that enhance precinct-based customer experiences.**

In September 2020, the NYPD launched a customer service pilot in East Harlem and South Jamaica that encouraged New Yorkers to provide direct feedback about the services they received or requested. This has been expanded to precincts Citywide and will be rolled out to all Public Service Areas and Transit Districts in Spring 2021.

1. The NYPD will develop and launch a series of tools to collect public feedback, empowering community members to formally submit comments related to positive and negative encounters, without the interaction needing to rise to the level of a CCRB complaint.
2. The NYPD will routinely, actively, and systematically seek feedback from members of the community, consistent with social science best practices, ensuring that historically over-policed and criminal justice affected communities are well represented in the sample. The feedback survey will focus on encounters and interactions with the NYPD, perceptions of the Department, and crime and public safety concerns.

**The NYPD will elevate the feedback of the community through CompStat and Enhanced Neighborhood Policing.**

Commanding officers will be required to report customer-service and neighborhood-focused metrics to strengthen and improve bonds of their residents and Officers.

The Department also recently launched the Neighborhood Strategy Meeting, a forum to share best practices across commands and to ensure accountability through customer and neighborhood focused performance metrics, consistently elevating feedback from the community. Examples of metrics include customer wait times, response times, how officers handle various public interactions, and other indicators to demonstrate improvement in bonds between officers and communities they serve in the Neighborhood Strategy Meeting, as well as Compstat.

The Department will engage community representatives in reviewing customer survey and other data relevant to individual neighborhoods and will use that input to inform new metrics that can be collected and assessed agency wide.

**The NYPD will invest in enhancing productive partnerships with community members and organizations and increasing officers’ cultural competence.**

1. The NYPD will develop strategies to encourage members of service with satisfactory performance evaluation histories to remain in their commands long enough to gain local knowledge, build trust with the community and invest in its success.
2. The NYPD will facilitate the immersion of new officers in the neighborhoods they serve. All officers who are new to a precinct will undergo an intensive course, including field training, to better understand the neighborhood. They’ll meet community leaders, service providers, local small business owners and youth organizations.
3. The NYPD will require executive staff to provide transition plans when leaving a command to ensure that the community is informed, and that knowledge is transferred to the incoming executive.
4. The NYPD will develop and formalize, collect, and monitor metrics that track patrol officers’ activity related to community engagement, procedural justice, collaboration, and problem solving.

**The NYPD will incorporate direct community participation in the selection of Precinct Commanders.**

Precinct Councils will interview NYPD’s proposed candidates for precinct commanders and provide the NYPD with feedback on the candidates. These panels will maintain relationships with commanding officers, and will evaluate their general effectiveness, engagement with the larger neighborhood and responsiveness to issues raised by the residents.

**The NYPD will ensure that the composition of its workforce is reflective of the community it serves at all levels of the organization.**

The NYPD will leverage community partnerships to collaborate on effective recruitment strategies.

1. The City will engage community-based organizations in partnership with City Council to implement a paid recruitment campaign and strategies to increase the diversity of the NYPD applicant pool, including a specific focus on outreach to African American candidates, a group that is underrepresented in the Department.
2. The NYPD will facilitate hiring and application workshops in communities most affected by the criminal justice system, on at least a quarterly basis, providing education and support to prospective applicants for uniform and non-uniform roles.
3. The NYPD will establish partnerships with religious institutions, minority group organizations, and women’s groups in communities most affected by the criminal justice system to broaden the recruit candidate pool, and ensure individuals are aware of opportunities and benefits of NYPD uniform and non-uniform positions.
4. The NYPD will implement mentoring, leadership, and professional development programs to support officers from underrepresented populations early in their careers.

**The City will involve the community in NYPD training and education by expanding the People’s Police Academy.**

Training should ensure officers are fully immersed in the neighborhood and are educated by the residents they are assigned to serve. Beginning this April, New York City will expand the People’s Police Academy, a community-led training for local precinct personnel. Learning what public safety means to residents is integral to serving that community.

**The NYPD will expand the Precinct Commander’s Advisory Councils.**

Composed of key community members and precinct executive leadership, the Councils meet bi-monthly to discuss engagement, outreach, and deployment of resources. The program is currently in the 120th, 77th, 25th and 113th precincts.

**The City will enhance community-based approaches to combatting bias and hate crimes.**

The NYPD will work with the Office for the Prevention of Hate Crimes to report data on “Crimes with Bias Elements” that do not otherwise constitute Hate Crimes. “Crimes with Bias Elements” are criminal incidents where there is some evidence of the subject’s animus against the victim(s) because of their real or perceived characteristics, such as race, religion, sexual orientation, or gender identity, but where there is insufficient evidence to establish probable cause to charge a violation of New York State’s Hate Crime Law. Documenting and reporting “Crimes with Bias Elements” in addition to Hate Crimes, improves the trust relationship between police and the communities they serve because victims feel validated and supported.

In addition to continuing to collect and publicly report Hate Crime data, the NYPD will implement a system to report “Crimes with Bias Elements” data. This data will enable the NYC Office for the Prevention of Hate Crimes (OPHC) and the City Commission on Human Rights (CCHR) to gain insight into patterns of bias and hate so that resources such as education, training and community engagement can be targeted to hate crime prevention and deterrence, resulting in the improved safety and quality of life for all New Yorkers.

**The NYPD will work with the Mayor’s Office for People with Disabilities to expand the reach and scope of services provided by the NYPD Disability Services Facilitator.**

The NYPD Office of Equity and Inclusion oversees the NYPD’s implementation of policies to ensure the Department meets the needs of the disability community. The Disability Services Facilitator (DSF) acts as a liaison between the Department and members of the public. The DSF coordinates all NYPD efforts to comply with the Americans with Disabilities Act and other federal, state, and local laws concerning accessibility for people with disabilities.

The culture of equity and inclusion extends far beyond the statutory responsibilities of the DSF. In response to requests made by disability advocates, the NYPD will work with the Mayor’s Office for People with Disabilities to expand the reach and scope of services provided by the DSF by leveraging use of Community Ambassadors as local points of contact for all New Yorkers with disabilities who wish to participate in NYPD programs or who are in need of police services. NYPD Community ambassadors are well placed to serve in this role, as they are liaisons between NYPD leadership and community members, especially those most impacted by the criminal justice system. Reporting to the Community Affairs Bureau, these civilian liaisons will work with a range of neighborhood organizations regarding community concerns, needs and priorities. Areas of focus will include police-community relations, helping citizens navigate the NYPD complaint process, and neighborhood safety, among others. The NYPD will also continue to assess and revise “Accessible NYPD,” the Department’s ADA Compliance Plan, and explore new ways to expose members to the lived experiences and unique needs of this diverse community.

**The NYPD will take important steps to improve relationships with the City’s immigrant communities.**

The NYPD acknowledges the need to improve language access as part of an overall reform effort to improve relations with the City’s immigrant communities. Based on feedback from community leaders and in consultation with the Mayor’s Office of Immigrant Affairs (MOIA), there is still much work to be done by way of meaningfully engaging immigrant communities. The NYPD will take steps to improve language access by building on its existing Language Initiative Program and use of Language Line Service and ensure that continued mechanisms are in place and utilized to readily facilitate reporting and tracking of language access complaints. Further, the NYPD will work with its sister agencies to ensure that language access gaps are identified and addressed in a timely manner so that there is equitable access to information, resources, and assistance for all New Yorkers, including the approximately 1.8 million residents who have limited English proficiency. In compliance with its reporting requirements pursuant to Local Law 30, the NYPD will improve transparency around language access implementation by reviewing its systems and providing opportunity to track language accessibility data where reasonably possible.

 The NYPD will continue to improve proactive communication with sister agencies and community groups when allegations of NYPD roles in immigration enforcement arise. NYPD has not and will not authorize ICE to imply or otherwise represent that they are NYPD when engaging in immigration enforcement. The City has sent a letter to ICE and will call on the White House to demand they cease these practices. NYPD commits to investigating all allegations of police impersonation, whether the subject is a member of the public or unauthorized organization or entity.

**The City will consolidate the coordination of all crime victim service programs into one agency to better support crime victims.**

The City will move management of the Crime Victims Assistance Program (CVAP) from the NYPD to the Office of Crime Victims Services (OCVS) at the Mayor’s Office of Criminal Justice by July 1, 2021. This will improve coordination with other crime victim services, including crime victim restitution, family assistance programs, domestic violence hotlines, court-based services, community- based services, and the Family Justice Centers. In collaboration with ENDGBV and ThriveNYC, OCVS can deepen the engagement of community-based organizations and continue to improve the reach of services for victims and survivors of crime.

**The City will improve support for victims of domestic, gender-based and family violence through access to community-based resources.**

1. The City will invest in community-based resources and supports for addressing family violence. Family-related homicides, as defined in the New York City Domestic Violence Fatality Review report, are homicides involving individuals who are related by marriage or blood, such as parents/children, siblings, grandparents/grandchildren, cousins, and in-laws. In 2019, family violence related domestic violence homicides were up 52%,from 25 in 2018 to 38. New resources will be focused on family violence prevention services, including counseling, mediation, benefits assistance and case management. This enhanced response will aim to reduce violence, promote housing stability, reduce law enforcement involvement for victims, and enhance connections to services and test intervention models outside of the criminal legal system.
2. The City will review services for survivors with a view to separating them from the criminal justice system. Currently, many resources for survivors can only be accessed by engagement with the criminal justice system. ENDGBV will conduct a City-wide review to identify services that require a survivor to file a police report to receive them and to understand whether this is a barrier to access. The review will identify changes that can be made at the City and state levels to support survivors and preserve their safety while reducing the harm associated with criminalization.

**The City will ensure the Special Victims Division is a model for national best practice.**

The Special Victims Division’s policies and procedures for investigating sexual assault cases will be independently reviewed to ensure alignment with best practices, particularly focusing on victim-centered and trauma-informed techniques.

NYPD will provide annual “trauma-informed interviewing” training for all detectives under the Special Victims Division to ensure respectful and professional communication with victims of trauma and abuse. This training will be administered by a top tier, experienced organization in this field of “trauma-informed” interviewing techniques.

The Administration is committed to siting new locations for Brooklyn and Queens SVD facilities while continuing to ensure our existing facilities meet the needs of those we serve.

**The NYPD will develop more responsive and consistent approaches to helping survivors of domestic, family and gender-based violence.**

1. Currently, survivors and advocates report that responses to individual incidents of domestic and gender-based violence vary greatly by borough and by precinct, resulting in an inconsistent response. This is true for many survivors, especially those who do not have prior knowledge or external supports to navigate the system and those who hold multiple marginalized identities. The NYPD will work with ENDGBV to create a formalized structure to receive community feedback, enhance transparency and support accountability to survivors and their communities. The meetings would bring in external experts and community representatives to support and provide feedback on the NYPD’s training completion and implementation of new practices, consistent response to domestic and gender-based violence survivors and other survivors who call law enforcement for help, and enforcing orders of protection, amongst other topics.
2. The group described above will also work with the NYPD to examine its interactions with victims and change the protocols for reporting to minimize the number of times that a survivor has to tell their story throughout the course of an investigation.
3. The NYPD will mandate training for officers to provide advanced skills to support and engage with survivors of and communities affected by domestic and gender-based violence. The Department will develop these interactive, mandated, online training modules for use department-wide in collaboration with the ENDGBV Training Team and community partners, including survivors, who have engaged with the NYPD and domestic and gender- based violence service providers and advocates, to be implemented in 2021.
4. ENDGBV and the NYPD Counseling Unit will collaborate to provide training and capacity building to the NYPD staff to support both survivors of domestic and gender-based violence, and people who have caused harmed in their intimate partner relationships. They will utilize ENDGBV’s recently created Offender Engagement Training for City agency staff, including referrals to appropriate programming, such as ENDGBV’s soon-to-launch Respect and Responsibility, a voluntary community-based program for people who are using abuse in their intimate relationships.

**V. A Diverse, Resilient, and Supported NYPD.**

The City aims to develop the most diverse and resilient law enforcement agency in the nation. The Department has made a concerted effort to recruit more women and people of color and aims to have a workforce that mirrors the communities it serves. There have been important gains in diversity during this administration, the percentage of recruits who are people of color increased from 47% in 2013 to 60% in 2020 and the percentage of women recruited increased from 17% in 2013 to 24% in 2020. Leadership has become more diverse, too—the percentage of uniform personnel who are people of color in the rank of captain and above grew from approximately 18% in 2013 to 32% at present. The percentage of women in positions of captain and above increased from 6.8% in 2013 to 9.8% today. The NYPD is transparent about workforce demographics, demonstrating the rank, title, gender, and race of NYPD employees across all uniform ranks and civilian safety titles in a new interactive dashboard.

However, there is still significant work needed to increase diversity in recruitment, retention, and promotion. The NYPD’s Office of Equity and Inclusion is currently examining the policy and structural barriers that inhibit the Department from building a more diverse workforce, so that these issues can be directly addressed.

The NYPD’s Health and Wellness section is dedicated to building a culture that promotes the mental health and wellness of officers, reduces the stigma of seeking help, and promotes stress management. Recruits receive an intensive health and wellness training module in the academy, and first-line supervisors are trained to make referrals to a range of resources.

Members of the Department may also contact the Employee Assistance Unit (EAU) 24 hours a day, 7 days a week to reach EAU Peer Counselors. The EAU peer counseling staff consists of both uniformed and civilian active duty members of the service in a variety of ranks and titles who are trained to recognize when someone needs real help, or just needs to blow off steam. They make appropriate referrals to licensed psychologists or psychiatrists, as well as to union representatives, clergy, financial counselors, and hospice, among others. In 2019, the NYPD joined with New York-Presbyterian to create Finest Care, which offers uniformed members of service access to free, confidential mental health services.

The City is committed to building upon the Department’s evolving culture by increasing supports and opportunities and promoting professionalism and excellence.

**The City will make residence in New York City a more significant factor in hiring police officers.**

Currently, the City’s Department of Citywide Administrative Services (DCAS) adds five points to the multiple-choice test score of those candidates for employment who qualify for the “New York City Residence Credit.” Applicants who are City residents are moved upwards on the civil service list from which candidates are selected. Aside from military service, residency is the only factor external to the exam process that can raise a candidate’s score, except that children or siblings of 9/11 victims are entitled to an additional three points.

The City will increase the point bonus associated with residence to ten points from five. This will underscore the economic and safety benefits the City finds to be associated with a police force that can closely identify with the public whom they serve.

**The NYPD will examine barriers to recruitment.**

As part of its ongoing diversity, equity, and inclusion efforts, the Department is focused on identifying and addressing barriers to hiring, training, promoting, and retaining employees, particularly people of color and women.

The NYPD will examine the impact of the qualification process on the diversity of recruits, and those qualification requirements that have a disproportionate impact on particular candidates. Among many areas, the NYPD will examine the impact of minor criminal convictions or violations, and the impact of the college credit requirement to determine if more flexibility is needed.

**The NYPD will reform the discretionary promotions process to focus on transparency and fairness.**

In the NYPD, uniform members of service are promoted either by taking civil service exams, offered for ranks from Police Officer to Captain, or at the discretion of the Police Commissioner, limited by available vacancies and budget.

Once a member of service achieves the rank of Captain, that member may opt-in for further promotional consideration. In practice, the NYPD considers many factors, including performance history (evaluations, discipline, and honors), as well as qualitative assessments of leadership, problem solving, competence in supporting the Department’s mission, and community or department interactions. However, the criteria for discretionary promotion are informal, and have changed frequently without notice to employees, affecting members’ career-planning and confidence in their professional futures, as well as community trust in the selection of their police leaders.

1. By Mayoral Executive Order, the City will ensure that a diverse candidate pool is considered for top NYPD promotions. Specifically, before making any discretionary hire for any senior position at the NYPD, the NYPD must conduct a meaningful interview of at least one qualified applicant for employment for each open position who is of a race that is underrepresented in senior positions at the NYPD.
2. The NYPD commits to overhauling the discretionary promotion system, in accordance with best practices across law enforcement and in partnership with experts in diversity, equity, and inclusion, in order to best reflect the City’s values, build community trust, and support members’ professional development.
3. Accountability measures, including complaint and disciplinary history, will be systematically incorporated into the decision-making process before a member of service is entrusted with additional responsibility. NYPD will provide transparent codification regarding how experience, tenure, performance history, positive attributes, as well as disciplinary history, including complaints, all factor into consideration for assignments and promotions. Additionally, if the candidate is a supervisor, the substantiated complaints and civil judgements of his or her subordinates during the relevant period will be considered as appropriate.
4. The NYPD will implement systemic checks within the discretionary and civil service promotion processes to identify disparities in which members of service are eligible for consideration, and which members of service are ultimately promoted. NYPD will assess the composition of eligible candidates, and candidates who are promoted to all uniform ranks against the broader makeup of the applicable candidate pool, as well as the Department as a whole. Disparities will continue to be investigated for systemic barriers.

**The NYPD will continue building a culture that encourages use of coping tools and supports NYPD officers by addressing trauma through the Critical Incident Stress Management Program.**

The NYPD will constantly work to create a culture that destigmatizes seeking help. As a next step, the NYPD will expand the Critical Incident Stress Management program, which helps officers who need additional support to address trauma and connects them to a clinician.

**The NYPD will support professional development through the Commander’s Course and leadership development programs.**

The NYPD’s Office of Professional Development is developing training courses that will enable members to be more effective managers. These courses will be provided to uniformed and civilian members when they are promoted/appointed to managerial titles. In January 2020, a “commander’s course” was piloted to offer management skills and organizational theory training to a selected group of existing commanders. Feedback was collected to inform the development of a pre-commander’s course in the future for the next generation of commanders. The NYPD held focus groups at the end of 2020 with existing commanders to inform topic areas and subjects.

**The NYPD will create an updated Patrol Guide that is more user friendly, less complex for officers, and transparent to the public.**

The Patrol Guide, which contains all the rules that NYPD officers must follow, will be streamlined to make it more user-friendly and easier to navigate. The NYPD will review major procedures for clarity, determine outdated and obsolete procedures, and create new sections to address gaps. The Department will also build a mobile app for Department smartphones and tablets to allow easier access to search for information. The overhaul will be informed by focus groups with members to understand the current challenges they have accessing information in the guide and what improvements can be made. The final product will be transparent and accessible to the public.

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